ATTACHMENT G

STIPULATED EXHIBITS 33 & 34

Objections to the Proposed Project

33. Written objections to the project from the Commission's September 2015 meeting
34. Written objections received since the September 2015 meeting through October 30, 2015

OPPOSITION TO THE BOARDWALK EXTENSION NORTH AT CAROLINA BEACH, NC

Presented to: Coastal Resource Commission

September 23, 2015

Prepared by: Mark Richard

Renee Lewis

TABLE OF CONTENTS

Attachment #1

SEPTEMBER 2015 SPEECH AT CRC'S PUBLIC FORUM

OPPOSITION TO BOARDWALK EXTENSION NORTH AT CAROLINA BEACH

My name is Mark Richard. I reside at the Cabana Condominiums at Carolina Beach. I oppose the boardwalk extension. The Town of Carolina Beach (TCB) plans on presenting a new variance at the November CRC meeting. They have been very secretive and denied requests for public information and details of the new variance as described in attached editorial (**Attachment 1a**). In addition, they have hired a high priced attorney to try to take down the "little guy" with limited funds. **That's why we are here again. You can stop this!** This construction will cause undue hardship to Cabana's 76 privately owned units and the Averett's Single Family Residence.

Here are the reasons for opposition again:

1. In a survey of the 76 homeowners at the Cabana, the results indicated **58 units are against, and 8 are for. 10 units did not reply. That plays out to 86% of homeowners against the boardwalk extension. (See attachment 1b for results of survey).**

2. In the last variance for the boardwalk extension, the TCB was denied because: (see attachment 1c).
   - Did not meet the 60 Foot Ocean Hazard Setback Guideline **15A NCAC 07H .0306(a)**
   - The integrity of the dune will be compromised **15A NCAC 07H .0309(a)**

THIS SHOULD BE ALL THAT'S NEEDED TO VOTE NO. HOWEVER, THERE IS MORE!

THIS IS WHAT WE HAVE LEARNED FROM THE BUILDING OF THE EXISTING BOARDWALK .

The integrity of the dune was compromised by building **5 non-elevated beach access ramps** instead of walkovers. If you look at the photographs, **(Attachment 1d)** you can see that the five ramps weakened the dune line, and provided open access for flood waters to enter. This will act as a spillway for flood waters to enter the boardwalk business area. This information is inconsistent with the following guidelines.

- Weakening of primary and frontal dunes adversely affecting the integrity of the dune **15A NCAC 07H .0306(b). (Attachment 1c).**
- Structural accessways should not alter the primary dune **15A NCAC 07H .0308(c)(1). (Attachment 1c).**
- The structural accessway should not diminish the dune's capacity as a protective barrier against flooding and erosion **15A NCAC 07H .0308(c)(2)(C). (Attachment 1c).**

Basically, the TCB did not meet CRC guidelines pertaining to the ocean hazard setback and the protection and integrity of the dune. **Increased erosion and flooding will exist if the same structural or engineering practices are used on the boardwalk extension.** These are all reasons to deny the variance and reject the boardwalk extension.

3. Researching this topic, I found the **Manual of Hazard Mitigation by Thomas Harrington that was written in response to Hurricane Sandy**: It states: 1) Do not plan development on beaches or dunes. 2) **Variances that increase the vulnerability of private property should not be sought**. Additional excerpts from the manual are included in **(Attachment 1e)**.

4. **<u>"Downside" of building the boardwalk extension north.</u>**

   I have many more negatives in (**Attachment 1f**) but here are just a few:

   - There will be an increased problem with security, vandalism, and trespassing due to the lack of monitoring along the boardwalk. (Recent problems observed at existing boardwalk).
   - Building a parallel structure and using non-elevated walkways diminishes the dune line and increases erosion and flooding to adjacent properties. (SAFETY ISSUE).
   - The town will not carry liability coverage for damages to property caused by water and wind-driven debris. If our insurance company pays for damages, it will be very unlikely they will subrogate against the town. Rates will then go up! (SAFETY ISSUE).
   - Grant money builds the boardwalk but the taxpayers will end up paying for the upkeep thru increased taxes. The cost will include: monitoring and repairs to the boardwalk, video surveillance ($30K just for existing boardwalk), hiring an attorney to fight the opposition, picking up litter, higher utility bills (water and lighting).

5. Based on these facts and additional facts included in your package, this variance should be rejected because it does not meet the four variance criteria and CRC Standard and Guidelines. Please do not set precedence for future development at other oceanfront communities.

Thank you.

ISLAND GAZETTE
SEPT. 16, 2015

ATTACHMENT (1c)

Editorial: Town's Hiding Behind Legal Walls On Boardwalk Extension

By WILLARD KILLOUGH III
Managing Editor

A couple of weeks ago I submitted a public records request to the Town of Carolina Beach.

That request stated, "Has the Town submitted a new application for a variance to construct the Boardwalk Extension? What is the deadline to file for the variance and at what time is a CRC [Coastal Resources Commission] meeting scheduled to hear the Town's request? If the Town hasn't filed, I would like to see the draft of that document to date."

Here's the response I received from the Town's attorney Charlotte Noel Fox who wrote, "In response to your request: the Town has not submitted a new application for a variance. The deadline for filing any application is 6 weeks prior to the scheduled CRC. NCGS 132-1.9(h) (2) restricts access to materials that are generated in anticipation of legal proceedings before state administrative agencies. Therefore, if drafts existed, you would not be permitted access to them at this time."

All I asked to see was a draft of the variance request I already know they are going to submit requesting a variance from state coastal regulations to extend the downtown ocean front wooden boardwalk 800 feet to the north.

They withdrew their last request for a variance when it became apparent the State Coastal Resources Commission (CRC) was not likely to vote in favor of it and they would not be able to return with the same request at a later date. They planned to return to the CRC on April 29th and 30th, to ask again. That didn't happen.

So they waited and are now in the process of secretly composing another variance request to be submitted for consideration by the CRC at their November 18th and 19th meetings.

I'm sure the public will be interested the Town has had numerous months to prepare the documents but still wishes to keep them secret. Is the Town worried about anyone seeing this information while they conduct the "public's" business? Evidently.

See Editorial, page 8-A ➤

Editorial

From page 2-A

Transparency in government is paramount and when a local government decides to hide something as simple as a request to a state agency to extend a wooden boardwalk, obviously the curtains have been pulled closed and the windows painted black at Town Hall to keep it a secret.

Someone needs to step in, open the curtains and the let the sun shine in.

Another person requested records of expenses related to this variance request and they were denied. The Town said they're not required to "create" a record that doesn't exist. Unless I'm mistaken, there are things called receipts and invoices. Those are created so other people can get paid. And I'm quite sure those records already exist at Town Hall.

Why the run-around?

I guess the Coastal Resources Commission looks fondly upon those governments that keep their citizens in the dark simply because a group of property owners disagrees with their request for a variance and are trying to use their limited resources to oppose that request. They don't have the same legal budget as the Town.

It was not a problem getting information early before the first variance request. Why is it a problem now?

The Town Council should hold a public hearing and release the information to the public prior to filing the variance with the CRC and let the public weigh in on the issue. Let the public see the variance request and all supporting information in advance, schedule a public hearing and then let Council make a final decision by a public vote whether or not they wish to proceed.

Justify the expense and reasoning behind the request before moving forward. Let the public know how you're going to speak for them before you do it.

ATTACHMENT 1

ISLAND GAZETTE
SEPT. 9TH, 2015

Editorial: Town To Try Again For Boardwalk Extension

By WILLARD KILLOUGH III
Managing Editor

The Town of Carolina Beach will attempt, again, in November to get a variance to extend our ex-'g brand new 750+ foot long -den oceanfront boardwalk in the downtown area another 875' feet to the north. They withdrew their last request for a variance when it became apparent the State Coastal Resources Commission (CRC) was not likely to vote in favor of it and they would not be able to return with the same request at a later date. They planned to return to the CRC on April 29th and 30th, to ask again. That didn't happen. So they waited and are now in the process of secretly composing another variance request to be submitted for consideration by the CRC at their November 18th and 19th meetings.

I say secretly because public records requests for information is typically met with responses such as protected legal advice and preparation materials, etc.

That's why using the word "secret" isn't trumping up the situation, it's 100% accurate.

The location of that meeting is to be determined, but it's a good bet it will be out-of-town. Unlike the last one where the Town withdrew their request at a meeting held in downtown Wilmington.

Guess the Town's playing on the old saying, "Location, location, location" only in this context it's to remove the angry resident factor from the equation to improve their odds.

One of the issues last time was opposition from residents living in the area where the extension would cross their ocean views. That's a valid issue for those property owners to raise because ask any other resident living on the oceanfront if they want a wooden walkway built in between their home and the beach and many will say no.

Among numerous claims presented by the Town to justify the extension such as providing additional public access, preserving the environment and others, they claim it will provide additional ADA handicap access to both view and access the beach front. Additionally, it will connect the downtown Boardwalk area to the Town's Marina several blocks away. First, the existing 750+ foot long boardwalk has never experienced a traffic jam of people needing ADA access. It's was more than adequate and more than doubling that area is akin to building a 50-bedroom house for two people.

Second, it will not connect the street to the beach for public access. Standing in the middle of the extension, you'll have to walk over 400' feet in either direction to access Carolina Beach Avenue North at existing access ramps. If the project is so outstanding, why the secrecy? Why hire additional legal counsel? What is the Town hiding from? We'll just have to wait for the government to decide when it's time for us to know what they've been planning.

Attachment 1b

BOARDWALK EXTENSION TALLY

AS OF 9-14-2015

NAME	UNIT #	FOR	AGAINST
Mark and Ann-Marie Richard	132		1 – Unit
Jan Elliott	301		1 – Unit
Karl and Anna Kemper	222		1 – Unit
Larry Edward Holsten	130		1 – Unit
Ollin Manning	307 & 309	2 – Units	
Raymond & Deborah Hine	214		1 – Unit
Alice and John Zachodzki	312		1 – Unit
Amanda Ventura	110		1 – Unit
Lawrence Canning	122		1 – Unit
Sharon Lyons	310		1 – Unit
Dan and Heather McNamara	404		1 – Unit
Martin and 'athleen Ensey	106		1 – Unit
Vivian Corbett	206		1 – Unit
Sarah Underwood	126		1 – Unit
Stephen and Kimberly Ray	213		1 – Unit
Matthew Dunker	107		1 – Unit
Steve Falcone and Rosanne Pritchett	220		1 – Unit
Lynda Buchanan	224		1-Unit
Jeff Tilton	415		1-Unit
Michael Murphy	216 & 409		2 – Units
Trey and Michelle Rogers	308		1 – Unit
Steve and Dorothy Duke	128		1 – Unit
Sherry L. Graham	201 & 313		2 – Units
Scott Rowlings	230		1 – Unit
Mary Lee Voorhees & Charlotte Karnopp	114		1-Unit
nneth & Barbara Curl	210		1-Unit

Susan Wallace (Goin Coastal LLC)	303		1-Unit
Kay McClanahan	218	1-Unit	
oanne Cura	103		1-Unit
Bill and Barbara Kelley	306	1-Unit	
Deborah Byrd	116		1-Unit
Mike Williams	124		1-Unit
Radu Dimitriu	207 & 120		2-Units
Joseph & Lise King	232 & 416		2-Units
Angela & Joe Carrabis	405 & 411		2-Units
Betsy McCorkle	304		1-Unit
Billy Marshal	403, 406, 407, 414, 413		5-Units
Rick and Shauna Johnson	408		1-Unit
Sandra McLaurin	311		1-Unit
Jeff & Susan Tennant	208		1-Unit
Marvin Mann	302		1-Unit
William & Valerie Bitting	101		1-Unit
loe Turner	228		1-Unit
arl & Jane Travis	102		1-Unit
Peter Lattner	314	1-Unit	
William Wilson	205		1-Unit
Cheng-Han Feng & David Musick	104		1-Unit
Beatrice Palazzo	410		1-Unit
William Lyon	315		1-Unit
Blake & Peggy Beeson	305		1-Unit
Lynda Gluck	412		1-Unit
Christopher & Lauren Sapikowski	316		1-Unit
Ken and Debra Lane	108		1-Unit
Vincent Scott	112, 118, 203	3-Units	
TOTAL		**8 - Units**	**58 – Units**

Backup documentation will be provided to Braxton Davis to support these responses

Attachment 1c

STANDARDS AND GUIDELINES

EXCERPTS:

15A NCAC 07H .0306 – GENERAL USE STANDARD FOR OCEAN HAZARD AREAS

a) 2 – No development including any portion of a building or structure shall extend ocean ward of the ocean hazard setback distance. (60 Foot Ocean Hazard Set Back).

15A NCAC 07H .0309 – USE STANDARDS OF OCEAN HAZARDS EXCEPTIONS

a) This development shall be permitted only if it is landward of the static vegetation line and involves no alteration or removal of primary or frontal dunes which would compromise the integrity of the dune as a protective landform and has over walks to protect any existing dunes.

15A NCAC 07H .0306 – GENERAL USE STANDARD FOR OCEAN HAZARD AREAS

b) In order to avoid weakening nature of primary and frontal dunes, no development is permitted the removal or relocation of primary or frontal dune sand or vegetation which would adversely affect integrity of dune.

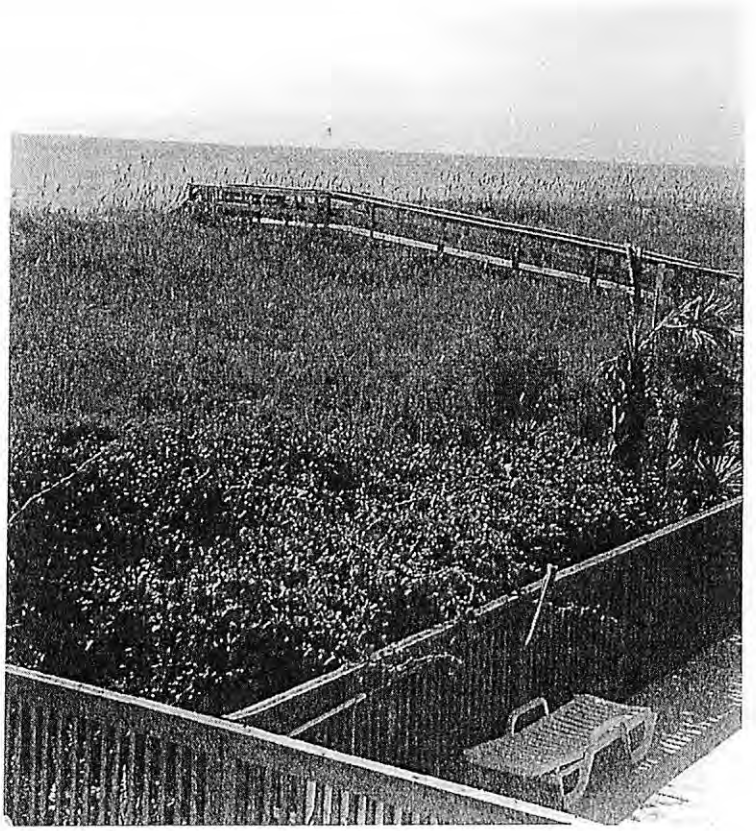
15A NCAC 07H .0308 – SPECIFIC USE STANDARDS FOR OCEAN HAZARD AREAS

(c)(1) Structural accessways shall be permitted across primary dunes so long as they are designed and constructed that entails negligible alteration of the primary dune.

(c)(2)(C) In no case shall an accessway be permitted if it will diminish the dunes capacity as a protective barrier against flooding and erosion.

(attachment 1d)

THE USE OF 5 RAMPS (NON-ELEVATED WALKWAYS CAUSED A DANGEROUS BREAK IN DUNE LINE



APPROPRIATE WALKOVER

Attachment 1e

NEW JERSEY SEA GRANT COLLEGE PROGRAM
MANUAL FOR COASTAL HAZARD MITIGATION
COMPILED BY THOMAS O. HARRINGTON

"This Manual for Coastal Hazard Mitigation introduces the concept of coastal hazard mitigation though community and individual preparedness, identifies the unique hazards associated with living in the coastal zone and provides information for implementing effective hazard reduction efforts."

EXCERPTS FROM HAZARD MITIGATION

COASTAL HAZARD MITIGATION

The proper construction and maintenance of community infrastructure and private property is important to mitigating potential storm damage. There are many ways community and individuals can plan and prepare against coastal hazards:

1. Elevated walkovers should be constructed across dunes to prevent breaks in the dune line.
2. All coastal structures should be designed and constructed by qualified engineers with experience in wind, wave, and flood loading.
3. Variances that increase the vulnerability of private property should not be sought.
4. Coastal residents, property owners and communities should strive to be knowledgeable and aware of the dynamic nature of their environment and the hazards present.
5. Identify all potential hazards, including multi-hazard impacts.
6. Incorporate setbacks from identified high hazard areas.
7. Do not rely on engineering solutions to correct poor planning decisions.
8. Do not overlook the effects of infrastructure location on the hazard vulnerability of building sites.
9. Do not plan development on beaches or dunes.
10. Do not assume that engineering and architectural practices can mitigate all hazards.

Attachment 1f

NEGATIVE IMPACT OF THE BOARDWALK EXTENSION

The two year long battle against the boardwalk extension began with an initial application and two subsequent variances. In the initial application, Phase I (Existing Boardwalk) was approved and Phase II (Boardwalk Extension North) was rejected by the CRC. The second variance (Boardwalk Extension North) was also denied and the third was withdrawn because the vote would not likely be in their favor. Now they have hired a high priced attorney, at taxpayers' expense, to defeat the "little guy" trying to protect his property. This is just another example of a big local government, pushing around the taxpayer and doing what they please. (Ex: Road Diet, Aquarium Pier). It is obvious that TCB will do anything, to anyone, to build this boardwalk extension.

The Town will make you believe that a steady flow of people illegally cross the dunes to justify building a boardwalk. This is just not true! If it does occur, there are fines in place to deal with this problem. It is evident that the building of the boardwalk extension is an attempt at "overkill". The existing boardwalk sufficiently meets the needs of the general public, elderly, and handicapped. The existing boardwalk is 16 feet wide with five non elevated beach accesses making it suitable for the elderly and handicapped. **The boardwalk extension will traverse thru the dunes, causing havoc and mayhem on its way to nowhere**. Currently, they can't even monitor the existing boardwalk. Should we expect anything different? Is it bragging rights they seek?

How does a boardwalk constructed (parallel) to the beach increase access for the general public? Access to the beach is only achieved by building a perpendicular walkway to the beach, not a parallel structure (boardwalk). Building a parallel structure (boardwalk) will only destroy the existing vegetation in the dunes, not safeguard the ecological and aesthetic values of the dunes and be an inherent danger in a major hurricane.

Historically CRC has tried to avoid problems with **hard structures** built along shore line and dunes. The purpose was to eliminate the negative effects of erosion and flooding, balancing the rights of property owners, and the ecological stability of North Carolina beaches. I feel this "thinking" should also apply to the building of a boardwalk in the dunes. A boardwalk built parallel to the ocean, using a ramp instead of a walkover, will have an adverse impact on homeowners exposing them to erosion and flooding.

NO NEED TO BUILD THE BOARDWALK EXTENSION BECAUSE:

- There is at least one perpendicular access every ¼ miles (**1,320 feet**). An additional access area or boardwalk is not needed in the **875 feet** proposed plan.
- Presently, in a two mile stretch. There are 21 perpendicular access areas from the Carolina Beach Pier to the boardwalk. Included in that number are 5 access points at the new existing boardwalk.
- Plenty of perpendicular access areas exists stretching from Freeman Park to Fort Fisher.
- It is great to provide access to the beach, but not when it causes **major congestion**, **parking problems**, and **safety and security issues**. The parking problems that **already** exist will only be exacerbated by the proposed boardwalk north and the proposed hotel development adjacent to the boardwalk.

NEGATIVE IMPACT ON HOMEOWNERS

- The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.
- Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access and views to the ocean.
- Insurance might not cover damage caused by water driven debris.
- An increase of foot traffic, noise levels and loss of privacy.
- Security issues of vandalism and trespassing.
- Elevation of the boardwalk could block homeowners' ocean view.
- A pool privacy fence will have to be installed to provide security and privacy due to the close proximity of the boardwalk. The fence will obstruct the view of homeowners' on the first floor.
- Showers will have to be moved due to the placement of the proposed boardwalk.
- New locked access gates will have to be installed to provide secure access to and from the beach.
- Increased lighting along the boardwalk could obstruct views and cause a spotlight effect and/or glare.
- Will property be devalued or no longer be classified as oceanfront property?

Attachment 1g

HOMEOWNERS RIGHTS

PROTECTED BY

GENERAL STATUTE:

Per NC General Statues 146-1D (NC Law Review Pages 1462-1467). Two valuable characteristics of oceanfront properties are that property owners have direct access from their land to ocean waters and they have an unobstructed view of scenic waters. This substantiates our littoral rights will be compromised and have legal and factual argument to oppose the boardwalk extension.

HOUSE BILL:

NC General Assembly 1963 Session Chapter 511-House Bill 612 states:

1) No building or structure shall be built and erected on said made and built up land lying east of the building line.

2) Owners of property abutting on said newly made or constructed land shall in front of their said property possess and keep their littoral rights.

Attachment 2

September 23, 2015 Speech at CRC's public forum

Opposition to Boardwalk Extension North at Carolina Beach

My name is Renee Averette Lewis. I am here to once again go on record that The Averette family is opposed to the boardwalk extension north at Carolina Beach. I have spoken to you many times concerning this opposition and please know that the facts haven't changed however there are new facts to share with you concerning why we oppose this extension.

1-The Town of Carolina Beach has no substantiated facts that indicate additional access areas are needed for the general public. The updating of the existing boardwalk, with the five handicapped access areas, are sufficient enough to meet the needs of the public, elderly or handicapped. One interesting fact about these access areas at the current boardwalk is that there are signs that read "Not ADA approved". If the Town feels there is a need for additional accesses for the handicapped, then why does the newly replaced boardwalk not meet the regulations required by the Americans with Disabilities Act?

2-Research and history substantiates that a parallel structure built along the sea coast can and will be compromised during a major storm or hurricane. Even if they alter the width from 16 feet to 8 feet, it will not change the inherent dangers of a parallel structure. Presently, there are 16 walkover beach accesses within a two mile stretch with an additional five non-elevated access at the existing boardwalk. These non-elevated access provide a high probability that inland flooding and erosion will occur due to the weakened dune line.

3-We also find it very interesting that Steve Shuttleworth, a Town of Carolina Beach Council Member, writes on Facebook listing many destructive problems that are occurring on the existing boardwalk. The following is a list of some of the problems that are caused by the lack of monitoring on the existing boardwalk: **(Attachment 2a)**
*Kids and Adults are skateboarding and riding bicycles unmindful of pedestrians.
*Observed open alcoholic containers and people under the influence.
*Graffiti on bench swings.
*Large uncontrolled leashed dogs.
*Swing tethers vandalized.
*Pedestrian lights knocked down or broken.

On June 11, 2015, Steve even posted on Facebook—and these are his words.."Our staff is running out of ideas. We have stepped up police patrol but it has not helped yet." With their inability to monitor these problems, how can we expect that an additional 875 feet boardwalk will be protected? We would experience these same problems right in front of our properties.

4-The Town of Carolina Beach has spent a large amount of taxpayer dollars on seeking approval of this northern extension. Our family made a public records request of the town regarding expenses incurred thus far in seeking approval of the extension. Their attorney, Ms. Noel Fox, responded "that NC law does not require the Town to create a record in order to comply with a public record request. Only existing records are subject to production. After conferring with the Town Clerk and the Town Manager, I am advised that there is no record responsive to your request." We were not asking the Town to create a new record, but simply to retrieve existing

records that reflect how much money has been spent on this project. It seems the Town is trying to hide facts that are public record.

In closing, I would like to thank all the committee members for their time and consideration today. The facts presented confirm that the northern extension is not necessary nor would it add any value. The extension would only create hardship and great expense.

Thank you!!

ATTACHMENT (2a)

Steve Shuttleworth
1 hr · Carolina Beach, NC · Edited ·

Boardwalk Damage and Vandalism

Dear Council and Department Heads

We are having significant vandalism issues at the Board

Swings

The first issues started with the swing tethers. We placed bungee cords on the bottom of the swings to limit people from swinging too high and too hard and damaging the swings. A vandal used knifes and cut all of the bungees. We replaced the entire set of bungee's several times then changed to steel cable. The eye bolts holding the cable to the swings were torn out of the wood. We have removed the cable and eye bolts until we can find a system that the vandals will not destroy.

Pedestrian Lights

At the bottom of the ramps leading to the boardwalk we installed pedestrian lights. Attached is a recent picture. Several times a week the lights have been intentionally knocked down and broken. Each time we repair them it costs $250.00 to $500.00. We are looking for ways to improve the existing design on the lights in order to be more stable.

Cigarette Butt Pots

When the vandals are breaking the pedestrian lights they are also breaking the cigarette pots. The pots work great and people are using them. We are going to relocate them away from the lights so they are not a tempting target.

Handrails and Golf Carts

This past weekend we had individuals taking their golf carts onto the boardwalk. The carts ran into the corner ADA handrails and broke several. Attached is another picture. We replaced the attachment brackets and are looking at signage indicating that golf carts are not allowed.

I am giving you this information in hopes that you can give us ideas on how to handle these types of vandalism. Our staff is running out of ideas. We have stepped up police patrol but it has not helped yet. Please let us know if you have some thoughts.

Like

2 people like this.

y name is Donald Motsinger and thank you for allowing me to speak

Our oceanfront property in Carolina Beach is located about 100 feet from the southern terminus of the boardwalk. Having spent most of this past summer in Carolina Beach, my wife and I walked on the boardwalk almost every morning and evening and living so close, we easily can see what happens there.

We often observed people riding bikes, having dogs, sometimes not on leashes, and young people riding skateboards. A skateboard on wood makes a lot of racket. Open alcoholic beverages were common, especially on Fri. and Sat. evenings. All of this occurs in plain view of town employees. We observed that if there are police in the boardwalk area, they are almost never up on the wooden boardwalk, but are in the area of shops, restaurants, bars, and nearby amusement rides. Also, we observed people who appeared to be homeless loitering and sleeping at night. We have been told by a town employee that the town policy is to try to do nothing that would irritate or annoy a tourist. And we understand that the town plans to put cameras on the boardwalk because of vandalism occurring there.

There are now 7 egresses from the west which includes 4 wide handicap accessible ramps and 3 sets of steps. There are 5 handicap accessible access ramps to the beach. One of the 7 ramps from the west and one of the 5 ramps to the beach is located at the northern terminus of the present boardwalk and very near a public parking lot. I have included photos of them in my hand out.

An extension north of 875 feet would go in its entirety in front of private properties. Therefore, it would ɔt be possible to add an additional egress from the street to the beach to increase access as the town ıims. A person standing in the center of the extended boardwalk would have to walk either north or south over 400 feet to reach a street egress. I have included a map showing this in my hand out. Notice that phase 3 is a possible extension south to Hamlet Ave.

Even if constructed to withstand 139 miles an hour winds, the greatest danger in a hurricane would be the storm surge breaking up the boardwalk. We know what happened in Atlantic City.

Try spreading your fingers in front of you and looking through them. Most owners of oceanfront property where there is a public boardwalk would have the same view of the ocean as looking through your fingers. My attorney tells me that littoral rights include unobstructed views of the ocean.

I ask that you not allow this precedence of permitting a public boardwalk parallel to the ocean and in front of private oceanfront residences.

Thank you.

PUBLIC BEACH AND COASTAL WATERFRONT ACCESS PROGRAM

NC COASTAL MANAGEMENT PROGRAM

FINAL APPLICATION
2013 Cycle
North Carolina Public Beach and Coastal Waterfront Access Program

Please complete a separate application for each proposed project and submit two (2) printed copies and one (1) cd with digital files to your DCM District Planner.

This application is also available online at: http:/www.nccoastalmanagement.net. Click on the link to "Beach & Waterfront Access".

Local Government: Town of Carolina Beach

Federal ID #: __56-6001193____

Lead Elected Official:
Bob Lewis

Title: ____Mayor_____

Address: _1121 N. Lake Park Blvd._____
_____Carolina Beach, N.C. 28428_____

Local Administrator of this Project:
Bruce Shell_____

Title: _Interim Town Manager_____

Address: _1121 N. Lake Park Blvd. _____
_____Carolina Beach, N.C. 28428 _____

Phone: 910-458-2994_____

Fax: ___910-458-2997_____

Email Address:_bruce.shell@carolinabeach.org ____

Signature: _____

Name (print):___Bruce Shell _____

Date:_____6/30/2013_____

Project Name: Carolina beach Boardwalk Improvement Project_____

Is this an ongoing project (for example, Phase II of a previously funded project, or improvement to an existing project)?

Yes: ___X___ No: _____

If yes, please describe: _Phase 1 is extension of the existing Boardwalk north to the Pelican Lane public access. Phase 2 is replacement of the existing Boardwalk. A possible future Phase 3 has been discussed extending south to Hamlet Ave., but is not part of this application._____

Project Type: __Regional_____
(Local, Neighborhood, Regional, Urban Waterfront Redevelopment)

Land Acquisition: Yes: _____ No: ___X___

Site Improvements: Yes: __X____ No: _____

Previous DCM Access Grant Recipient: Yes:_X__ No:___
If Yes, When:_____ How Many:_____
2007 – Beach Restroom Renovation - $15,000
2001 – Kayak Launch - $22,500

Additional Project Costs and Funding Sources NOT included in this proposal (if applicable):

*Cost $*_____ *Source:*_____

*Cost $*_____ *Source:*_____

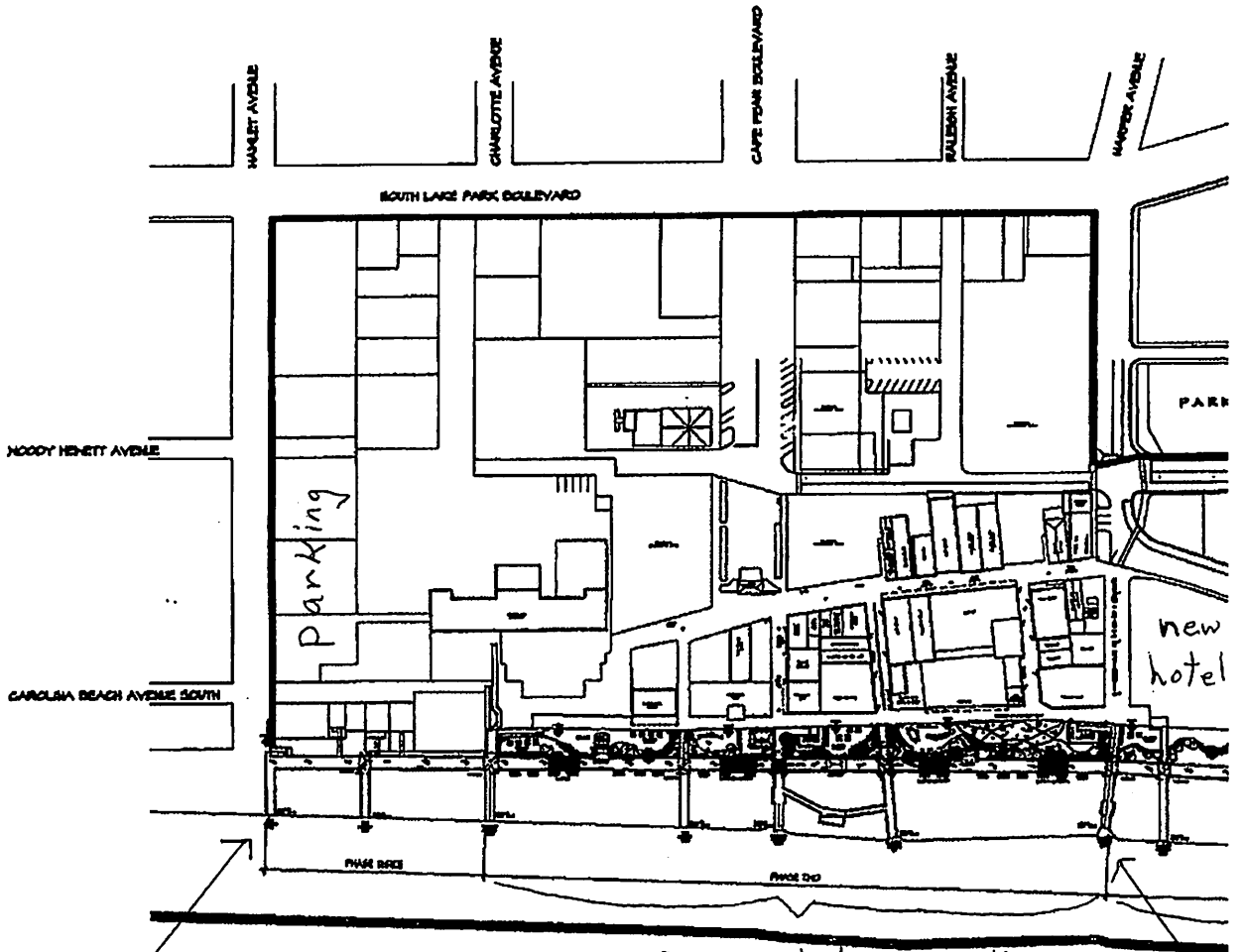
*Cost $*_____ *Source:*_____

Budget Totals and Financial Assistance Requested: *Provide information from Summary Budget.*

Application Budget Total:

1. DCM Grant Assistance Requested $_637,630_____
2. Local Contribution $_917,605_____

Local Cash: $667,605_____



present beach access from Hamlet Ave.

present boardwalk: 7 egresses from the west; 5 beach access ramps

1 OVERALL BOARDWALK AREA
A1.1 SCALE: 1" = 100'-0"

September 23, 2015

Members of the Coastal Resources Commission:

My name is Cathy Lane and I live at 115 Carolina Beach Avenue, South, Unit 201, Carolina Beach NC. My family has been a part of Carolina Beach since the mid-forties just after my daddy was discharged from the Army. And I have owned property here since 2002.

They say a picture says a thousand words so I have before you photos of the boardwalk in the CBD while it was under construction.

Page 1 - Early stages of vegetation and dune removal

Pages 2 - Construction

Page 3 - Depth of dune removal

Page 4 - Before and after. Note thin line of vegetation near beach

Page 5/6 - Sand was pushed from the dunes onto the beach.

Page 6/7 - In a sitting or standing position, you cannot see the beach.

Page 8 - Sand on the walks after Ana. Until the vegetation can mature (five years according to Mr. Gorham), what will a hurricane do?

These photos speak volumes as to the environmental impact of this project. We can talk about the legality of placing this in front of private residences or littoral rights until we are blue in the face. Just as important as the rights of private property owners are is the sheer destruction the Town of Carolina Beach is doing to this very fragile area. To allow them to continue another eight hundred plus yards is just unconscionable.

The environmental impact of this project will last for years. Please do not grant the Town of Carolina Beach a variance that will destroy more of our beautiful beach, destroy turtle nesting grounds and, in the balance of things, will do little to add to the enjoyment of the public. Is it pretty? Absolutely! Is it worth the environmental damage? I don't think so.

Cathy Lane
President, Boardwalk HOA
115 Carolina Beach Avenue South, Unit 201
Carolina Beach NC
919-818-3749
s.cathy.lane@gmail.com

Removal of vegetation

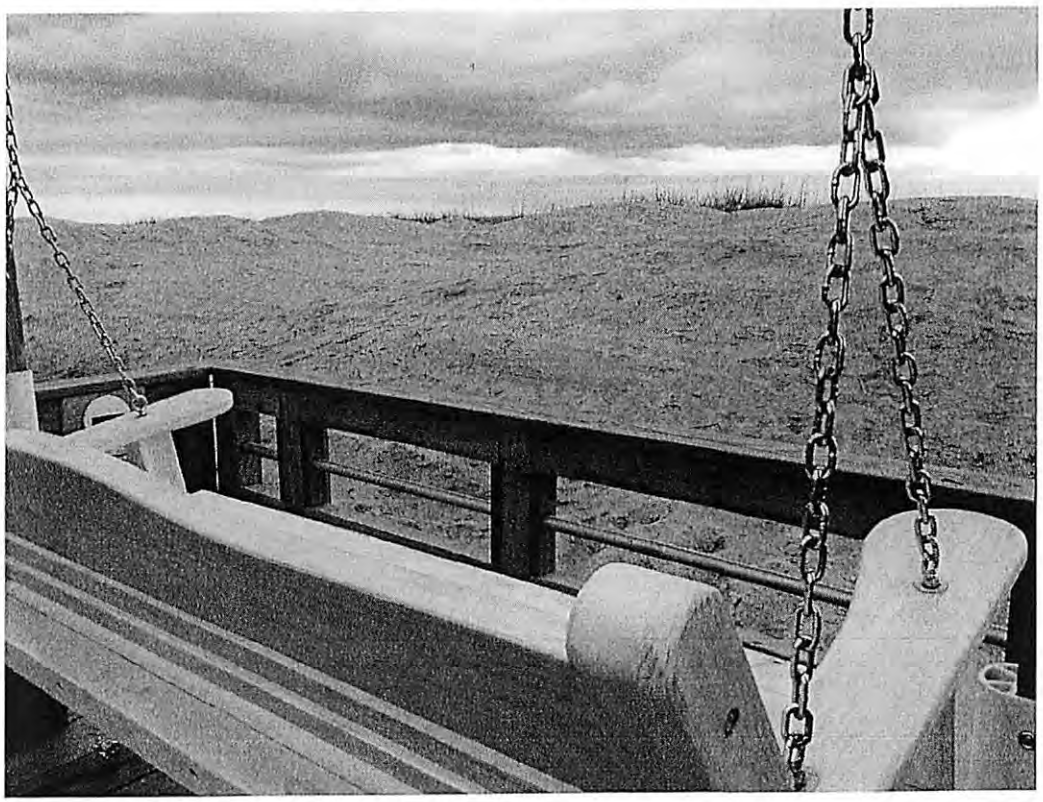
Various stages of construction

Depth of dune removal

Before and after

Pushing sand onto the beach

Great view of beach/ocean



Walks after Ana

OPPOSITION TO BOARDWALK EXTENSION NORTH

"It's a nice place to visit, but I wouldn't want to live there". Even a time honored cliché such as this can strike the crystal ring of truth when applied to the proper situation. In this case, that situation is the town's near obsessive pursuit of the boardwalk's northern extension.

The re-built existing boardwalk passes in front of nothing but businesses in the historic boardwalk area. Not a single private residence is affected by it. The opposite is true for the northern extension. Many private property owners are impacted. Both short and long term irrepairable harm will be a result of this overbearing and senseless intrusion.

Among the town's justifications for the extension is included the noble cause of affording beach access for the handicapped, yet the re-built southern section is already suffering setbacks to this mission statement. One access ramp has had signage installed, warning it is not ADA compliant. Other ramps are now defacto non-compliant as a result of sand erosion creating step down at their terminal points at the beach. These conditions create doubt as to the commitment of the town to their stated goals and raise questions as to the integrity of their mission statement.

The re-built boardwalk, although rather grandiose in scope and scale, serves its intended purpose to attract foot traffic to adjacent businesses. The northern extension has no such option and is an over reach on steroids.

Thanks, John Zachodzki

Willis, Angela

From: Davis, Braxton C
Sent: Monday, October 19, 2015 10:41 AM
To: Willis, Angela
Subject: FW: Members of the Coastal Resources Commission - Extension of public boardwalk - PLEASE VOTE AGAINST

From: Amanda Ward [mailto:amandaolsonphotography@gmail.com]
Sent: Monday, October 19, 2015 10:39 AM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Subject: Members of the Coastal Resources Commission - Extension of public boardwalk - PLEASE VOTE AGAINST

Dear Members of the Coastal Resources Commission,

Reference:
Extension of public boardwalk - PLEASE VOTE AGAINST

As a Raleigh resident that visits Carolina Beach multiple times per year, I am writing to voice my concern over the proposed extension of the public boardwalk. I love visiting Carolina Beach, the boardwalk, supporting the local businesses and most of all - love the fact that I can rent houses directly on the beach.

As a mother of young children, I value the privacy and safety of my family and absolutely would no longer rent a house if it had the boardwalk cutting through the private beach access walkway. Vacations would become less relaxing and quite frankly, this seems like a security risk. Part of the reason we stay directly on the beach is for convenience and safety. If anyone is hungry, needs to use the restroom, wants to go inside to take a break, we can leave the door unlocked and feel comfortable with the safety and security of the house and the children. This would no longer be an option with a public walkway between the beach and the houses.

One of the things that we enjoy at the beach is being able to relax on the deck(s) attached to the houses. In the morning, we sit outside and drink coffee in our pajamas, watch the sunrise, read the paper etc, quietly with unobstructed views. We often have lunches or dinner on the decks where we value our quiet, private family time. We hang our suits, towels, clothing out to dry and leave beach toys, boogie boards etc out so we don't drag excess sand in the house. None of this would be possible with a public boardwalk between the beach houses and the beach.

When thinking about relaxing on the deck and the issue of privacy, noise levels and light also become a concern. When we are out in the evening in the summer, it gets noisy. People are out and active, which is great, but right now that is contained to the restaurant and bar area. I don't want to hear this noise when I have retired for the evening and I don't want to see lights shining through the windows late at night which would be required to illuminate the boardwalk.

I don't personally own a house on Carolina Beach, but support many of the people that do and the CB economy while I am there. I feel sorry for the residents that do own residences there as I am sure they share similar concerns and probably many more that haven't crossed my mind. I would think that an extension of the boardwalk would lower their property value and potentially increase their insurance (more risk of destruction/damage during a hurricane + vandalism/theft).

As a concerned Carolina Beach lover and supporter, please vote **against** this public variance.

Thank you,
Amanda

--
Amanda Olson Photography
http://www.amandaolson.net
919.413.4534

twitter: @aophotographync
instagram: lukaziu
facebook: AOP NC

WORLDWIDE TRAVEL AVAILABLE

Willis, Angela

From: KSU1972@AOL.COM
Sent: Sunday, October 18, 2015 11:07 PM
To: Willis, Angela
Subject: Emailing - BoardwalkExtension-Cabana.pdf
Attachments: BoardwalkExtension-Cabana.pdf

Attached please find my letter addressed to Mr. Davis.

Thank you,

Lynda Gluck
222 Carolina Beach Ave, #412
Carolina Beach, NC 28428

O: (323) 851-6556
C: (213)999-9179

LYNDA GLUCK
PO BOX 480184•LOS ANGELES, CA 90048
(323) 851-6556

October 16,201

Braxton Davis, Director (via email to: angela.willis@ncdenr.gov)
Coastal Resource Commission

Dear Mr. Davis:

When I decided to buy a home in Carolina Beach as the first step in considering a permanent move back to the East coast, I thought all I had to worry about was hurricanes.

The ink wasn't dry on the contract when I was advised that the town of Carolina Beach wanted to build a boardwalk that would encroach on my property and thus, my view. I wasn't too concerned, at first, although I was sympathetic to owners on lower floors whose view would be totally obliterated.

I can't expect you to understand what it's like to live in a city that has been declared a drought zone. My once lush desert property is in the process of reverting back to its original desert state. The arborists' report to my HOA last month lists more than 75% of the growth on the property as being in distress due to lack of water...that includes all of the fruit trees, the golf course and all green plants.

My place in Los Angeles is reduced to lawn watering only 1 week out of 4 for a maximum of 7 minutes a day! I know this must seem unimaginable to you after what you went through a couple weeks ago.

You can't know my joy seeing the lush lawn, wild tall green growth and palm trees behind the Cabana.
I stayed at the Cabana in a rental for a week in September while my condo was still in the process of being rehabbed. All I could think of when I sat on the patio of that 2nd floor condo is: YOU'VE GOT TO BE KIDDING ME!

Does the city of Carolina Beach have a total disregard for its property owners? Prior to purchasing at the Cabana, I researched North Carolina law regarding any potential threat to my view or beach access (common practice in Los Angeles) and was relieved to see there was an actual law regarding protected views. Did I dream this? Or does it not apply to the Cabana owners?

What's going to happen to the property values here when the view from the lower floors are obscured by a boardwalk? Will owners abandon their property or be unable to sell them, leaving the building short of funds, unable to maintain itself only to be gobbled up for minimum by a developer? And will I have to put up with the glare of the ridiculous amount of lights that bombards me and further obliterates my view for 12 hours a day?

Oh wait! News Flash from Palm Springs California where I now live part time...The FBI just raided City Hall!! They're looking for the mayor who they suspect is in cahoots with a real estate developer. Gotta go!

Lynda Gluck, M.A., CCC
222 Carolina Beach Ave. #412
Carolina Beach, NC 28428

Willis, Angela

From: Davis, Braxton C
Sent: Monday, October 19, 2015 8:38 AM
To: Willis, Angela
Subject: FW: Please don't extend the boardwalk

From: TWOBCHNUTS@aol.com [mailto:TWOBCHNUTS@aol.com]
Sent: Saturday, October 17, 2015 10:32 AM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Subject: Please don't extend the boardwalk

Dear Mr. Davis:

We are property owners on the oceanfront at 1212 Carolina Beach North.

We are asking you to rule against the lengthening of the downtown boardwalk in either direction, encroaching on the private properties of homeowners.

We need to be sure of the continuing benefits of the privacy we enjoy, the less noise and vandalism, and a less-lighted stretch to the ocean.

Why does a family owning the property at 1212 have to succumb to these possible changes? The new house we built in 2014 is the third family dwelling (our family) on this lot since 1945.

We do love Carolina Beach and thank you for the good work the Coastal Resources Commission is already doing.

Sandra and Wayne Shugart (336-817-2530)

Willis, Angela

From: Davis, Braxton C
Sent: Monday, October 19, 2015 8:39 AM
To: Willis, Angela
Subject: FW: boardwalk proposal

From: Don Russell [mailto:drussell3rs@aol.com]
Sent: Friday, October 16, 2015 7:35 PM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Subject: boardwalk proposal

To: Coastal Resources Commission

I am writing to express our opinion regarding the extension of the boardwalk at Carolina Beach. Our family, including 6 grandchildren, has rented property on the first row for several years and love the privacy, convenience, beauty, safety, and easy access to the ocean. A boardwalk between our rental and the ocean would certainly change those things we love so much.

We are definitely opposed to your request to extend the boardwalk.

Don and Carol Russell
Cristen and Greg Letourneau
Patty and Jeff Kullman
Fred and Jill Russell

Willis, Angela

From: Davis, Braxton C
Sent: Monday, October 19, 2015 9:08 AM
To: Willis, Angela
Subject: FW: Carolina Beach NC Boardwalk Extension
Attachments: 2015 10-19 Letter to CRC.pdf

From: Jonathan Adams [mailto:jonathan@johnadamscpa.com]
Sent: Monday, October 19, 2015 9:05 AM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Subject: Carolina Beach NC Boardwalk Extension

Mr. Davis,
Please find my letter attached, which explains my families position.

Thank you.

Jonathan D. Adams, CPA
John D. Adams & Company, CPAs, PLLC
1266 Benson Road, PO Box 529
Garner, NC 27529
Phone (919) 779-2020
Fax (919) 772-5810
Email jonathanadams@johnadamscpa.com
Please visit our website at www.johnadamscpa.com

Balancing regulation with reality since 1975.

John D. Adams & COMPANY, CPAs, PLLC

October 19, 2015

Coastal Resource Commission

Via email to Braxton.davis@ncdenr.gov

Re: Carolina Beach NC Boardwalk Extension

To the Coastal Resource Commission:

My family has owned a condominium at Carolina Surf (201 Carolina Beach Avenue South) since 1990. In August 2011, I purchased a vacant lot located at 306 Carolina Beach Avenue South, then in September 2011 my sisters and I purchased a vacant lot located at 304 Carolina Beach Avenue South. These vacant lots were purchased with the hope of being able to build single family residences in the near future, as our families continue to grow. Now, this plan is on hold because of the proposed boardwalk extension.

I was surprised at the level of destruction the dunes endured when the existing boardwalk was extended. I never would have dreamed that could have taken place along our fragile coast line. Now the town wants so destroy additional dunes for the sake of a tourist dollar?

We have not been contacted by the Town of Carolina Beach regarding the proposed boardwalk extension. I am sure they can reach me, I have received other mailings at different times for different reasons, and my mailing address has not changed in over 20 years. This power grab is very disturbing to me on several levels. We are good citizens and pay our taxes in full, on time. It appears that the town has no regard for our littoral rights. What kind of democracy goes behind the backs of its citizens, to try and take their property rights? I respectfully request that you deny any permit to extend the boardwalk in any direction.

Cordially yours,

Jonathan D. Adams
PO Box 1116
Garner NC 27529
919-779-2020

Willis, Angela

From: Davis, Braxton C
Sent: Monday, October 19, 2015 10:09 AM
To: Willis, Angela
Subject: FW: Members of the Coastal Resources Commission

From: David Motsinger [mailto:david@motsinger.com]
Sent: Monday, October 19, 2015 10:03 AM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Subject: To: Members of the Coastal Resources Commission

To: Members of the Coastal Resources Commission

I'd like to express my opposition to the variance being considered that will extend the public boardwalk between private residences and the ocean.

Putting boardwalks in front of private residences has the following adverse effects:

- Takes away littoral rights
- Increases noise for private residences
- Loss of privacy
- Devaluation of property
- Increases the amount of light at night
- Increases opportunities for vandalism
- Lowers the dune greatly
- Increases the danger of the boardwalk breaking up in a storm surge and damaging private property

To all members of the Coastal Resources Commission, please vote AGAINST this variance.

Regards,
David Motsinger

From: Josamprop@aol.com [mailto:Josamprop@aol.com]
Sent: Tuesday, October 20, 2015 6:10 PM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Subject: Re: Carolina Beach Boardwalk

Mr. Davis:

Please confirm receipt of the trailing email and attachment and same will be transmitted to members of the Coastal Resources Commission.

I want to make sure that the CRC members understand that I oppose any extension in any direction of a boardwalk anywhere [but especially in Carolina Beach] which would jeopardize any littoral rights of any property owners. I equate the abrogation of littoral rights with that of eminent domain except with eminent domain the property owner is paid something as opposed to the unilateral taking of littoral rights with no just compensation for the devaluation of ocean-front property. Thanks. joe

---

In a message dated 10/19/2015 12:19:01 P.M. Eastern Daylight Time, Josamprop@aol.com writes:
Mr. Davis:

I have attached a letter addressed to the honorable members of the Coastal Resources Commission concerning the proposed boardwalk extension as advocated by the Town of Carolina Beach.

If approved, this boardwalk would devalue my property which I've owned for nearly 15 years, invade my nighttime privacy, endanger my property from storm surges, but more importantly strip away my littoral rights.

This letter is not the first to be sent to the Coastal Resources Commission, but I surely hope will be the last. This ill-conceived project keeps coming back worse than a visit from an unwanted, free-loading, unemployed second cousin on the wife's side. It's time to call a halt to bad ideas and move on to something more constructive for all involved.

Thank you for sharing my letter as attached with members of the CRC. I'm appreciative. joe

Joseph T. Sample
Post Office Box 388
Garner, North Carolina 27529-0388

Telephone: [919] 772-5631
Facsimile: [919] 772-0755

josamprop@aol.com

Willis, Angela

From: Davis, Braxton C
Sent: Monday, October 19, 2015 1:12 PM
To: Willis, Angela
Subject: FW: Carolina Beach Boardwalk
Attachments: CS 305 Coastal Resources Comm Let_10-19-15.pdf

From: Josamprop@aol.com [mailto:Josamprop@aol.com]
Sent: Monday, October 19, 2015 12:19 PM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Subject: Carolina Beach Boardwalk

Mr. Davis:

I have attached a letter addressed to the honorable members of the Coastal Resources Commission concerning the proposed boardwalk extension as advocated by the Town of Carolina Beach.

If approved, this boardwalk would devalue my property which I've owned for nearly 15 years, invade my nighttime privacy, endanger my property from storm surges, but more importantly strip away my littoral rights.

This letter is not the first to be sent to the Coastal Resources Commission, but I surely hope will be the last. This ill-conceived project keeps coming back worse than a visit from an unwanted, free-loading, unemployed second cousin on the wife's side. It's time to call a halt to bad ideas and move on to something more constructive for all involved.

Thank you for sharing my letter as attached with members of the CRC. I'm appreciative. joe

Joseph T. Sample
Post Office Box 388
Garner, North Carolina 27529-0388

Telephone: [919] 772-5631
Facsimile: [919] 772-0755

josamprop@aol.com

JOSEPH T. SAMPLE
DEVELOPMENT • LEASING • MANAGEMENT
POST OFFICE BOX 388
GARNER, NORTH CAROLINA 27529-0388
TELEPHONE: (919) 772-5631 ☎ FAX: (919) 772-0755
E-MAIL: *JOSAMPROP@AOL.COM*

October 19, 2015

Braxton.davis@ncdenr.gov

To the Honorable Members of the
Coastal Resources Commission

Dear Members:

First, I thank you for your service on this special Commission. I can well imagine the time, effort and energy each of you give each day in the good management of our coastal resources.

Second, I want to take a few moments to voice grave concern concerning actions taken by the Town of Carolina Beach to extend a boardwalk in front of the property which I own. In the effort of full disclosure, my wife and I own Unit #305 at Carolina Surf Condominiums at 201 Carolina Beach Avenue. And we have since 2001.

All of our grandchildren have enjoyed our condo with unobstructed views on the great Atlantic Ocean, the surfers who enjoy the waves, the "beach bums" and "sun worshipers" who regularly inhabit the beach. We have watched over the years as workers have installed new fencing which enriched and enhanced the dunes.

And now I am told that the Town of Carolina Beach wants to build a public boardwalk in front of our condo. Such secretive action [for I have NEVER received notification from the Town of this contemplated action], if adopted, would devalue our property and no doubt diminish the usefulness of the sand dunes. I've been in property ownership, management and development for more than half of my adult life. And I am familiar with changing neighborhoods. From my eight years on our local Town Council, I can tell you with all due sincerity that not all ideas which staff come up with are worthy of action.

Further, placing a boardwalk in front of Carolina Surf and other ocean-front properties would have a deleterious effect on our privacy, especially at night, the sand dunes, and endanger our entire condominium in the event of a storm surge.

Finally, placing a boardwalk in front of all such affected ocean-front properties would abrogate and flat take away our littoral rights. And it's just plain wrong.

Add the above to the fact that the Town is "secretly" advocating something which takes away our littoral rights does not speak well for the elected Councilmembers. I came to Carolina Beach this weekend and listened to most all of a debate among the candidates for the upcoming Town Council election. I never heard one word mentioned during this debate about this important and devaluing decision – a decision which would strip away valuable littoral rights.

Not being a resident of Carolina Beach but nonetheless a property owner, it just seems natural that the Town would craft a newsletter concerning the boardwalk extension and mail it to all affected property owners. Perhaps I dream too much about a perfect society and a society which does thing right and in the open as opposed to operating in secret behind closed doors.

Please put me down as being firmly AGAINST the boardwalk extension and especially as it appertains to 201 Carolina Beach Avenue. Thank you again for all that you do, and it is my prayer that you will protect the interests of the 28 owners of condos at Carolina Surf.

Yours sincerely,

Joseph T. Sample

Willis, Angela

From: Davis, Braxton C
Sent: Friday, October 16, 2015 9:52 AM
To: Willis, Angela
Subject: FW: Articles for Boardwalk Extension Opposition
Attachments: BOARDWALK ARTICLES OCTOBER 2015.pdf

From: Ann-marie Richard [mailto:a2richard1217@yahoo.com]
Sent: Thursday, October 15, 2015 11:30 AM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Subject: Articles for Boardwalk Extension Opposition

Dear Mr. Davis:

Attached are two articles in opposition to the boardwalk extension at Carolina Beach from the Island Gazette. Please include this in the opposition package to present to the CRC.

Thank you,
Mark Richard

ISLAND GAZETTE
OCT. 14, 2015

BOARDWALK EXTENSION NORTH (OPPOSITION)

Lack of Transparency

Dear Editor,

On Aug. 12, 2015, I learned from the Coastal Resources Commission that the CRC had been informed by the town attorney, Noel Fox, that the Town of Carolina Beach was planning to ask for a variance to extend the boardwalk north at the Nov. 17, & 18, 2015 meeting of the Coastal Resources Commission.

Also, at the CRC meeting, the town would be represented, not by the town attorney, but Attorney Clark Wright, who is from New Bern, NC.

When I repeatedly wrote the town Manager Michael Cramer asking for information

See Letter, page 4-A ➤

Letter

From page 2-A

concerning this, I received an email from the town attorney, Noel Fox and she wrote, "The town manager forwarded me your recent emails. Please be advised that NC law does not require that the Town create a record in order to comply with a public record request. As such, there is no record responsive to your request."

The variance application to extend the boardwalk north is a very complex document of over 200 pages including many architectural drawings and photographs and was submitted to the Coastal Resources Commission this past Sept. 23rd. This document must have taken months to be created and there was never any written record of it before it was submitted? And there is no record of any consultation or payment for the services of a high priced out-of-town lawyer? Town government business is the people's business. The lack of transparency of present Carolina Beach town officials is appalling.

Donald Motsinger,
Carolina Beach, NC

Priorities Before Extension

Dear Editor,

Why would a Council majority select a path of extending our boardwalk another 800 feet which we do not need and at a time when 3 Councils seats are in doubt."? The word in the press and on the street is information that has been requested is not being given out concerning this boardwalk and a special Attorney is being used to draw up a presentation to present to the CRC concerning this extension. If this boardwalk plan is not proceeding in the open and is being done in secret Have you all lost your minds? I would appreciate the names of all on this Council

See Lewis, page 4-A ➤

Lewis

From page 2-A

that is supporting this extended boardwalk plan? Council does not have a dog in fight to extend this boardwalk but the residents that will live West of this boardwalk if built will and other residents and taxpayers that do not want it built also.

There is no available land to put businesses beyond our present boardwalk so no boardwalk business owners have a dog in this fight either. So that leaves the fight is between those that do not want and unneeded extended boardwalk and Council who would be using our money for this unwanted extension. Those that live behind the proposed extension certainly have valid reasons to try and stop this boardwalk and residents where ever they live at C.B. whose money is at stake also do. To build this extension is more than a dumb decision, it is greed by those supporting this effort to possess what we do not need. Our present boardwalk is enough boardwalk for C.B. and all who come here and more pressing things need to be done with our money such as moving our waste transfer station and paving our streets.

Please tell me who besides Council members that should not have a stake in our boardwalk wants to spend our money on this nonsense when we have necessities that have not been taken care of such as paving our streets and unknown at this time infrastructure that has been under ground and unseen for better than 50 years and if digging needs to occur will in all probability need to be replaced. We have major street flooding most every time the moon is full. Carolina Beach Ave. and Canal Drive more resemble washboards than paved streets. There are needs that have been neglected and show up every time a shovel is put into the ground lately yet your Council has a desire to pave through woods on a Greenway that leads to no where and that does not need paving and extend a boardwalk that does not need extending.

Does anyone in C.B. government including our Council and Manager know what first things first and prioritizing is? Prioritizing: Designate or treat (something) as more important than other things. Hopefully our up coming election will bring us a majority of elected officials that know the meaning of first things first and govern like we do not have money for Council frills and wants to put before necessities.

D.A. Lewis,
Carolina Beach, NC

ISLAND GAZETTE
OCT 14, 2015

BOARDWALK EXTENSION
NORTH
(OPPOSITION)

Willis, Angela

From: Davis, Braxton C
Sent: Friday, October 16, 2015 9:56 AM
To: Willis, Angela
Subject: FW: Addition to Zachodzki's Presentation on 9/23/15
Attachments: Addition to Zachodzki's Original Presentation 92315.pdf; ATT00001.txt

-----Original Message-----
From: Alice Zachodzki [mailto:azmanor@aol.com]
Sent: Thursday, October 15, 2015 9:43 AM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Subject: Addition to Zachodzki's Presentation on 9/23/15

Yesterday I sent this email to you. I am resending it to you today because I was not sure that you were able to open the attachment. I am sorry for the confusion.

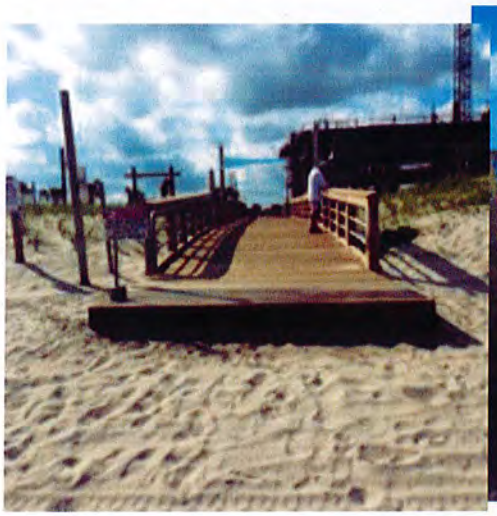
Please find my letter below in opposition to the Northern Boardwalk Extension. Please let me know that you have received this email and that you can open and read my letter below. Thank you. Alice

To: Braxton Davis October 14, 2015

From: Alice Zachodzki

During your September CRC meeting on September 23, 2015, my husband, John, made the comments below: The purpose of my email is to provide some pictures demonstrating that the Town of Carolina Beach is not maintaining the beach access for the handicapped. It was my understanding that in order for a beach ramp to be handicapped compliant it must be maintained all year round since the boardwalk is open all year. No excuses! Please note the wind blown sand from the dunes that has accumulated on the end of the ramp in the October picture. Thank you. Alice Zachodzki

Taken in Sept. 2015



Taken in October 2015

OPPOSITION TO BOARDWALK EXTENSION NORTH

The boardwalk as the old saying goes "It's a nice place to visit, but I wouldn't want to live there". Even a time honored cliché such as this can strike the crystal ring of truth when applied to the proper situation. In this case, that situation is the town's near obsessive pursuit of the boardwalk's northern extension.

The re-built existing boardwalk passes in front of nothing but businesses in the historic boardwalk area. Not a single private residence is affected by it. The opposite is true for the northern extension. Many private property owners are impacted. Both short and long term irreparable harm will be a result of this overbearing and senseless intrusion.

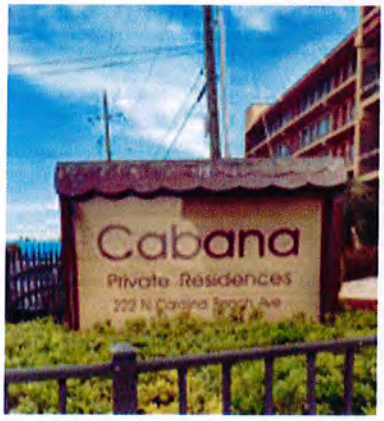
Among the town's justifications for the extension is included the noble cause of affording beach access for the handicapped, yet the re-built southern section is already suffering setbacks to this mission statement. One access ramp has had signage installed, warning it is not ADA compliant. Other ramps are now de facto non-compliant as a result of sand erosion creating step down at their terminal points at the beach. These conditions create doubt as to the commitment of the town to their stated goals and raise questions as to the integrity of their mission statement.

The re-built boardwalk, although rather grandiose in scope and scale, serves its intended purpose to attract foot traffic to adjacent businesses. The northern extension has no such option and is an over reach on steroids. Thanks, John Zachodzki

To: Braxton Davis
From: Alice Zachodzki

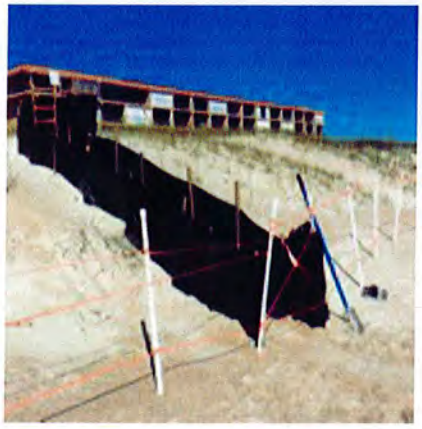
Date: October 14, 2015

My husband and I own a condo (Unit 312) at the Cabana, Private Residence, a four storied 76 unit building located at 222 Carolina Beach Ave. North. Please see Cabana's sign in front of our building:



I am adamantly opposed to the proposed northern extension of the boardwalk. Contrary to what the Mayor and the Town of Carolina Beach would have you believe, each unit is privately owned. There is not a restaurant, not a storefront, or anyone operating a front desk for rental purposes. Some owners live at the Cabana full time, some owners use their unit as a second home, and others choose to rent it. We do not rent our unit nor have we ever. We use it only for our personal use as our 2nd home.

My concerns are, but not limited to, the serious damage likely to occur to the dunes and their vegetation as a result of the construction process, the reduced privacy and security we would suffer, the transformation of a pristine natural area, the dune line, into a public walkway and the negative affects it could cause to our property value. The vegetation in front of our unit currently is a bird sanctuary, home to two grey foxes, and most recently a turtle nest which was built on the dunes. We have a responsibility to protect this fragile dune environment. The potential for catastrophic structural damage to our building from wave driven heavy debris resulting from a storm damaged or destroyed boardwalk. There are sufficient sidewalks from the boardwalk area to the lake to the marina. I have no trouble walking around town when I am there. Just because the funding is available, doesn't mean that the northern boardwalk extension should be built. I would urge you and the commission to deny any variance regarding this ill conceived project.



Thank you.

Willis, Angela

From: Davis, Braxton C
Sent: Thursday, October 15, 2015 8:24 AM
To: Willis, Angela
Subject: FW: OPPOSITION TO BOARDWALK EXTENSION NORTH
Attachments: LETTER TO EDITOR-BOARDWALK SOUTH.docx; BOARDWALK SOUTH CAMA DOCUMENT.pdf

---

Braxton C. Davis
Director
NC Division of Coastal Management
Department of Environmental Quality

252 808 2808 x202 office
Braxton.Davis@ncdeq.gov

400 Commerce Avenue
Morehead City, NC 28557

Nothing Compares

From: Ann-marie Richard [mailto:a2richard1217@yahoo.com]
Sent: Thursday, October 15, 2015 8:20 AM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Subject: OPPOSITION TO BOARDWALK EXTENSION NORTH

Dear Mr. Davis:
Please include this letter and attachment in opposition to the boardwalk extension at Carolina Beach.

Thanks,
Mark Richard

TO: BRAXTON DAVIS, DIRECTOR OF CRC

FROM: MARK RICHARD

SUBJECT: OPPOSITION TO BOARDWALK EXTENSION

DATE: OCTOBER 15, 2015

THE BOARDWALK EXTENSION SOUTH??? A REAL POSSIBILITY!!!

As the Coastal Resource Commission is aware, the Town of Carolina Beach (TCB) is pushing to extend the existing boardwalk north to Pelican Lane. What you don't know, if successful, the master plan for the TCB is to **extend the boardwalk south to Carolina Beach Lake Park**. (See Attached Document). Phase I was building the existing boardwalk. Phase II is to build the northern extension and Phase III includes building the southern extension. So, if the CRC approves the boardwalk extension north and sets precedent, TCB will eventually be seeking approval to extend the boardwalk south. By extending the boardwalk south to Atlanta Avenue, it will directly affect either 13 privately owned homes or multi-family condominiums. It is a travesty to allow this intrusion to homeowners' rights of privacy, security and safety. It is an attempt to over-commercialize Carolina Beach to make it more like Virginia Beach, Ocean City, Myrtle Beach and Charleston. Our infrastructure and police presence cannot handle the excessive crowds, congestion and lack of parking evident today. TCB has been secretive and not transparent about the proposed boardwalk and the **future southern expansion.** Please stop them in their tracks and vote **NO** to the boardwalk extension north. If they get approved, you will be fighting this all over again with the dissatisfied homeowners south of the existing boardwalk.

Thank you,

Mark Richard

PUBLIC BEACH AND
COASTAL WATERFRONT
ACCESS PROGRAM

NC COASTAL MANAGEMENT PROGRAM

North Carolina Public Beach and Coastal Waterfront Access Program

Please complete a separate application for each proposed project and submit two (2) printed copies and one (1) cd with digital files to your DCM District Planner.

This application is also available online at: http://www.nccoastalmanagement.net. Click on the link to "Beach & Waterfront Access".

Local Government: Town of Carolina Beach

Federal ID #: __56-6001193____

Lead Elected Official:
Bob Lewis

Title: ____Mayor_____

Address: _1121 N. Lake Park Blvd._____
_____Carolina Beach, N.C. 28428_____

Local Administrator of this Project:
Bruce Shell_____

Title: _Interim Town Manager_____

Address: _1121 N. Lake Park Blvd. _____
_____Carolina Beach, N.C. 28428 _____

Phone: 910-458-2994_____

Fax: ___910-458-2997_____

Email Address: _bruce.shell@carolinabeach.org ___

Signature: _____

Name (print):___Bruce Shell _____

Date: 6/30/2013

Project Name: Carolina beach Boardwalk Improvement Project_____

Is this an ongoing project (for example, Phase II of a previously funded project, or improvement to an existing project)?

Yes: ___X___ No: _____

If yes, please describe: _Phase 1 is extension of the existing Boardwalk north to the Pelican Lane public access. Phase 2 is replacement of the existing Boardwalk. A possible future Phase 3 has been discussed extending south to Hamlet Ave., but is not part of this application._____

Project Type: __Regional_____
(Local, Neighborhood, Regional, Urban Waterfront Redevelopment)

Land Acquisition: Yes: _____ No: ___X___

Site Improvements: Yes: __X____ No: _____

Previous DCM Access Grant Recipient: Yes:_X__ No:___
If Yes, When:_____ How Many:_____
2007 – Beach Restroom Renovation - $15,000
2001 – Kayak Launch - $22,500

Additional Project Costs and Funding Sources NOT included in this proposal (if applicable):

*Cost $*_____ *Source:*_____

*Cost $*_____ *Source:*_____

*Cost $*_____ *Source:*_____

Budget Totals and Financial Assistance Requested: *Provide information from Summary Budget.*

Application Budget Total:

1. DCM Grant Assistance Requested $_637,630_____
2. Local Contribution $_917,605_____

Local Cash: $667,605_____

Willis, Angela

From: Davis, Braxton C
Sent: Friday, October 16, 2015 9:58 AM
To: Willis, Angela
Subject: FW: Opposition to Carolina Beach Boardwalk Expansion

-----Original Message-----
From: ggriggs1@triad.rr.com [mailto:ggriggs1@triad.rr.com]
Sent: Thursday, October 15, 2015 9:30 AM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Subject: Opposition to Carolina Beach Boardwalk Expansion

My husband and I have owned beach front property at Carolina Beach since 1995. We are opposed to the boardwalk extension. Shortly after we purchased our property, two hurricanes came up the Cape Fear River. Damages were enormous. If the boardwalk had been longer, as proposed, much more damage would have been produced, due to the breaking up of the walkway.

We paid the extra price for beachfront property, not behind a Boardwalk property. Our rights as property owners would be taken away with an extension in either direction.

Over the years we have seen increased problems with parking. Where are the visitors going to park with the increased traffic the extension would produce? Our association has had to pay extra for a company to try to keep people from encroaching in our parking area, sometimes leaving us, as owners, no place to park. Until there is a viable plan for parking, there should be no plans to bring more people to the boardwalk area.

There is handicap access to the beach already in place. With no place to park and the long trek to the shore, the extension will be of no help to them. As I stated above, parking needs to be addressed.

The business owners who are not at the boardwalk have been the backbone of our community. It would be a disservice to them, to spend money that they have been

responsible for obtaining through taxes, for a project that would possibly harm their bottom line.

The plan for expansion is an ill conceived plan that would benefit only a few.

Thank you for your time and concern.

Loretta Griggs

Willis, Angela

From: Davis, Braxton C
Sent: Thursday, October 15, 2015 8:24 AM
To: Willis, Angela
Subject: FW: Carolina Beach Boardwalk Expansion

From: Glenn Griggs [mailto:glenn.griggsjr@gmail.com]
Sent: Wednesday, October 14, 2015 9:38 PM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Cc: Loretta Griggs <ggriggs1@triad.rr.com>
Subject: Carolina Beach Boardwalk Expansion

Greetings Members of the Coastal Resources Commission

My parents have owned a condo at Carolina Beach (Carolina Surf) for 18 years. When we first started coming to Carolina Beach we were attracted to the family friendly atmosphere and the cleanliness of the beach. We fear that this would be in jeopardy if the boardwalk is expanded without taking in consideration capital improvements to support this expansion. We believe the proposed expansion is not a wise move due to the following reasons.

1. Parking has become a huge problem in the summer months now. The paid parking lots stay full and our private parking is often compromised due to the large crowds. This has caused owners to drive around looking for a place to park and we often end up having to park in a paid lot. Adding to the boardwalk will attract more people and make an already over-capacity situation worse. Before this boardwalk is expanded, we need strong plans to support bigger crowds and address parking issues.

2. Without proper engineering and help from mother nature this expansion will increase the expenses to rebuild when the inevitable storm happens.

3. With extra people come additional security concerns due to crowd control and potential vandalism. There will need to be extra security due to the larger crowds.

If you have any questions please don't hesitate to ask.

Glenn Griggs

Willis, Angela

From: Davis, Braxton C
Sent: Wednesday, October 14, 2015 8:50 AM
To: Willis, Angela
Subject: FW: Letter for Town of CB variance packet
Attachments: CRC Letter Nov. 2015.doc

From: Renee A Lewis [mailto:ralewis@wcpss.net]
Sent: Tuesday, October 13, 2015 8:41 PM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Subject: Letter for Town of CB variance packet

This is a letter from the Averette family opposing the Town of Carolina Beach variance to be heard at the Nov. CRC meeting. Please include this in the packet for all the CRC members.

Thank you,
Renee Lewis

Renee Lewis
First Grade Teacher
Fuquay-Varina Elementary
ralewis@wcpss.net

October 12, 2015

Mr. Braxton Davis
Director
Division of Coastal Management
Coastal Resources Commission
400 Commerce Avenue
Morehead City, NC 28557

RE: Town of Carolina Beach Boardwalk Expansion

Dear Mr. Davis:

The Averette family is respectfully writing you once again concerning the boardwalk extension at Carolina Beach. We know this has been a long, stressful process for all involved so we'll try to make this brief. We've received notification that a new variance has been filed for the same northern extension of 875 feet. In review of the new variance document we can see nothing different here but a reduction to 10 feet in the width of the boardwalk structure. The last variance had to be withdrawn by the town because the vote on the four variance criteria was not going in the town's favor. The town did not meet guidelines then and this new request still does not meet the guidelines. The CRC should deny this latest variance request and put a final end to this matter.

At the end of day the facts remain the same. The town of Carolina Beach already has 21 beach access points from the Carolina Beach Pier, including the five ramps at the existing boardwalk. Public Access is providing a perpendicular walkway (walkover) to the beach. There is at least one perpendicular beach access point every ¼ mile (1,320 feet). Again, that's 21 public beach access points every 1,320 feet! The construction of 875 feet in boardwalk extension going north would be a beach parallel walkway (no direct perpendicular access) adding absolutely no value. The town would also have the CRC believe the extension is required to connect the boardwalk to the marina. Public parking and sidewalk infrastructure already exists directly between the existing boardwalk and marina areas. While the town has failed to share requested information we feel for certain many wasted tax dollars have gone into these variance requests. It needs to come to an end.

We'd also like to remind the CRC that the town has yet to address any of these previously stated concerns.

- Damage to the fontal dune integrity.
- Damage to inland structures from water or wind driven debris from the boardwalk due to a major storm or hurricane.
- Safety and security will be compromised - increased loitering, trespassing and vandalism.
- Diminished access and views of dunes and ocean - loss of littoral rights.
- Increased noise, lights and littering.

- Loss of privacy.

Early on the town attempted to paint a picture for the CRC that only one family was against the extension. We would ask the commission to remember that there are at least 58 other directly impacted property owners as well as many other property owners south of the boardwalk and town residents absolutely opposed to this extension. As word spread about the town's secretive plans and momentum grew the town attempted to distort the facts concerning the many Cabana Condominium owners in opposition. The town has some how managed to deny requests for information during this process. The current town board's closed door secrecy and seemingly deceptive manner during this entire effort has been very disturbing. On the flip side a commissioner recently admitted on social media that the town can't seem to control vandalism on the newly renovated boardwalk. This begs the question – If the town can't control vandalism with what they have now then how can they control vandalism with a proposed 875 foot boardwalk extension running directly in the front yards of private property owners?

It was most interesting and very telling when the former Carolina Beach Town Mayor Bob Lewis spoke at the September CRC meeting in public opposition to this extension. The former mayor was key in getting the new boardwalk project planning in place before leaving office. He was at the very center of this work and knows all the facts. He knows this 875 extension north would add no value and has shared so with the CRC. His knowledge and opinion should be of great value to the CRC concerning this variance.

We appreciate all the hard work of the CRC. We once again respectfully ask that the CRC please consider the facts along with the recently shared position of the knowledgeable former mayor and deny the variance request. Thank you so much for your time and consideration.

Sincerely,

Donald Averette
Renee Averette Lewis
Susan Averette Pierce
Donald Averette, Jr.

TO: BRAXTON DAVIS, DIRECTOR OF COASTAL RESOURCE COMMISSION

FROM: JOE AND ANGELA CARRABIS

SUBJECT: CAROLINA BEACH BOARDWALK EXTENSION NORTH

DATE: OCTOBER 7, 2015

We have permanently resided at the Cabana for 20 years. We support the **existing boardwalk**, but do not support the **boardwalk extension north**. This is an intrusion on homeowners who own oceanfront property along the proposed 875 feet stretch of boardwalk. We feel the negative impact outweighs any benefits.

We feel that a boardwalk in our backyard will increase vandalism and property trespassing. We will not feel safe and secure as we have for many years. We have seen and supported many positive changes to Carolina Beach over the years, but extending the boardwalk in front of our private oceanfront dwellings is preposterous. The problems of vandalism and inappropriate behavior already exists with the new construction of the existing boardwalk. It is very likely that these problems will also occur along the proposed 875 feet boardwalk extension. Monitoring the boardwalk by police 24 hours a day will not be possible to curtail problems.

Is the Town of Carolina Beach only concerned with how many visitors come to Carolina Beach? How about the taxpaying homeowners who have resided here for many years? We are senior citizens that need a safe, secure, tranquil and serene environment to live in. This structure will compromise our gated community and provide unrest by increasing noise, littering and security and many other problems.

In addition to the safety and security issue, our home will be subject to water and wind driven debris from the proposed boardwalk extension in a major storm and/or hurricane. We understand that building a parallel structure in the dunes, destroying existing sea oats, and disturbing the dune lines will make our property more susceptible to erosion and flooding.

We can't believe that this might happen! We hope that the CRC sees the many negatives associated with this project. Thank you for fighting for us when no one else can at this point.

TO: Braxton Davis

FROM: Mark Richard

SUBJECT: Justification for Survey Tally

DATE: October 8, 2015

This document is all the email received from homeowners justifying FOR or AGAINST the vote for the boardwalk extension north. Also included are hard copies of opposition letters from homeowners at the Cabana that do not have access to email. The final tally indicated 58 homeowners against the boardwalk and 8 are for.

LETTER SENT TO HOMEOWNERS FOR RESPONSE ON BOARDWALK EXTENSION NORTH

As you are probably aware, the Carolina Beach Town Council would like to make improvements to the existing boardwalk and extend it north. The proposed boardwalk design includes an expansion of width from 8 to 16 feet, increased lighting and seating. The proposed boardwalk extension will completely alter the landscape between the ocean and the Cabana and greatly impact Cabana Homeowner's security, privacy, views and property values. We support the improvements to the existing boardwalk, but **DO NOT** support the proposed extension of the boardwalk north.

WE NEED YOUR SUPPORT NOW TO STOP THE EXTENSION OF THE CAROLINA BEACH BOARDWALK. HERE ARE THE REASONS WHY:

- **The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.**
- **Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access to the ocean.**
- **Insurance might not cover damage caused by water driven debris.**
- **An increase of foot traffic, noise levels and loss of privacy.**
- **Security issues of vandalism and trespassing.**
- **Elevation of the boardwalk could block homeowners' ocean view.**
- **A pool privacy fence will have to be installed to provide security and privacy due to the close proximity of the boardwalk. The fence will obstruct the view of homeowners' on the first floor.**
- **Showers will have to be moved due to the placement of the proposed boardwalk.**
- **New locked access gates will have to be installed to provide secure access to and from the beach.**

- **Increased lighting along the boardwalk could obstruct views and cause a spotlight effect and/or glare.**

Will your property be devalued or no longer be classified as oceanfront property?
IT IS TIME TO ACT!!!
Please email us for or against the boardwalk extension along with your unit number(s). In your response, please indicate if we have your permission to use your email when communicating with the Carolina Beach Town Council or the North Carolina Coastal Resource Commission (CRC).

Please respond as soon as possible.
Thank you,
Mark and Ann-Marie Richard (Unit #132)828-234-4243

Attachment 1b

BOARDWALK EXTENSION TALLY

AS OF 9-14-2015

NAME	UNIT #	FOR	AGAINST
Mark and Ann-Marie Richard	132		1 – Unit
Jan Elliott	301		1 – Unit
Karl and Anna Kemper	222		1 – Unit
Larry Edward Holsten	130		1 – Unit
Ollin Manning	307 & 309	2 – Units	
Raymond & Deborah Hine	214		1 – Unit
Alice and John Zachodzki	312		1 – Unit
Amanda Ventura	110		1 – Unit
Lawrence Canning	122		1 – Unit
Sharon Lyons	310		1 – Unit
Dan and Heather McNamara	404		1 – Unit
Martin and Kathleen Ensey	106		1 – Unit
Vivian Corbett	206		1 – Unit
Sarah Underwood	126		1 – Unit
Stephen and Kimberly Ray	213		1 – Unit
Matthew Dunker	107		1 – Unit
Steve Falcone and Rosanne Pritchett	220		1 – Unit
Lynda Buchanan	224		1-Unit
Jeff Tilton	415		1-Unit
Michael Murphy	216 & 409		2 – Units
Trey and Michelle Rogers	308		1 – Unit
Steve and Dorothy Duke	128		1 – Unit
Sherry L. Graham	201 & 313		2 – Units
Scott Rowlings	230		1 – Unit
Mary Lee Voorhees & Charlotte Karnopp	114		1-Unit
Kenneth & Barbara Curl	210		1-Unit

Susan Wallace (Goin Coastal LLC)	303		1-Unit
Kay McClanahan	218	1-Unit	
Joanne Cura	103		1-Unit
Bill and Barbara Kelley	306	1-Unit	
Deborah Byrd	116		1-Unit
Mike Williams	124		1-Unit
Radu Dimitriu	207 & 120		2-Units
Joseph & Lise King	232 & 416		2-Units
Angela & Joe Carrabis	405 & 411		2-Units
Betsy McCorkle	304		1-Unit
Billy Marshal	403, 406, 407, 414, 413		5-Units
Rick and Shauna Johnson	408		1-Unit
Sandra McLaurin	311		1-Unit
Jeff & Susan Tennant	208		1-Unit
Marvin Mann	302		1-Unit
William & Valerie Bitting	101		1-Unit
Joe Turner	228		1-Unit
Carl & Jane Travis	102		1-Unit
Peter Lattner	314	1-Unit	
William Wilson	205		1-Unit
Cheng-Han Feng & David Musick	104		1-Unit
Beatrice Palazzo	410		1-Unit
William Lyon	315		1-Unit
Blake & Peggy Beeson	305		1-Unit
Lynda Gluck	412		1-Unit
Christopher & Lauren Sapikowski	316		1-Unit
Ken and Debra Lane	108		1-Unit
Vincent Scott	112, 118, 203	3-Units	
TOTAL		**8 - Units**	**58 – Units**

Backup documentation will be provided to Braxton Davis to support these responses

EMAIL RESPONSES FROM CABANA HOMEOWNERS

- lawrence canning
-
- Apr 28, 2014

To

- me

Dear Sirs/madam, I DO NOT want the expansion to happen as it will impede my view, bring unsightly tourists, possibly bring the seedy side of the boardwalk into my backyard. NIMBY I also believe it will LESSEN our property value-- NOT enhance it.

Sincerely,

Lawrence A. Canning
404-449-5628
Unit 122

- sharonlyons
-
- Apr 28, 2014

To

- me

as the home owner of the unit 310 at cabana I oppose the boardwalk structure in front of our buildingin addition to being a homeowner I am also a realtor on this island for 27 years and have sold more properties in cabana than any other agent ever did. Not only will it devalues our investment but also will bring less revenue in rental income to our property ownerssincerely
Sharon lyons

- Amanda Ventura
-
- Apr 28, 2014

To

- me

I am against the board walk extension. Yes, I can use this email in all correspondents.

Regards,
Amanda Ventura

- Alice Zachodzki
-
- Apr 28, 2014

To

- me

Although we are in favor of the town's planned restoration and upgrade of the existing boardwalk, we are totally opposed to its northern extension.

This proposed northern extension will have long term negative affects on our building's property values, privacy, security, and the reasonable expectation of property enjoyment. It will also infringe on legal oceanfront property rights which will impact every owner. In general, the northern boardwalk extension has nothing positive to offer the owners of Cabana's 76 units.

Please feel free to share this communication with the CRC.

Thank you.
John & Alice Zachodzki
Cabana Unit 312
Email address: azmanor@aol.com
Cell phone: (704)604-5102

- Karl Kemper
-
- Apr 28, 2014

To

- me

Karl and Anna Kemper, Unit 222, are against the boardwalk extension. You may use my e-mail in communication with the town of Carolina Beach.

---------- Forwarded message ----------
From: <donotreply-camsmgt@cincsystems.net>
Date: Apr 28, 2014 3:31 PM
Subject: Cabana - Boardwalk Petition
To: "Karl & Anna Kemper" <karlekemper@gmail.com>
Cc:

ohillman@bellsouth.net

-
- Apr 28, 2014

To

- me

I must inform you that I am in favor of the proposed boardwalk improvements and feel that they will be beneficial to our property values. I see no reason in your email to oppose the project.

They will not restrict our access to the beach, nor will they render our property non-ocean front. As for blocking the view from the units, you cannot see the beach from your unit now. On the second floor, you can see the ocean but not the beach. I suggest that if you want ocean and beach view, you buy a unit on the 3rd or fourth floor. The only thing that a privacy fence at our pool would block would be your view of our new boardwalk, and you apparently don't want to see that anyway.

As for your comments about insurance, you will not be able to substantiate them because they are absolutely false. You should do some research before you try to scare other unit owners in to taking sides with you on your beliefs.

Ollin Manning

- Dan & Heather McNamara
-

- Apr 28, 2014

To

- me

- Edward Holston
-
- Apr 28, 2014

To

- me

Edward Holston

Hi
I am larry Edward Holston
Unit 130
I am aganst the boardwalk

Please add me to the no way group
Email

Edward26136@gmail.com

Thanks

Rosanne Pritchett

- Apr 28, 2014

To

- me

CC

- Steve Falcone

I am against the boardwalk extension that would go in front of Cabana.

- Jan Elliott
-
- Apr 28, 2014

To

- me

Absolutely, I support you 100%. Please use my email. This is NOT the way it was explained at the meeting in January. This is not progress. This is infringing on the rights of oceanfront property owners. I vote AGAINST the measure.
Sincerely,
Jan Elliott

- Steve Falcone
-
- Apr 29, 2014

To

- Rosanne Pritchett
- me

I am against the boardwalk extension.
Steve Falcone
co-owner Cabana Unit #220
On Tuesday, April 29, 2014 7:20 AM, Rosanne Pritchett <rosannepritchett@hotmail.com> wrote:
Unit 220
You may also hear from my co-owner Steve Falcone.

- vivian corbett

-
- Apr 29, 2014

To

- me

As a Cabana homeowner at Carolina Beach, I am writing to oppose the extension of the boardwalk proposed by the city to be built. Seventy some homeowner's properties will be affected by this addition to the current boardwalk.
Vivian Corbett
Owner Units 206

- Sarah Underwood
-
- Apr 29, 2014

To

- me

Vote: against extension
Name: Sarah Underwood
Unit: 126

You have my permission to use my email when communicating with CBTC and/or CRC.

Good luck

- Kim Ray
-
- Apr 30, 2014

To

- me

We are against the boardwalk extension. Yes, you can use our email when communicating.
Thanks,
Stephen & Kimberly Ray (Unit #213)

- Matthew Dunker

-
- Apr 30, 2014

To

- me

My name is Matt Dunker the owner of unit 107 at Cabana. You can use my name or e mail as you need to. Thanks for getting this together.

Matt Dunker

- Lynda Buchanan
-
- May 2, 2014

To

- me

Mark and Ann-Marie,

I am against the boardwalk extension. I have sent an email to Braxton Davis with the CRC stating my opposition. You are welcome to use my name and this email with regards to opposing the Carolina Beach Boardwalk Extension.

Thank you,

Lynda Buchanan
Unit 224
Cabana

- Tilton

-
- May 4, 2014

To

- me

Mark and Ann-Marie Richards -

I am against the extension of the boardwalk. You may use my name, email, and address for this purpose.

Jeffrey Tilton Cabana 415

31 Meadow View Ct.
Powell, Ohio 43065

Tilton@insight.rr.com

Thanks for putting this in a form that is accessible for those who do not have the time that this deserves.

Jeff

- Michael Murphy
-
- May 4, 2014

To

- ebuchan50@yahoo.com
- me
- ralewis@wcpss.net

Attachments

- BOARDWALKEXTENSION5414.wps

Download All

Eddie, Mark & Ann-Marie, and Renee,

Attached please find a letter that I have sent to Mr. Braxton Davis, Director, Division of Costal Management. I am totally opposed to the negative affects that the boardwalk extension will bring to all properties in its path. I give my permission to use my letter and email when

communicating with anyone regarding this issue including the Carolina Beach Town Council or the North Carolina Costal Resource Commission (CRC).

If I can be of any assistance please do not hesitate to call on me as below:

Michael Dean Murphy
545 Vardon Circle
Hemet, CA 92545
951.599.4391
mastermurphy@msn.com

Owner - Cabana De Mar, 222 Carolina Beach Ave N., Units # 216 & 409

Truly,

Michael D. Murphy

- Dorothy Duke
-
- May 5, 2014

To

- me
- Dorothy Duke
- Steven Duke

Hello Mark and Ann-marie,

This is to let you know that, as owners of Cabana condo #128, we are vehemently opposed to the proposed extension of the Cabana Beach boardwalk. Building of the boardwalk would be tantamount to invasion of our privacy as well as interference with the existing dunes, which are protected by law. Other reasons include blocking the existing ocean view, uncontrolled traffic and use of the boardwalk including close range public noise and littering as well as the hazards of a wooden structure so close to the condo in the event of severe weather conditions.

Thank you for alerting us to the current boardwalk situation. I understand that the staff of the Town of Carolina Beach are not being honest about the facts involved with the building of this boardwalk. Please continue to keep us updated as this situation develops and let us know how we can help cancel this horrific boardwalk. The funds that would be used here are a complety wasteful use of taxpayer money that could be used to improve Carolina Beach in other endeavors.

Sincerely,

Steve and Dorothy Duke
Cabana condo #128

- Trey
-
- May 5, 2014

To

- me
- mrodgers494@yahoo.com
- pigfloat10@yahoo.com

Dear Mr. and Mrs. Richard,

Thank you for creating this petition regarding the proposed extension of the boardwalk. We are owners of unit 308 at the Cabana and we share your concerns and are COMPLETELY opposed to the extension. We bought our unit last year and had it completely renovated to be enjoyed as a second home. It is not a rental. We join you in support of **STOPPING** the extension of the Carolina Beach Boardwalk for the reasons you have stated:

- Scott Rowlings
-
- May 6, 2014

To

- me

My name is Scott Rowlings, I own unit #230 at Cabana Suites. I strongly support board members and property owners at Cabana Suites to stop the Boardwalk extension in front of the Cabana Suites building and property. There are plenty of impovement's that need to be made to the Boardwalk area but this is not one of them!

Please feel free to use my name and email address in strong opposition to this proposal.

Thank You.

Scott Rowlings

- Sherri
-
- May 6, 2014

To

- me

Against 201 313

Sent from my iPhone

On May 6, 2557 BE, at 5:52 PM, Sherri <sherrilgraham@yahoo.com> wrote:

- Charlotte Karnopp
-
- May 13, 2014

To

- me

Not in favor of the boardwalk:

1.) Mary Lee Voorhees, Cabana Owner, Unit #114=Not in favor of the boardwalk.

2.) Charlotte Karnopp, Cabana Owner, Unit #114=Not in favor of the boardwalk.

- Kay McClanahan
-
- May 17, 2014

To

- me

Sorry but I do not agree. I am in favor of the extension.

On May 17, 2014, at 10:03 AM, "Ann-marie Richard" <a2richard1217@yahoo.com> wrote:

I own Unit 303 and I am against the boardwalk extension.

Sincerely

Susan Wallace

- Debi Byrd
-
- May 18, 2014

To

- me
- 'Cabana-William & Valerie Bitting'
- 'Carl & Jane Travis'
- 'Cabana 103'
- 'Cheng-Han Feng'
- and 6 more...

Unit 116-Deborah Byrd is AGAINST.

- Lise
-
- May 18, 2014

To

- me

We are AGAINST the Boardwalk extension.

Feel free to call me if you need us to come to the beach and sign a document or petition.

We are the owners of Cabana 232 & Cabana 416.

Joseph A. & Lise K King

307 East Renovah Circle
Wilmington, NC 28403

910-763-5564

- Radu Dimitriu
-
- May 18, 2014

To

- me

We **do not support** the boardwalk construction and agree to all the points made in this petition.

Radu Dimitriu

Cabana 207

Cabana 120

- wfkelle@aol.com UNIT 306 - BILL & BARBARA Kelley
-
- May 19, 2014

To

- me

We're in support of extending the boardwalk north.

- Billy Marshall
-
- May 21, 2014

To

- me

Against

403 406 407 414 for Billy Marshall ε 413

From: Ann-marie Richard [mailto:a2richard1217@yahoo.com]
Sent: Wednesday, May 21, 2014 10:31 AM
To: Billy Marshall
Subject: Re: RE: BOARDWALK EXTENSION-RESPONSE NEEDED

Hi billy. Are you for or against the boardwalk?

Sent from Yahoo Mail on Android

From: Billy Marshall <bmwakeforest@aol.com>;
To: 'Ann-marie Richard' <a2richard1217@yahoo.com>;
Subject: RE: BOARDWALK EXTENSION-RESPONSE NEEDED
Sent: Wed, May 21, 2014 2:26:06 PM

- Sandra McLaurin
-
- May 30, 2014

To

- me

Sorry that we have not responded earlier. It was an oversight on our part.

We are against the construction of the boardwalk. Again, we definitely do not want it constructed.
Sandra and Melton McLaurin
Cabana #311

Sent from my iPad

On May 17, 2014, at 3:03 PM, Ann-marie Richard <a2richard1217@yahoo.com> wrote:

- Sharon Lyons
-
- Jul 28, 2014

To

- frankgorhamCRC@gmail.com
- NealAndrewCRC@gmail.com
- lbaldwincrc@gmail.com
- cahooncrc@gmail.com
- dorseyCRC@bhic.org
- and 8 more...

CC

- me

Could you please tell me if the original request from the town said the number of lots that would be affected not the number of homeowners and was a 76 unit condominium was ever disclosed. Thank you for your time.

Sincerely, Sharon Lyons

As the owner of a condo at Cabana De Mar in Carolina Beach I urge you not to issue a variance to put a structure in front of my oceanfront condo. It will devalue this property and I will see a decrease in rental revenue. This property will no longer be considered ocean front. Thank you for your consideration.
by copy of this letter I am urging all in opposition to contact you.

Sincerely, Sharon

Sharon Lyons CRS, GRI, RRS
Sharon Lyons and Associates, LLC
910-231-6423

- Mike Williams
-
- Jan 20 at 4:21 PM

To

- me

Hello,
I own unit #124 and have given it some thought. I am now against the extension of the boardwalk. I don't want to see people walking across. Especially being a first floor unit.

Thanks
Mike

- Joe
-
- Jan 19 at 5:43 PM

To

- me

I oppose the extension of the boardwalk. My unit is 228. Thank you, for all your efforts.

Regards,
Joe Turner

Sent from my iPad

On Jan 18, 2015, at 9:59 AM, Ann-marie Richard <a2richard1217@yahoo.com> wrote:

- Jeff
-
- Jan 19 at 10:22 AM

To

- me

Mark Richard,

This is in reply to a email sent to TJ McCorkle 1/18/15 9:47:15AM.

Unit 304: Against

Thanks,

Jeff Smith

T.J. McCorkle

McCorkle Sign Company

1107 E. Geer Street

Durham, NC 27704

Phone: (919) 687-7080

Fax: (919) 687-4996

www.mccorklesign.com

- ensey@comcast.net
-
- Apr 29, 2014

To

- me

CC

- martin ensey

Photos

- undefined

Download All

Martin and Kathleen Ensey, owners of Unit #106 is **against** the boardwalk extension.

From: marbleman19 <marbleman19@aol.com>
To: a2richard1217@yahoo.com
Sent: Sunday, January 18, 2015 10:09 AM
Subject: Unit 101

My wife and I are against the board walk . Bill & Valerie Bitting unit 101.

Sent from my Samsung Galaxy Tab®4

- Jeff Tennant
-
-

To

- me

Thank you Mark, I am normally one of the first on board with these kinds of community activities, especially when related to the health and value of our beloved Cabana beach suites. I hope to find the emotional space and time to work on this, and apologize I have not until now - my wife, Susan, is facing a third surgery for cancer, this time recurrent ovarian on June 30 and of course we are both hopeful we begin to see some smooth sailing in life after that or in the weeks ahead. I know this is a huge issue for a lot of our neighbors, and we will give it some serious devotion in the next few weeks or before the meeting(s) you mention below. Just wanted you to know what's up, and wishing you all the best in this -
Best regards,
Jeff

- Cabana 104

-
- Today at 11:06 AM

To

- me

Hello,
Cabana 104 owners are against the boardwalk extension going across Cabana beach front property.

Thanks!

--
Cabana Unit 104
222 Carolina Beach Ave. North
Carolina Beach, NC 28428
Phone: 919.442.8501
Website: www.cabana104.com
Email: cabana104@yahoo.com

- Rich Johnson
-
- Today at 11:17 AM

To

- me

Greetings,

We are AGAINST the boardwalk extension north.

Regards,

Rich and Shauna Johnson
Unit #408

- lauren woodbla8
-
- May 29 at 6:49 PM

To

- a2richard1217@yahoo.com

Hide

Thanks for the info. Our vote for unit 316 is no. my husband and are are against the expansion. We want to keep the dune area private quiet and dark at night.

Thanks
Lauren and chris Sapikowski. 316

- FancyPeg@aol.com
-
- May 28 at 12:30 PM

To

- a2richard1217@yahoo.com

Hide

Thank you so much for letting us know what is going on with the board walk. We are definitely **AGAINST**
any expansion. We own unit 305 and you are more than welcome to share our e-mail. Let us know if we can be of any assistance.
Blake and Peggy Beeson

- KSU1972@aol.com – Unit #412
-
- May 28 at 1:56 PM

To

- a2richard1217@yahoo.com

Hide

Trying to do some research, but really don't know what to look for. Found this:

Hard structures ban

Historically, North Carolina has tried to avoid the problems than can be brought on by the use of hard structures to control erosion. In 1985, the North Carolina Coastal Resources Commission (CRC), a policy-making body for the coastal management program, studied the effects of hard structures on beaches in other states. The CRC concluded that the potential negative effects of such structures could cause irreversible damage to North Carolina's beaches. As a result, the CRC recommended banning the construction of hard structures to protect buildings at the coast. The ban made exceptions for protecting historic buildings that could not be moved and for maintaining important waterways needed for navigation.

The hard structures ban, while not an official law, existed in practice for 15 years before it was upheld in court in a 2000 case. In 2003, the North Carolina state legislature voted unanimously to formally adopt the hard structures ban as law: With no dissenting votes, the legislature banned the construction of new, permanent erosion control structures at the North Carolina coast.

- deborahhine
-
- Aug 16

To

- Ann-marie Richard

Hide

Thank you for the update. We own unit 214 and are also against extending boardwalk. We feel it would jeopardize the value of the property. Please keep us advised.

Deborah & Raymond Hine

- JoAnne Cura
-
- Aug 16

To

- Ann-marie Richard

Hide

Good Morning Ann-marie and Richard,

My name is Joanne Cura and I am the new homeowner of Cabana 103. Just want you to know that I DO NOT support the proposed extension of boardwalk north. If this proposal was brought to my attention prior to my purchasing this unit I would have purchased another unit elsewhere. Let me know what I can do to help.

Thanks so much,

JoAnne Cura
curajoanne@yahoo.com

- Carolee Duckworth
-
- Aug 15

To

- 'Ann-marie Richard'

Hide

CC

- Ken Lane
- 'Debra Lane'

Hide

Photos

- image001.jpg

Download All

Ken and Debra Lane, my co-owners of #108, may already have voted. But my vote is AGAINST the boardwalk extension, for all the reasons you cited.

Carolee Duckworth

- Vincent Scott
-
- Aug 17 at 4:46 PM

To

- 'Ann-marie Richard'
- cwcamer@charter.net
- mandyschoon@hotmail.com
- zeverhart@aol.com
- lisa.eastgroup@charter.net
- and 5 more...

Hide

Hello Mark and Ann-Marie,

After months of thinking it over, I am in favor of the boardwalk extension. I enjoy spending time on the boardwalk, and would enjoy a more direct route of getting there, especially now that the traffic pattern has changed due to the new hotel going up next door. Please put my units in the "for" column.

Best regards,

Vincent Scott (units 112, 118, and 203)

TO: Cabana Homeowners

FROM: Ann-Marie and Mark Richard

SUBJECT: Email Survey for Boardwalk Extension North

DATE: January 18, 2015

As you may be aware, the Town of Carolina Beach (TCB) is still pursuing the boardwalk extension north to Pelican Lane. The proposed boardwalk will be placed in the dunes between the ocean and the Cabana and will greatly impact Cabana homeowner's security, privacy, views and property values. The Coastal Resource Commission (CRC) has not approved the extension after two attempts. However, TCB is expected to return to the CRC once again in April 2015 to pursue this matter. In order to update our survey, we need you to respond either "for" or "against" the boardwalk extension north. We understand you might have a difference of opinion and that's fine. Presently, the survey lists 52 units opposing the boardwalk extension and 5 in favor. Please return response to me ASAP or call me at (828) 234-4243 if you would like to discuss this issue.

Thank you in advance for your quick response.

FOR BOARDWALK EXTENSION_____

AGAINST BOARDWALK EXTENSION X

SIGNATURE [signature]

UNIT # 315

TO: Cabana Homeowners

FROM: Ann-Marie and Mark Richard

SUBJECT: Email Survey for Boardwalk Extension North

DATE: January 28, 2015

As you may be aware, the Town of Carolina Beach (TCB) is still pursuing the boardwalk extension north to Pelican Lane. The proposed boardwalk will be placed in the dunes between the ocean and the Cabana and will greatly impact Cabana homeowner's security, privacy, views and property values. The Coastal Resource Commission (CRC) has not approved the extension after two attempts. However, TCB is expected to return to the CRC once again in April 2015 to pursue this matter. In order to update our survey, we need you to respond either "for" or "against" the boardwalk extension north. We understand you might have a difference of opinion and that's fine. Presently, the survey lists 52 units opposing the boardwalk extension and 5 in favor. Please return response to me ASAP or call me at (828) 234-4243 if you would like to discuss this issue.

Thank you in advance for your quick response.

FOR BOARDWALK EXTENSION_____

AGAINST BOARDWALK EXTENSION Against

SIGNATURE Beatrice Palazzo

UNIT # 410

BOARDWALK EXTENSION NORTH POLL

Name William E Wilson

Address

Unit #(s) # 205

E-Mail WIS631@aol.com

FOR _____ AGAINST ✓ Yes

(Boardwalk Extension North)

Signautre William E. Wilson

Comments:

BOARDWALK EXTENSION NORTH POLL

Name KENNETH & BARBARA CURL

Address 1296 JIM CAUDILL ROAD, WILKESBORO, N.C. 28697

Unit #(s) 210

E-Mail NO E-MAIL (336) 957-1886

FOR _____ **AGAINST** X

(Boardwalk Extension North)

Signature PER PHONE CONVERSATION BARBARA CURL (M.R)

Comments:

BOARDWALK EXTENSION NORTH POLL

Name MARVIN MANN

Address CABANA – UNIT 302

Unit #(s) 302

E-Mail marvinlmann@yahoo.com

FOR _____ **AGAINST** X

(Boardwalk Extension North)

Signature Marvin Mann (ML) PER PHONE

Comments:

BOARDWALK EXTENSION NORTH POLL

Name Angela Carrabis

Address P.O. Box 1892 Carolina Beach NC 28428

Unit #(s) 405 - 411

E-Mail _____

FOR _____ **AGAINST** X

(Boardwalk Extension North)

Signature Angela Carrabis

Comments:

BOARDWALK EXTENSION NORTH POLL

Name CARL & JANE TRAVIS

Address _____

Unit #(s) 102

E-Mail janertravis@yahoo.com

FOR _____ AGAINST ✓

(Boardwalk Extension North)

Signature: Jane Travis (M.R) Per Phone Conversation

Comments:

TO: Cabana Homeowners

FROM: Ann-Marie and Mark Richard

SUBJECT: Email Survey for Boardwalk Extension North

DATE: January 18, 2015

As you may be aware, the Town of Carolina Beach (TCB) is still pursuing the boardwalk extension north to Pelican Lane. The proposed boardwalk will be placed in the dunes between the ocean and the Cabana and will greatly impact Cabana homeowner's security, privacy, views and property values. The Coastal Resource Commission (CRC) has not approved the extension after two attempts. However, TCB is expected to return to the CRC once again in April 2015 to pursue this matter. In order to update our survey, we need you to respond either "for" or "against" the boardwalk extension north. We understand you might have a difference of opinion and that's fine. Presently, the survey lists 52 units opposing the boardwalk extension and 5 in favor. Please return response to me ASAP or call me at (828) 234-4243 if you would like to discuss this issue.

Thank you in advance for your quick response.

FOR BOARDWALK EXTENSION FOR - P/M

AGAINST BOARDWALK EXTENSION_____

SIGNATURE Peter J Pattison

UNIT # 314

TO: Braxton Davis, Director of CRC

FROM: Mark Richard

SUBJECT: Boardwalk Extension North at Carolina Beach

DATE: October 8, 2015

The attached package was handed out to all commissioners at the September 23, 2015 CRC meeting. Even though that occurred, I knew it was necessary to send another copy to be included as part of the opposition package.

Thank you.

OPPOSITION TO THE BOARDWALK EXTENSION NORTH AT CAROLINA BEACH, NC

Presented to: Coastal Resource Commission

September 23, 2015

Prepared by: Mark Richard

Renee Lewis

TABLE OF CONTENTS

Attachment #1

SEPTEMBER 2015 SPEECH AT CRC'S PUBLIC FORUM

OPPOSITION TO BOARDWALK EXTENSION NORTH AT CAROLINA BEACH

My name is Mark Richard. I reside at the Cabana Condominiums at Carolina Beach. I oppose the boardwalk extension. The Town of Carolina Beach (TCB) plans on presenting a new variance at the November CRC meeting. They have been very secretive and denied requests for public information and details of the new variance as described in attached editorial (**Attachment 1a**). In addition, they have hired a high priced attorney to try to take down the "little guy" with limited funds. **That's why we are here again. You can stop this!** This construction will cause undue hardship to Cabana's 76 privately owned units and the Averett's Single Family Residence.

Here are the reasons for opposition again:

1. In a survey of the 76 homeowners at the Cabana, the results indicated **58 units are against, and 8 are for**. **10 units did not reply. That plays out to 86% of homeowners against the boardwalk extension. (See attachment 1b for results of survey).**

2. In the last variance for the boardwalk extension, the TCB was denied because: (see attachment 1c).
   - Did not meet the 60 Foot Ocean Hazard Setback Guideline **15A NCAC 07H .0306(a)**
   - The integrity of the dune will be compromised **15A NCAC 07H .0309(a)**

THIS SHOULD BE ALL THAT'S NEEDED TO VOTE NO. HOWEVER, THERE IS MORE!

THIS IS WHAT WE HAVE LEARNED FROM THE BUILDING OF THE EXISTING BOARDWALK .

The integrity of the dune was compromised by building **5 non-elevated beach access ramps** instead of walkovers. If you look at the photographs, (**Attachment 1d**) you can see that the five ramps weakened the dune line, and provided open access for flood waters to enter. This will act as a spillway for flood waters to enter the boardwalk business area. This information is inconsistent with the following guidelines.

- Weakening of primary and frontal dunes adversely affecting the integrity of the dune **15A NCAC 07H .0306(b). (Attachment 1c).**
- Structural accessways should not alter the primary dune **15A NCAC 07H .0308(c)(1). (Attachment 1c).**
- The structural accessway should not diminish the dune's capacity as a protective barrier against flooding and erosion **15A NCAC 07H .0308(c)(2)(C). (Attachment 1c).**

Basically, the TCB did not meet CRC guidelines pertaining to the ocean hazard setback and the protection and integrity of the dune. **Increased erosion and flooding will exist if the same structural or engineering practices are used on the boardwalk extension.** These are all reasons to deny the variance and reject the boardwalk extension.

3. Researching this topic, I found the **Manual of Hazard Mitigation by Thomas Harrington that was written in response to Hurricane Sandy**: It states: 1) Do not plan development on beaches or dunes. 2) **Variances that increase the vulnerability of private property should not be sought**. Additional excerpts from the manual are included in **(Attachment 1e)**.

4. **<u>"Downside" of building the boardwalk extension north.</u>**

   I have many more negatives in (**Attachment 1f**) but here are just a few:

   - There will be an increased problem with security, vandalism, and trespassing due to the lack of monitoring along the boardwalk. (Recent problems observed at existing boardwalk).
   - Building a parallel structure and using non-elevated walkways diminishes the dune line and increases erosion and flooding to adjacent properties. (SAFETY ISSUE).
   - The town will not carry liability coverage for damages to property caused by water and wind-driven debris. If our insurance company pays for damages, it will be very unlikely they will subrogate against the town. Rates will then go up! (SAFETY ISSUE).
   - Grant money builds the boardwalk but the taxpayers will end up paying for the upkeep thru increased taxes. The cost will include: monitoring and repairs to the boardwalk, video surveillance ($30K just for existing boardwalk), hiring an attorney to fight the opposition, picking up litter, higher utility bills (water and lighting).

5. Based on these facts and additional facts included in your package, this variance should be rejected because it does not meet the four variance criteria and CRC Standard and Guidelines. Please do not set precedence for future development at other oceanfront communities.

Thank you.

ISLAND GAZETTE
SEPT. 16, 2015

ATTACHMENT (16)

Editorial: Town's Hiding Behind Legal Walls On Boardwalk Extension

By WILLARD KILLOUGH III
Managing Editor

A couple of weeks ago I submitted a public records request to the Town of Carolina Beach.

That request stated, "Has the Town submitted a new application for a variance to construct the Boardwalk Extension? What is the deadline to file for the variance and at what time is a CRC [Coastal Resources Commission] meeting scheduled to hear the Town's request? If the Town hasn't filed, I would like to see the draft of that document to date."

Here's the response I received from the Town's attorney Charlotte Noel Fox who wrote, "In response to your request: the Town has not submitted a new application for a variance. The deadline for filing any application is 6 weeks prior to the scheduled CRC. NCGS 132-1.9(h) (2) restricts access to materials that are generated in anticipation of legal proceedings before state administrative agencies. Therefore, if drafts existed, you would not be permitted access to them at this time."

All I asked to see was a draft of the variance request I already know they are going to submit requesting a variance from state coastal regulations to extend the downtown ocean front wooden boardwalk 800 feet to the north.

They withdrew their last request for a variance when it became apparent the State Coastal Resources Commission (CRC) was not likely to vote in favor of it and they would not be able to return with the same request at a later date. They planned to return to the CRC on April 29th and 30th, to ask again. That didn't happen. So they waited and are now in the process of secretly composing another variance request to be submitted for consideration by the CRC at their November 18th and 19th meetings.

I'm sure the public will be interested the Town has had numerous months to prepare the documents but still wishes to keep them secret. Is the Town worried about anyone seeing this information while they conduct the "public's" business? Evidently.

See Editorial, page 8-A ➤

Editorial

From page 2-A

Transparency in government is paramount and when a local government decides to hide something as simple as a request to a state agency to extend a wooden boardwalk, obviously the curtains have been pulled closed and the windows painted black at Town Hall to keep it a secret.

Someone needs to step in, open the curtains and the let the sun shine in.

Another person requested records of expenses related to this variance request and they were denied. The Town said they're not required to "create" a record that doesn't exist. Unless I'm mistaken, there are things called receipts and invoices. Those are created so other people can get paid. And I'm quite sure those records already exist at Town Hall.

Why the run-around?

I guess the Coastal Resources Commission looks fondly upon those governments that keep their citizens in the dark simply because a group of property owners disagrees with their request for a variance and are trying to use their limited resources to oppose that request. They don't have the same legal budget as the Town.

It was not a problem getting information early before the first variance request. Why is it a problem now?

The Town Council should hold a public hearing and release the information to the public prior to filing the variance with the CRC and let the public weigh in on the issue. Let the public see the variance request and all supporting information in advance, schedule a public hearing and then let Council make a final decision by a public vote whether or not they wish to proceed.

Justify the expense and reasoning behind the request before moving forward. Let the public know how you're going to speak for them before you do it.

ATTACHMENT 1a

ISLAND GAZETTE
SEPT. 9TH, 2015

Editorial: Town To Try Again For Boardwalk Extension

By WILLARD KILLOUGH III
Managing Editor

The Town of Carolina Beach will attempt, again, in November to get a variance to extend our existing brand new 750+ foot long wooden oceanfront boardwalk in the downtown area another 875' feet to the north. They withdrew their last request for a variance when it became apparent the State Coastal Resources Commission (CRC) was not likely to vote in favor of it and they would not be able to return with the same request at a later date. They planned to return to the CRC on April 29th and 30th, to ask again. That didn't happen. So they waited and are now in the process of secretly composing another variance request to be submitted for consideration by the CRC at their November 18th and 19th meetings.

I say secretly because public records requests for information is typically met with responses such as protected legal advice and preparation materials, etc.

That's why using the word "secret" isn't trumping up the situation, it's 100% accurate.

The location of that meeting is to be determined, but it's a good bet it will be out-of-town. Unlike the last one where the Town withdrew their request at a meeting held in downtown Wilmington.

Guess the Town's playing on the old saying, "Location, location, location" only in this context it's to remove the angry resident factor from the equation to improve their odds.

One of the issues last time was opposition from residents living in the area where the extension would cross their ocean views. That's a valid issue for those property owners to raise because ask any other resident living on the oceanfront if they want a wooden walkway built in between their home and the beach and many will say no.

Among numerous claims presented by the Town to justify the extension such as providing additional public access, preserving the environment and others, they claim it will provide additional ADA handicap access to both view and access the beach front. Additionally, it will connect the downtown Boardwalk area to the Town's Marina several blocks away. First, the existing 750+ foot long boardwalk has never experienced a traffic jam of people needing ADA access. It's was more than adequate and more than doubling that area is akin to building a 50-bedroom house for two people.

Second, it will not connect the street to the beach for public access. Standing in the middle of the extension, you'll have to walk over 400' feet in either direction to access Carolina Beach Avenue North at existing access ramps. If the project is so outstanding, why the secrecy? Why hire additional legal counsel? What is the Town hiding from? We'll just have to wait for the government to decide when it's time for us to know what they've been planning.

Attachment 1b

BOARDWALK EXTENSION TALLY

AS OF 9-14-2015

NAME	UNIT #	FOR	AGAINST
Mark and Ann-Marie Richard	132		1 – Unit
Jan Elliott	301		1 – Unit
Karl and Anna Kemper	222		1 – Unit
Larry Edward Holsten	130		1 – Unit
Ollin Manning	307 & 309	2 – Units	
Raymond & Deborah Hine	214		1 – Unit
Alice and John Zachodzki	312		1 – Unit
Amanda Ventura	110		1 – Unit
Lawrence Canning	122		1 – Unit
Sharon Lyons	310		1 – Unit
Dan and Heather McNamara	404		1 – Unit
Martin and Kathleen Ensey	106		1 – Unit
Vivian Corbett	206		1 – Unit
Sarah Underwood	126		1 – Unit
Stephen and Kimberly Ray	213		1 – Unit
Matthew Dunker	107		1 – Unit
Steve Falcone and Rosanne Pritchett	220		1 – Unit
Lynda Buchanan	224		1-Unit
Jeff Tilton	415		1-Unit
Michael Murphy	216 & 409		2 – Units
Trey and Michelle Rogers	308		1 – Unit
Steve and Dorothy Duke	128		1 – Unit
Sherry L. Graham	201 & 313		2 – Units
Scott Rowlings	230		1 – Unit
Mary Lee Voorhees & Charlotte Karnopp	114		1-Unit
Kenneth & Barbara Curl	210		1-Unit

Susan Wallace (Goin Coastal LLC)	303		1-Unit
Kay McClanahan	218	1-Unit	
Joanne Cura	103		1-Unit
Bill and Barbara Kelley	306	1-Unit	
Deborah Byrd	116		1-Unit
Mike Williams	124		1-Unit
Radu Dimitriu	207 & 120		2-Units
Joseph & Lise King	232 & 416		2-Units
Angela & Joe Carrabis	405 & 411		2-Units
Betsy McCorkle	304		1-Unit
Billy Marshal	403, 406, 407, 414, 413		5-Units
Rick and Shauna Johnson	408		1-Unit
Sandra McLaurin	311		1-Unit
Jeff & Susan Tennant	208		1-Unit
Marvin Mann	302		1-Unit
William & Valerie Bitting	101		1-Unit
Joe Turner	228		1-Unit
Carl & Jane Travis	102		1-Unit
Peter Lattner	314	1-Unit	
William Wilson	205		1-Unit
Cheng-Han Feng & David Musick	104		1-Unit
Beatrice Palazzo	410		1-Unit
William Lyon	315		1-Unit
Blake & Peggy Beeson	305		1-Unit
Lynda Gluck	412		1-Unit
Christopher & Lauren Sapikowski	316		1-Unit
Ken and Debra Lane	108		1-Unit
Vincent Scott	112, 118, 203	3-Units	
TOTAL		**8 - Units**	**58 – Units**

Backup documentation will be provided to Braxton Davis to support these responses

Attachment 1c

STANDARDS AND GUIDELINES

EXCERPTS:

15A NCAC 07H .0306 – GENERAL USE STANDARD FOR OCEAN HAZARD AREAS

a) 2 – No development including any portion of a building or structure shall extend ocean ward of the ocean hazard setback distance. (60 Foot Ocean Hazard Set Back).

15A NCAC 07H .0309 – USE STANDARDS OF OCEAN HAZARDS EXCEPTIONS

a) This development shall be permitted only if it is landward of the static vegetation line and involves no alteration or removal of primary or frontal dunes which would compromise the integrity of the dune as a protective landform and has over walks to protect any existing dunes.

15A NCAC 07H .0306 – GENERAL USE STANDARD FOR OCEAN HAZARD AREAS

b) In order to avoid weakening nature of primary and frontal dunes, no development is permitted the removal or relocation of primary or frontal dune sand or vegetation which would adversely affect integrity of dune.

15A NCAC 07H .0308 – SPECIFIC USE STANDARDS FOR OCEAN HAZARD AREAS

(c)(1) Structural accessways shall be permitted across primary dunes so long as they are designed and constructed that entails negligible alteration of the primary dune.

(c)(2)(C) In no case shall an accessway be permitted if it will diminish the dunes capacity as a protective barrier against flooding and erosion.

(attachment 1d)

THE USE OF 5 RAMPS (NON-ELEVATED WALKWAYS CAUSED A DANGEROUS BREAK IN DUNE LINE

APPROPRIATE WALKOVER

Attachment 1e

NEW JERSEY SEA GRANT COLLEGE PROGRAM
MANUAL FOR COASTAL HAZARD MITIGATION
COMPILED BY THOMAS O. HARRINGTON

"This Manual for Coastal Hazard Mitigation introduces the concept of coastal hazard mitigation though community and individual preparedness, identifies the unique hazards associated with living in the coastal zone and provides information for implementing effective hazard reduction efforts."

EXCERPTS FROM HAZARD MITIGATION

COASTAL HAZARD MITIGATION

The proper construction and maintenance of community infrastructure and private property is important to mitigating potential storm damage. There are many ways community and individuals can plan and prepare against coastal hazards:

1. Elevated walkovers should be constructed across dunes to prevent breaks in the dune line.
2. All coastal structures should be designed and constructed by qualified engineers with experience in wind, wave, and flood loading.
3. Variances that increase the vulnerability of private property should not be sought.
4. Coastal residents, property owners and communities should strive to be knowledgeable and aware of the dynamic nature of their environment and the hazards present.
5. Identify all potential hazards, including multi-hazard impacts.
6. Incorporate setbacks from identified high hazard areas.
7. Do not rely on engineering solutions to correct poor planning decisions.
8. Do not overlook the effects of infrastructure location on the hazard vulnerability of building sites.
9. Do not plan development on beaches or dunes.
10. Do not assume that engineering and architectural practices can mitigate all hazards.

Attachment 1f

NEGATIVE IMPACT OF THE BOARDWALK EXTENSION

The two year long battle against the boardwalk extension began with an initial application and two subsequent variances. In the initial application, Phase I (Existing Boardwalk) was approved and Phase II (Boardwalk Extension North) was rejected by the CRC. The second variance (Boardwalk Extension North) was also denied and the third was withdrawn because the vote would not likely be in their favor. Now they have hired a high priced attorney, at taxpayers' expense, to defeat the "little guy" trying to protect his property. This is just another example of a big local government, pushing around the taxpayer and doing what they please. (Ex: Road Diet, Aquarium Pier). It is obvious that TCB will do anything, to anyone, to build this boardwalk extension.

The Town will make you believe that a steady flow of people illegally cross the dunes to justify building a boardwalk. This is just not true! If it does occur, there are fines in place to deal with this problem. It is evident that the building of the boardwalk extension is an attempt at "overkill". The existing boardwalk sufficiently meets the needs of the general public, elderly, and handicapped. The existing boardwalk is 16 feet wide with five non elevated beach accesses making it suitable for the elderly and handicapped. **The boardwalk extension will traverse thru the dunes, causing havoc and mayhem on its way to nowhere**. Currently, they can't even monitor the existing boardwalk. Should we expect anything different? Is it bragging rights they seek?

How does a boardwalk constructed (parallel) to the beach increase access for the general public? Access to the beach is only achieved by building a perpendicular walkway to the beach, not a parallel structure (boardwalk). Building a parallel structure (boardwalk) will only destroy the existing vegetation in the dunes, not safeguard the ecological and aesthetic values of the dunes and be an inherent danger in a major hurricane.

Historically CRC has tried to avoid problems with **hard structures** built along shore line and dunes. The purpose was to eliminate the negative effects of erosion and flooding, balancing the rights of property owners, and the ecological stability of North Carolina beaches. I feel this "thinking" should also apply to the building of a boardwalk in the dunes. A boardwalk built parallel to the ocean, using a ramp instead of a walkover, will have an adverse impact on homeowners exposing them to erosion and flooding.

NO NEED TO BUILD THE BOARDWALK EXTENSION BECAUSE:

- There is at least one perpendicular access every ¼ miles (**1,320 feet**). An additional access area or boardwalk is not needed in the **875 feet** proposed plan.
- Presently, in a two mile stretch. There are 21 perpendicular access areas from the Carolina Beach Pier to the boardwalk. Included in that number are 5 access points at the new existing boardwalk.
- Plenty of perpendicular access areas exists stretching from Freeman Park to Fort Fisher.
- It is great to provide access to the beach, but not when it causes **major congestion**, **parking problems**, and **safety and security issues**. The parking problems that **already** exist will only be exacerbated by the proposed boardwalk north and the proposed hotel development adjacent to the boardwalk.

NEGATIVE IMPACT ON HOMEOWNERS

- The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.
- Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access and views to the ocean.
- Insurance might not cover damage caused by water driven debris.
- An increase of foot traffic, noise levels and loss of privacy.
- Security issues of vandalism and trespassing.
- Elevation of the boardwalk could block homeowners' ocean view.
- A pool privacy fence will have to be installed to provide security and privacy due to the close proximity of the boardwalk. The fence will obstruct the view of homeowners' on the first floor.
- Showers will have to be moved due to the placement of the proposed boardwalk.
- New locked access gates will have to be installed to provide secure access to and from the beach.
- Increased lighting along the boardwalk could obstruct views and cause a spotlight effect and/or glare.
- Will property be devalued or no longer be classified as oceanfront property?

HOMEOWNERS RIGHTS

PROTECTED BY

GENERAL STATUTE:

Per NC General Statues 146-1D (NC Law Review Pages 1462-1467). Two valuable characteristics of oceanfront properties are that property owners have direct access from their land to ocean waters and they have an unobstructed view of scenic waters. This substantiates our littoral rights will be compromised and have legal and factual argument to oppose the boardwalk extension.

HOUSE BILL:

NC General Assembly 1963 Session Chapter 511-House Bill 612 states:

1) No building or structure shall be built and erected on said made and built up land lying east of the building line.

2) Owners of property abutting on said newly made or constructed land shall in front of their said property possess and keep their littoral rights.

Attachment 2

September 23, 2015 Speech at CRC's public forum

Opposition to Boardwalk Extension North at Carolina Beach

My name is Renee Averette Lewis. I am here to once again go on record that The Averette family is opposed to the boardwalk extension north at Carolina Beach. I have spoken to you many times concerning this opposition and please know that the facts haven't changed however there are new facts to share with you concerning why we oppose this extension.

1-The Town of Carolina Beach has no substantiated facts that indicate additional access areas are needed for the general public. The updating of the existing boardwalk, with the five handicapped access areas, are sufficient enough to meet the needs of the public, elderly or handicapped. One interesting fact about these access areas at the current boardwalk is that there are signs that read "Not ADA approved". If the Town feels there is a need for additional accesses for the handicapped, then why does the newly replaced boardwalk not meet the regulations required by the Americans with Disabilities Act?

2-Research and history substantiates that a parallel structure built along the sea coast can and will be compromised during a major storm or hurricane. Even if they alter the width from 16 feet to 8 feet, it will not change the inherent dangers of a parallel structure. Presently, there are 16 walkover beach accesses within a two mile stretch with an additional five non-elevated access at the existing boardwalk. These non-elevated access provide a high probability that inland flooding and erosion will occur due to the weakened dune line.

3-We also find it very interesting that Steve Shuttleworth, a Town of Carolina Beach Council Member, writes on Facebook listing many destructive problems that are occurring on the existing boardwalk. The following is a list of some of the problems that are caused by the lack of monitoring on the existing boardwalk: **(Attachment 2a)**
*Kids and Adults are skateboarding and riding bicycles unmindful of pedestrians.
*Observed open alcoholic containers and people under the influence.
*Graffiti on bench swings.
*Large uncontrolled leashed dogs.
*Swing tethers vandalized.
*Pedestrian lights knocked down or broken.

On June 11, 2015, Steve even posted on Facebook—and these are his words.."Our staff is running out of ideas. We have stepped up police patrol but it has not helped yet." With their inability to monitor these problems, how can we expect that an additional 875 feet boardwalk will be protected? We would experience these same problems right in front of our properties.

4-The Town of Carolina Beach has spent a large amount of taxpayer dollars on seeking approval of this northern extension. Our family made a public records request of the town regarding expenses incurred thus far in seeking approval of the extension. Their attorney, Ms. Noel Fox, responded "that NC law does not require the Town to create a record in order to comply with a public record request. Only existing records are subject to production. After conferring with the Town Clerk and the Town Manager, I am advised that there is no record responsive to your request." We were not asking the Town to create a new record, but simply to retrieve existing

records that reflect how much money has been spent on this project. It seems the Town is trying to hide facts that are public record.

In closing, I would like to thank all the committee members for their time and consideration today. The facts presented confirm that the northern extension is not necessary nor would it add any value. The extension would only create hardship and great expense.

Thank you!!

ATTACHMENT (2a)

Steve Shuttleworth

Carolina Beach, NC · Edited

Boardwalk Damage and Vandalism

Dear Council and Department Heads

We are having significant vandalism issues at the Board...

Swings

The first issues started with the swing tethers. We placed bungee cords on the bottom of the swings to limit people from swinging too high and too hard and damaging the swings. A vandal used knives and cut all of the bungees. We replaced the entire set of bungee's several times then changed to steel cable. The eye bolts holding the cable to the swings were torn out of the wood. We have removed the cable and eye bolts until we can find a system that the vandals will not destroy.

Pedestrian Lights

At the bottom of the ramps leading to the boardwalk we installed pedestrian lights. Attached is a recent picture. Several times a week the lights have been intentionally knocked down and broken. Each time we repair them it costs $250.00 to $500.00. We are looking for ways to improve the existing design on the lights in order to be more stable.

Cigarette Butt Pots

When the vandals are breaking the pedestrian lights they are also breaking the cigarette pots. The pots work great and people are using them. We are going to relocate them away from the lights so they are not a tempting target.

Handrails and Golf Carts

This past weekend we had individuals taking their golf carts onto the boardwalk. The carts ran into the corner ADA handrails and broke several. Attached is another picture. We replaced the attachment brackets and are looking at signage indicating that golf carts are not allowed.

I am giving you this information in hopes that you can give us ideas on how to handle these types of vandalism. Our staff is running out of ideas. We have stepped up police patrol but it has not helped yet. Please let us know if you have some thoughts.

Willis, Angela

To: Davis, Braxton C
Subject: RE: Boardwalk Extension Project

From: Rosanne Pritchett [mailto:rosannepritchett@hotmail.com]
Sent: Monday, October 12, 2015 12:17 PM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Subject: Boardwalk Extension Project

Braxton Davis (Director of CRC)Braxton.davis@ncdenr.gov
October 12, 2015

Rosanne Pritchett, Unit 220, Cabana
RE: Boardwalk Extension Project

Mr. Braxton,

I am writing to you as an owner at Cabana in Carolina Beach and a long time visitor. I am very concerned about the proposed boardwalk extensions. I see no benefit to pedestrian movement north and south of the central boardwalk area. If the use of the sidewalks in front of Cabana is an indication of a need for north south movement and projecting for future growth of 100% (which I don't see happening in the foreseeable future) we should provide for the movement of no more than 8 people every 20 minutes! The boardwalk extension project is a huge expense for such a negligible need don't you think? Look at not only the initial cost of building but also cost of security, upkeep, repairs and electricity. How much does it cost to keep the current lights blazing ALL NIGHT LONG?

About 86% of the owners at Cabana are against this project.

1. It will create light pollution.
2. It will funnel the public toward private residences, creating issues of loss of privacy, security, trespassing and vandalism to many beachfront voting taxpayers.
3. It will weaken the integrity of the berms which we have worked hard to build up as a line of defense against flooding and erosion.
4. It will block direct access from the owners' property and obstructed views of the ocean.

If you are determined to spend money, do so on projects that will fill the greatest need and provide income. Build a parking deck. Build a fishing pier. Develop beach accesses that provide east west movement and which go up and over the berm. Our business district is centralized. Hotels provide beach access to their patrons. The boardwalk would provide north south movement which is not needed!

Sincerely,

Rosanne Pritchett
257 Rocky View Road
Taylorsville, NC 28681
828 244-6580

Willis, Angela

From: Davis, Braxton C
Sent: Monday, October 12, 2015 8:15 AM
To: Willis, Angela
Subject: FW: RESPONSE TO VARIANCE FOR BOARDWALK EXTENSION
Attachments: VARIANCE RESPONSE 2015.docx; Cabana Sign.jpg

From: Ann-marie Richard [mailto:a2richard1217@yahoo.com]
Sent: Sunday, October 11, 2015 12:28 PM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Cc: Ann-marie Richard <a2richard1217@yahoo.com>
Subject: RESPONSE TO VARIANCE FOR BOARDWALK EXTENSION

Dear Mr. Davis:
Please include this memo and picture of opposition regarding the boardwalk extension at Carolina Beach.

Thank you,
Mark Richard

TO: **Braxton Davis, CRC Director**

FROM: **Mark Richard**

SUBJECT: **Opposition to Boardwalk Extension at Carolina Beach, NC**

DATE: **October 12, 2015**

RESPONSE TO VARIANCE PACKAGE 2015

INTRODUCTION

I adamantly oppose the boardwalk extension north to Pelican Lane at Carolina Beach, NC. I am an owner of one of the 76 privately owned Cabana condominiums at Carolina Beach, NC. I conducted a survey of 76 privately owned units at the Cabana to determine how many were **FOR** or **AGAINST** the boardwalk extension. 8 units were **FOR** and 58 were **AGAINST** and **10 UNITS DID NOT REPLY**. Basically, **86%** of homeowners are against the boardwalk extension. The 8 units that are **FOR** the extension consists of 5 people with some having multiple units. Only 1 owner, who owns 3 units (106, 307 and 309) wrote a letter of support for the boardwalk extension. However, many Cabana homeowners will write letters to the CRC (Coastal Resource Commission) and state their opposition to the boardwalk extension.

The **opposition proposes** that the Town of Carolina Beach (TCB) connect the new hotel to the existing boardwalk and stop the boardwalk extension at the northern boundary of the new hotel. If the boardwalk extension is an integral part of the new hotel project, connecting the existing boardwalk with four out of five access ramps that are ADA compliant and making the hotel access ADA compliant, will meet the needs of all concerned. Also, they should upgrade all existing walkovers from the Carolina Beach Pier to the existing boardwalk and make them ADA compliant. This proposal will meet the needs of the general public, elderly, handicapped and the new hotel.

The intention of this letter is to rebuke the new variance package filed with CRC on October 7, 2015. For two plus years, the Town has submitted many variances to extend the boardwalk north that have been either denied or withdrawn when presented to the CRC. Now they have hired, at taxpayers' expense, a high-priced attorney to overpower and overspend their way to approval. Since the last variance was withdrawn, they made **NO** attempt to address any of our legitimate concerns or proposal. Also, they have been secretive to the details of the new variance until it went public on October 7, 2015. How can you trust a local government that is not transparent? Are they working for themselves or the taxpayers they report to serve? In my opinion, here are the reasons for their silence for one full year:

- To secretly hire a high class, high priced attorney.
- To keep the opposition from talking to the CRC at a meeting prior to the vote.
- To keep the opposition from mounting a proper timely defense.

The TCB will say and do anything to convince the CRC that the boardwalk extension is warranted. To make the extension more palatable to the CRC and the public, they even changed the project name to the "DOWNSIZED BOARDWALK EXTENSION". The only difference between the last variance and this current variance is they changed the width from 16 feet to 10 feet. Remember, the last variance had to be withdrawn because the vote on the four variance criteria was not going in their favor. Eliminating bump outs, benches, etc. were all part of the last variance. This is nothing new. They also discussed changing the width of the boardwalk from 16 feet to 8 feet in the last variance. The change of width from 16 feet to 10 feet is the **ONLY CHANGE** and does not warrant a change in the vote by the CRC. They do not meet current guidelines and should be denied again.

The TCB keeps saying that "there are growing pressures to build additional public beach access". They have not provided any justification or factual information that warrants that claim. It is my contention that the new, existing boardwalk and the existing beach access points are sufficient to meet the needs of the general public, elderly and handicapped. There exists 21 beach access points from the Carolina Beach Pier, including the five ramps at the existing boardwalk. Public Access is providing a perpendicular walkway (walkover) to the beach, not a parallel structure like the boardwalk proposed. There is at least one perpendicular access every ¼ mile (1,320 feet). An additional access area is not needed in the 875 feet of the proposed boardwalk extension plan. The problem is the availability of public parking not whether there is sufficient beach access. This parking problem will only be exasperated by the building of the new hotel, which will utilize some of the designated public parking spaces. The existing public parking, even though lacking, is centrally located which provides easy access and flow to adequate sidewalks connecting the boardwalk, marina and oceanfront hotels. A boardwalk is not needed to connect to the marina because people will access the marina directly from the public parking areas. Also, plenty of beach access areas exist stretching from Freeman Park to Fort Fisher. Lack of parking and illegal parking is commonplace, which stretches from Carolina Beach Pier to Fort Fisher.

By building the boardwalk extension, it will cause an undue hardship to the homeowners along the proposed 875 feet. Here are the reasons why:

- Damage to inland structures from water or wind driven debris from the boardwalk due to a major storm or hurricane.
- Safety and security will be compromised when troublemakers hop the boardwalk and enter our gated community.

- Diminished access and views of dunes and ocean.
- Increased noise and littering.
- Decreased privacy due to boardwalk being open 24 hours a day.
- The Cabana will have to relocate showers, have a more difficult access to the beach thru lockable gates, have to install privacy fence around the pool and around the backside of the property to keep trespassers from entering the Cabana's property.
- Since **monitoring the existing boardwalk** is a major problem, who will be responsible for vandals and damages to the proposed boardwalk? Who will be responsible for cleaning up the bottles, bags, cigarette butts along the dunes? Do you want to bring the problems of the streets to the backyard of the homeowners along the 875 foot stretch of boardwalk? This will destroy the serenity, beauty and peacefulness that the ocean and dunes provide.

Supposedly, town code prohibits loitering on the boardwalk and has a noise ordinance Monday thru Friday 11pm to 7am. What about the weekend? This is the worst time for loitering and noise. It is great to have codes, laws and ordinances, but when it is not enforced on the existing boardwalk and the streets of Carolina Beach, then we have a real problem.

RESPONSE TO FOUR VARIANCE CRITERIA

The last three attempts to obtain CRC approval have either been denied or withdrawn. The denial was based on three objectives:

- They did not meet the 60 Foot Ocean Hazard Setback Guideline (15 A NCAC 07H.0306(a).
- The integrity of the dune was compromised (15 A NCAC 07H.0309(a).
- That there were many homeowners living along the 875 feet stretch were opposed to the extension.

The NC General Assembly 1963 Session Chapter 511 or House Bill 612 also states clearly, "that no building or structure shall be built or erected on said made built up land lying east of the building line." There is no street, highway, public square or park being proposed. **Remember, this raised land (due to re-nourishment) is only good until the next major storm or hurricane occurs**. Why go against every hazard mitigation guideline and build a parallel structure (boardwalk) and non-elevated beach access areas in the dunes between the ocean and inland structures? Primary, frontal dunes, and the dune trough should be free of any structures. **Dune lines must be not be disturbed!** (CAMA Handbook will support these claims). Only an environment of ecological growth and a habitat conducive to wildlife should exist. **They state that, "the dune systems are fully recovered and fully vegetated". How far is this from the**

truth? It takes a minimum of five years before the sea oats are capable of stabilizing the dunes. Also, the five ramps built instead of walkovers will provide a spillway for flooding, erosion and storm waves during a major hurricane. Mark my words, the boardwalk business area will be inundated with water, sand and boardwalk debris from the next major hurricane.

All literature pertaining to hazard mitigation states:

- Do not destroy primary and frontal dunes (dune line).
- Do not plan development on beaches or dunes.
- Variances that increase the vulnerability of private property should not be sought.
- Hard structures built in dunes will negatively affect erosion, flooding and storm waves and offset the balance of the dunes and the ecological stability of the dune.
- Elevated walkovers should be used to access the beach (prevent destruction of dune line).

These excerpts are from The Manual of Hazard Mitigation by Thomas Harrington.

Also, per NC General Statues 146-1D (NC Law Review, pages 1462-1467) two valuable characteristics of oceanfront property are the property owners have direct access from their land to ocean waters and they have unobstructed view of scenic ocean waters. Our littoral rights could be compromised and have legal and factual argument to oppose the boardwalk extension.

Our overzealous local government have sunk to a new low by degrading the Cabana Condominiums at Carolina Beach. I guess they feel it is time to try to crush the opposition even though this condo has brought in plenty of revenue for Carolina Beach. Reading this new variance, it seems that TCB likes to live in the past. Presently, the Cabana is not a hotel or condotel. **We operate as 76 privately owned condominium units (see photo of existing sign). Some owners reside here year round, some use it as a second home and others rent their units thru various rental agencies. The Cabana does not have a front desk, a restaurant, a store front, and in no way functions as a hotel/motel.**

The TCB has been untruthful and has misrepresented many facts in their quest to build this boardwalk extension. **First**, they have hired a high-priced attorney (without public approval) to use legalese to scare, overwhelm, intimidate and misdirect the real purpose for the boardwalk extension. Is the current council for TCB incapable of handling this problem? **Second,** in my opinion, this boardwalk is being built for the new hotel, not the residents of Carolina Beach. **Third**, the problem with accessing the beach is parking not the availability of beach access points. **Fourth**, they have been very secretive

about the new variance. A local government is supposed to be transparent and provide documents and information when a citizen requests it. **Fifth**, how often have you heard that it will meet the needs of the general public, senior citizens and handicapped? This is just their ploy to appeal to the sympathetic nature of people and the CRC Commissioners. The existing boardwalk was built for the main purpose of meeting the need of the general public, senior citizens, and the handicapped. The existing boardwalk is more than enough to meet that need. **Sixth**, to state that we would not have usable oceanfront property if not for the taxpayer funded, long-term nourishment project. Give me a break! I am a taxpayer that contributes to this fund. The re-nourishment project is being done to generate funds for the economic development of Carolina Beach. It is not done just for homeowners along the oceanfront. **Seventh**, I think it is all about bragging rights. It is all political so they can say, "See what I have done for you"!

I commend the CRC for denying the TCB variances based on time-tested guidelines, safety for the environment, and concerns for the homeowners directly affected by this intrusion. Desperate people do desperate things. **Now, if the rule or law does not favor the TCB, their philosophy is to change the rule. They are now attempting to change the static line, which will negate the ocean hazard setback rule currently affecting CRC's vote**. Hopefully, after three variances, CRC will recognize the attempt by TCB to **back door** its way to a favorable vote. Why should the static line change, especially since this has not been an issue in any of the other variances? Hopefully, CRC will continue to recognize the negative impact it will have on oceanfront homeowners and stay strong and not change the static line.

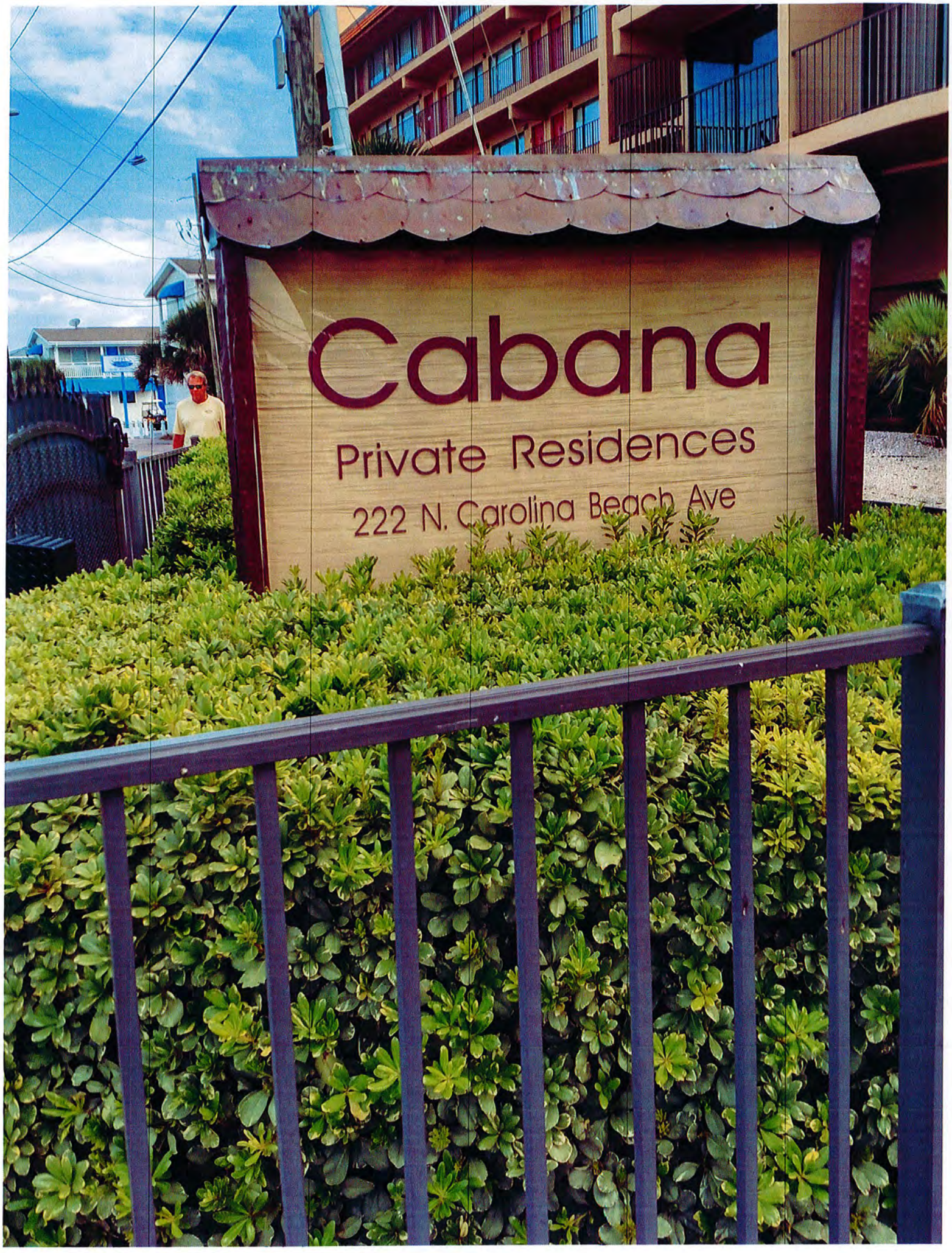
The variance provides 15 letters of support to build the boardwalk extension north. Most supporters of the boardwalk extension are **NOT DIRECTLY AFFECTED** by building the boardwalk extension. In my opinion, they write letters of support because:

- A close alliance with TCB on a regular basis.
- Business gain.
- Increased access to beach for handicapped.
- Friends to TCB Council Members
- Marketing Carolina Beach

All of these responses you would expect!

But how would these supporters respond if they lived oceanfront and they placed a boardwalk in their backyard? Building the boardwalk extension will directly affect the lives, safety and security of the 58 homeowners at the Cabana and the Averette single family residence that oppose the boardwalk extension. **I would think that when the quality of life is affected, it would weigh in favor of the opposition**. I do not negate the need for views and beach access for senior citizens and the handicapped. However, I feel that the 750 foot existing boardwalk, with 4 out of 5 ADA compliant ramps, satisfactorily meets their needs.

Please keep the dunes in their natural state. Others have tried to encroach into the dunes and have failed (Sandy, New Jersey). Consider the long term effects of the decision, and don't set precedence for future development in the dunes. The 100 year storm will prove us right!


Cabana
Private Residences
222 N. Carolina Beach Ave

Willis, Angela

From: Davis, Braxton C
Sent: Monday, October 12, 2015 8:15 AM
To: Willis, Angela
Subject: FW: Opposition of Northern Extension of Boardwalk

From: Mike Williams [mailto:mikewilliams6164@gmail.com]
Sent: Saturday, October 10, 2015 12:05 PM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Subject: Opposition of Northern Extension of Boardwalk

Mr. Braxton Davis
Director
Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28577

Dear Mr. Davis,

I am the owner of Unit 124 in Cabana De Mar in Condominium, Phase 1. The purpose of this email is to indicate that **I DO NOT** support the Northern Extension of the Boardwalk proposed by the Town of Carolina Beach in front of the common area of Cabana De Mar.

Thank you,

Robert Michael Williams
Unit 124, Cabana De Mar

Willis, Angela

From: Davis, Braxton C
Sent: Friday, October 09, 2015 11:34 AM
To: Willis, Angela
Subject: FW: CAROLINA BEACH BOARDWALK EXT - Elevated Walkover
Attachments: Pic 1 Walkway.jpg; Pic 2 Walkway.jpg; Pic 3 Walkway.jpg; Pic 4 Walkway.jpg; Pic 5 Walkway.jpg; Memo Parralle Structure to Braxton.docx

From: Ann-marie Richard [mailto:a2richard1217@yahoo.com]
Sent: Thursday, October 08, 2015 1:10 PM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Cc: Ann-marie Richard <a2richard1217@yahoo.com>
Subject: CAROLINA BEACH BOARDWALK EXT - Elevated Walkover

Mr. Davis:
Please include photographs with the attached document as opposition to the boardwalk extension north at Carolina Beach.

Thanks,
Mark Richard

TO: BRAXTON DAVIS

FROM: MARK RICHARD

SUBJECT: CAROLINA BEACH BOARDWALK EXTENSION NORTH

DATE:

I am adamantly opposed to the building of the boardwalk extension north to Pelican Lane. I feel the research substantiates that any parallel structure, and the use of non-elevated accesses to the beach built along the seacoast can and will be compromised during a tropical storm, hurricane or northeaster. Coastal flooding, waves, high winds, short and long term erosion, storm surges, and seal level rise generated by these storms will have either a destructive or deteriorating effect on a parallel structure (boardwalk) and a non-elevated access to the beach. There is substantial risk to life and property due to hydrostatic and hemodynamics effects of floodwater. Sections of the boardwalk could be undermined, lifting up sections, separating boards and moving them inland. This could be catastrophic to the masonry construction of the Cabana and compromise the complete integrity of the building. Has the Town of Carolina Beach and the Coastal Resource Commission mitigated all the possible hazards and dangers inherent to building this boardwalk on the sand dunes at Carolina Beach?

After reviewing the guidelines in the "**Manual for Coastal Hazard Mitigation**" by Thomas Herrington, it is evident the architectural and engineering of the new boardwalk is severely flawed. The construction has weakened the **dune lines** exposing structures inland to flooding, erosion, and wave attacks. The absence of elevated walkovers reduces the effectiveness of the dune line and directly impacts the parallel boardwalk located behind the berm. The pictures attached depicts the extreme weakness in the dune line and the lack of appropriate vegetation to reduce the flow of water inland. There are five access points to the beach (non-elevated) in a 757 foot area, all cutting through the berm leaving an ineffective dune line.

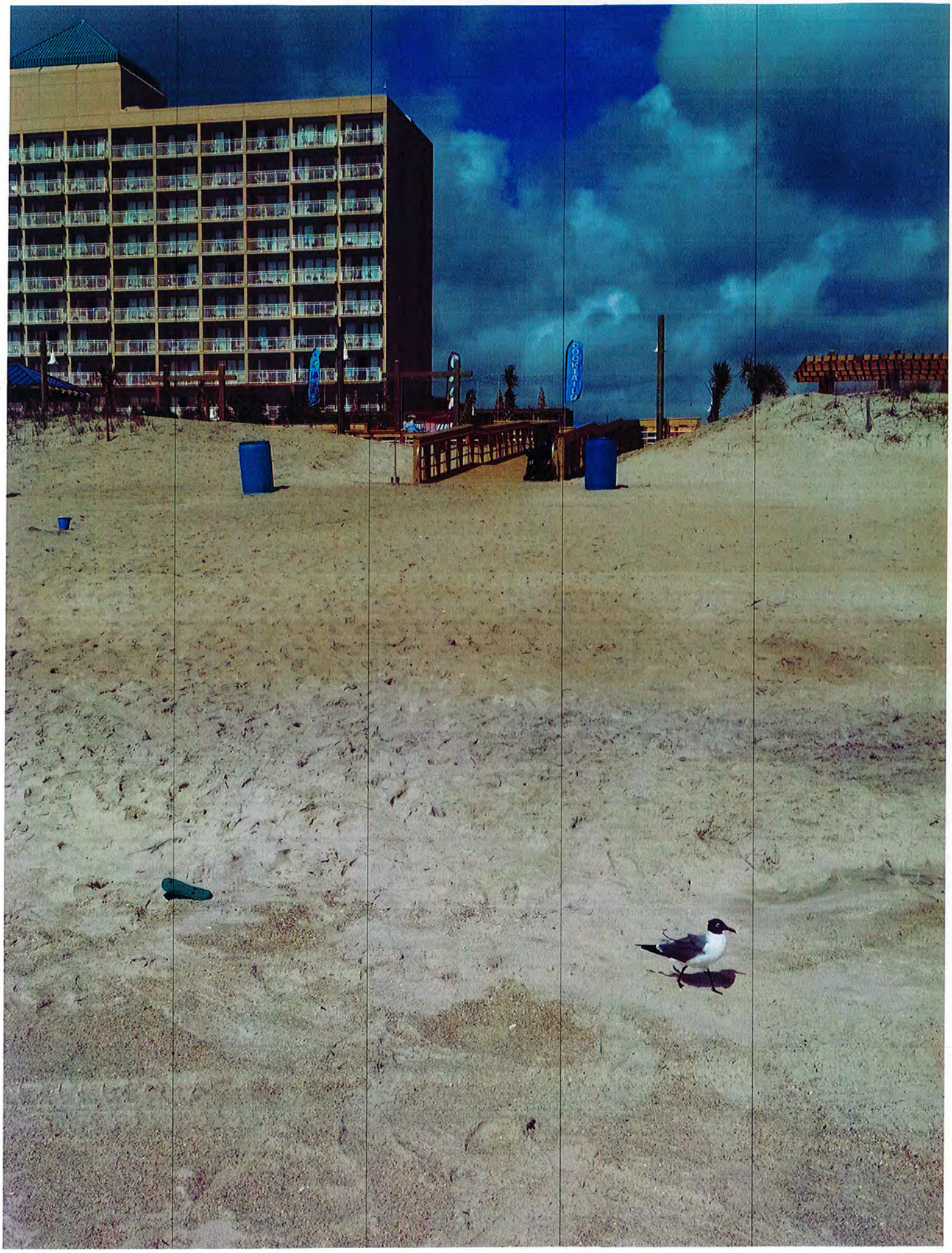
The following are important excerpts from the **"Manual for Coastal Hazard Mitigation"** by Thomas Herrington. These are important guidelines to consider before building any structure on the beach or dunes in our coastal communities.

1. **Do not plan development on beaches or dunes.**
2. Do not assume that engineering and architectural practice can mitigate all hazards.
3. Do not overlook the effects of infrastructure location on the hazard vulnerability of a building site.
4. **Variances that increase the vulnerability of private property should not be sought.**
5. Identify all potential hazards before development.
6. Elevated walkovers should be constructed across dunes to prevent breaks in the dune lines. (See attached Photos).

I point out the weaknesses in the new boardwalk to factually justify why the 875 foot northern boardwalk extension should not be approved. We do not want our properties exposed to the same inherent dangers associated with a boardwalk constructed in the dunes between the ocean and our home.

I feel this manual substantiates our claim that no parallel structure (boardwalk) should be constructed in the coastal dunes, and only elevated walkovers should be permitted. The inherent dangers associated with this project outweighs any benefits.

Please recognize the short and long term danger of this project. Are we ready for the 100 year storm? Have we forgotten what happened to the NJ boardwalk from Hurricane Sandy or damage from Hurricane Hugo? **PLEASE STOP THIS NOW!**


COCKTAILS


DO
NOT
MOVE

Willis, Angela

From: Davis, Braxton C
Sent: Friday, October 09, 2015 11:34 AM
To: Willis, Angela
Subject: FW: Boardwalk Extension behind Cabana de Mar Carolina Beach-- owner unit #122

From: lawrence canning [mailto:lcanningbear@yahoo.com]
Sent: Thursday, October 08, 2015 11:56 AM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Cc: Ann-marie Richard <a2richard1217@yahoo.com>
Subject: Boardwalk Extension behind Cabana de Mar Carolina Beach-- owner unit #122

Dear Mr. Davis,

I am a long term owner of unit 122 in the Cabana de Mar since 2000 and have been a resident of the property since 2006. I am a grateful proud resident citizen of the Cabana and Carolina Beach. I believe the exciting gentrification of the boardwalk is much needed for quality of life and of course for property values as well.
However, I truly believe the boardwalk extension behind the Cabana is unnecessary, won't add to property values and will be an eyesore to me and the other residents. Currently, I have a world class view of the dunes, ocean and sky. In fact, I bought the condominium for the view since moving from Atlanta and to escape the urban blight of city living. My friends and family visit and absolutely fall in love with my view, my set up and quite frankly my easy going existence at the Cabana. I cherish the beautiful landscape and un-commercialized view of the Cabana. When I want to participate in the crowd, I can easily walk down to the boardwalk. Having the boardwalk in my backyard is quite troubling and will disrupt the beautiful beach dune landscape. I strongly urge you to vote AGAINST the boardwalk extension behind the Cabana. I am available for comment or may discuss this matter at your convenience.

Respectfully Submitted,

Lawrence A. Canning
222 Carolina Beach Ave. N unit #122
Carolina Beach, NC 28428
c 404-449-5628

Willis, Angela

From: Davis, Braxton C
Sent: Thursday, October 22, 2015 8:12 AM
To: Willis, Angela
Subject: FW: Carolina Beach

From: Bruce Shell [mailto:bruce.shell@nhcs.net]
Sent: Wednesday, October 21, 2015 10:13 PM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Subject: Carolina Beach

Dr. Davis:

My name is Bruce Shell. I served New Hanover County as its manager, retiring in 2012. Afterwards, I served Carolina Beach as an Interim Manager and assisted them in adopting their budget for fiscal year 2013-14. I am currently a member of New Hanover County's Board of Education. I have worked with coastal issues for many years including beach renourishment and economic development projects in New Hanover County.

I want to express my support for Carolina Beach's effort to complete a very positive boardwalk project. Public discussions and diligence to maximize use by all remain a priority. The benefits to the handicapped, general public, and visitors is significant. The ability to loop the downtown beach with the ocean front and marina area provides safety, commerce, and positive use for all. Carolina Beach has made it a priority to have enhanced public access of the beaches. Commerce from this project benefits state and local government from the creation of additional jobs and sales tax distribution.

The Town has utilized matching grants with its own funds and New Hanover County to bring this special project to reality. I ask for your support. If you would desire to talk with me further my number is 910 619-7188. Thank you.

Sincerely,

Bruce Shell

--

Willis, Angela

From:	Louinice Motsinger <dmotsinger@triad.rr.com>
Sent:	Thursday, October 22, 2015 7:15 PM
To:	Willis, Angela
Subject:	Carolina Beach Boardwalk ramps to beach
Attachments:	IMG_0982.JPG; ATT00001.txt; IMG_1108.JPG; ATT00002.txt; IMG_1113.JPG; ATT00003.txt; IMG_1121.JPG; ATT00004.txt

Dear Member of Coastal Resources Commission,

The first photo is of a ramp to the beach from the Boardwalk in Carolina Beach, taken on Aug. 18, 2015.

The next 3 photos were taken on Oct. 3 & 4, 2015 during a northeaster at high tide. Note that the waves are coming up on the ramps and past the water spigot at the end of a ramp.

We can only image how far the waves would come inland during a hurricane and what damage they would do.

I am opposed to the boardwalk extension north in Carolina Beach because these photos show the potential damage that could occur to structures west of the boardwalk.

Thank you.

Donald Motsinger

Willis, Angela

From: Lane Cathy <s.cathy.lane@gmail.com>
Sent: Monday, October 26, 2015 9:59 AM
To: Willis, Angela
Subject: Boardwalk Extension

Attachments available until Nov 25, 2015

Angela,

I told Renee Lewis I would send a pdf of my comments from the September CRC meeting. No need for you to spend time scanning them. There are two attached files, my comments (pdf) and a zip file with the photos referenced in the letter. I am sure you know how to do this but, click on the zip file and it should open to a pdf file on your desk top. Then just click on that icon to open. Let me know if the photo file does not open and I will have to send in separate email since the file is large.

Please know how much all of us appreciate your help and information as we fight the extension.

Cathy Lane
President, Boardwalk HOA
Carolina Beach NC
s.cathy.lane@gmail.com

Click to Download

Letter to CRC.pdf
26 KB

Click to Download

Photos boardwalk ext.zip
119.4 MB

September 23, 2015

Members of the Coastal Resources Commission:

My name is Cathy Lane and I live at 115 Carolina Beach Avenue, South, Unit 201, Carolina Beach NC. My family has been a part of Carolina Beach since the mid-forties just after my daddy was discharged from the Army. And I have owned property here since 2002.

They say a picture says a thousand words so I have before you photos of the boardwalk in the CBD while it was under construction.

Page 1 - Early stages of vegetation and dune removal

Pages 2 - Construction

Page 3 - Depth of dune removal

Page 4 - Before and after. Note thin line of vegetation near beach

Page 5/6 - Sand was pushed from the dunes onto the beach.

Page 6/7 - In a sitting or standing position, you cannot see the beach.

Page 8 - Sand on the walks after Ana. Until the vegetation can mature (five years according to Mr. Gorham), what will a hurricane do?

These photos speak volumes as to the environmental impact of this project. We can talk about the legality of placing this in front of private residences or littoral rights until we are blue in the face. Just as important as the rights of private property owners are is the sheer destruction the Town of Carolina Beach is doing to this very fragile area. To allow them to continue another eight hundred plus yards is just unconscionable.

The environmental impact of this project will last for years. Please do not grant the Town of Carolina Beach a variance that will destroy more of our beautiful beach, destroy turtle nesting grounds and, in the balance of things, will do little to add to the enjoyment of the public. Is it pretty? Absolutely! Is it worth the environmental damage? I don't think so.

Cathy Lane
President, Boardwalk HOA
115 Carolina Beach Avenue South, Unit 201
Carolina Beach NC
919-818-3749
s.cathy.lane@gmail.com

Removal of vegetation

Various stages of construction

Depth of dune removal

Before and after

Pushing sand onto the beach

Great view of beach/ocean

Walks after Ana

Willis, Angela

From: Lynda Buchanan <lynbuc11@yahoo.com>
Sent: Monday, October 26, 2015 9:30 AM
To: Davis, Braxton C
Cc: Willis, Angela
Subject: Carolina Beach Boardwalk Extension

Dear Mr. Davis:

I am a homeowner at Cabana in Carolina Beach. This is an oceanfront, 76 unit condominium comprised of private owners. I am writing to express my concerns regarding the northern boardwalk extension which is being planned by the Town of Carolina Beach.

I bought my oceanfront condo for the beautiful and unobstructed view of and access to the ocean. I strongly object to having the boardwalk extended across the front of Cabana as it would destroy both of these desirable assets. The newest section of the boardwalk has already experienced vandalism and extending it further down the beach would bring that as well as other security, noise, privacy, and lighting concerns to private property owners. I am also concerned that such an enormous, elevated structure running horizontal to the ocean will eventually result in major damage to Cabana when the next hurricane or major storm hits.

Mark Richards presented a well-researched speech to the CRC on September 23 with documents and excerpts from documents showing guidelines designed by the CRC to protect the integrity of the dunes. I agree with his findings that the newest section of the boardwalk constructed by the Town of Carolina Beach, did not meet the CRC guidelines pertaining to the ocean hazard setback and the protection and integrity of the dune. We can expect that the proposed northern extension will compromise the dune in the same manner and increase the vulnerability of 76 private property owners at Cabana and the single family residence of the Averett's.

If the Carolina Beach northern boardwalk extension is approved by the CRC, it will set a precedence for construction of these type structures along the whole coast of North Carolina.

Thank you for your attention. I look forward to your response acknowledging receipt of this email.

Sincerely,

Lynda Buchanan

October 23, 2015

Dear Dr. Davis:

I am sending this letter in support of the Carolina Beach Boardwalk Extension project. It would be so nice to have a safe place for people to be able to walk to the Boardwalk for food and entertainment.

Before any decisions are made regarding the extension, I hope the people that vote on this very important issue will take the time to visit our Boardwalk. The people that have objections to the extension need to realize that they do not own the dunes or the ocean view. The extension does not interfere with their views of the ocean at all. I hope you would vote what is best for the Town of Carolina Beach and not just a handful of homeowners. (I don't think you are voted to be in your positions so you don't have to worry about being re-elected).

I want to give you a little of my history regarding "The Boardwalk". I have been coming to Carolina Beach since 1952 with my parents to visit my aunt and cousins.. Every day we would pack up and go to the beach for a few hours and then back to my aunts to rest up for an evening at the "Boardwalk". What a fun time with the Ferris wheel that went out over the ocean, the best "snow balls" you had ever tasted, the people, the music .and the wonderful boardwalk where one could sit, smell and sea the ocean. Those were the days.

When I finally retired in 2004, my wife and I moved to what I think is the most beautiful place on the east coast, Carolina Beach. I am sure the wonderful happy memories of the boardwalk brought me back. It was a different Boardwalk in 1952 compared to 2004 and to what it is today...

When we went to the Boardwalk in 2004 and with the exception of the Hula Grille that had been recently built on the ocean side of "The Plaza", the Boardwalk was pretty much a mess. A lot of empty buildings, buildings in disrepair and in a word it was a sad sight. Then, it was "reborn", thanks to a Council that took some interest in revitalizing our CBD. Another major help in the revitalization came from volunteers who had dreams of the way it used to be and what it could be. Shortly after July 2004, there was an investor who also had the dream, and bought and remodeled a building across from the arcade and made it a restaurant called "The Blackthorn" It was a great place to meet people and eat. With a newly remodeled building and new clientele, the boardwalk started to change with owners of businesses taking pride in their establishments in updating and remodeling...it was looking good and we were proud of the way the Boardwalk was changing.

Then the child was born, the dream came true....the NEW BOARDWALK, oh my gosh...it is beautiful! Who would have imagined it could look like it does. I saw renderings of what it was suppose to look like and I dare say it is more beautiful than the renderings ever expressed. Our Boardwalk is a place where one would be so so proud to take visitors. I have passed Visitors saying how shocked, surprised and pleased they are with the improvements. The business owners say their sales have increased thanks to the new Boardwalk.

If you have a chance, please come down and visit Christmas by the Sea event on the Boardwalk which runs from the day after Thanksgiving thru New Years. If you haven't been to the function, you should. You could kill two birds with one stone and please vote YES for the Boardwalk extension.

I hope you have a great day and if you have any questions, please feel free to call me at 910-409-9755.

Sincerely,

Fred Grady

From Lou Motsinger

Willis, Angela

From: Staples Copy Center #1824 <cc1824@staplescopycenter.com>
Sent: Monday, October 26, 2015 11:06 AM
To: Willis, Angela
Attachments: img-X26105026.pdf; img-X26104952.pdf

Now Marketing Materials 50% Off!!

Staples Copy & Print Center
5613 Carolina Beach Road
Wilmington, NC 28412
Tel: (910) 313-3160
Fax: (910) 313-6659

PUBLIC BEACH AND COASTAL WATERFRONT ACCESS PROGRAM

NC COASTAL MANAGEMENT PROGRAM

FINAL APPLICATION
2013 Cycle
North Carolina Public Beach and Coastal Waterfront Access Program

Please complete a separate application for each proposed project and submit two (2) printed copies and one (1) cd with digital files to your DCM District Planner.

This application is also available online at: http://www.nccoastalmanagement.net. Click on the link to "Beach & Waterfront Access".

Local Government: Town of Carolina Beach

Federal ID #: __56-6001193____

Lead Elected Official:
Bob Lewis

Title: ____Mayor_____

Address: _1121 N. Lake Park Blvd._____
_____Carolina Beach, N.C. 28428_____

Local Administrator of this Project:
Bruce Shell_____

Title: _Interim Town Manager_____

Address: _1121 N. Lake Park Blvd. _____
_____Carolina Beach, N.C. 28428 _____

Phone: 910-458-2994_____

Fax: ___910-458-2997_____

Email Address:_bruce.shell@carolinabeach.org ____

Signature: _____

Name (print):___Bruce Shell _____

Date:_____6/30/2013_____

Project Name: Carolina beach Boardwalk Improvement Project_____

Is this an ongoing project (for example, Phase II of a previously funded project, or improvement to an existing project)?

Yes: ___X___ No: _____

If yes, please describe: _Phase 1 is extension of the existing Boardwalk north to the Pelican Lane public access. Phase 2 is replacement of the existing Boardwalk. A possible future Phase 3 has been discussed extending south to Hamlet Ave., but is not part of this application._____

Project Type: __Regional_____
(Local, Neighborhood, Regional, Urban Waterfront Redevelopment)

Land Acquisition: Yes: _____ No: ___X___

Site Improvements: Yes: __X____ No: _____

Previous DCM Access Grant Recipient: Yes:_X__ No:___
If Yes, When:_____ How Many:_____
2007 – Beach Restroom Renovation - $15,000
2001 – Kayak Launch - $22,500

Additional Project Costs and Funding Sources NOT included in this proposal (if applicable):

*Cost $*_____ *Source:*_____

*Cost $*_____ *Source:*_____

*Cost $*_____ *Source:*_____

Budget Totals and Financial Assistance Requested: *Provide information from Summary Budget.*

Application Budget Total:

1. DCM Grant Assistance Requested $_637,630_____
2. Local Contribution $_917,605_____

Local Cash: $667,605_____

2 Egress ramps, Carolina Beach Public Boardwalk
Photos taken on Aug. 18, 2015

My name is Donald Motsinger and thank you for allowing me to speak

Our oceanfront property in Carolina Beach is located about 100 feet from the southern terminus of the boardwalk. Having spent most of this past summer in Carolina Beach, my wife and I walked on the boardwalk almost every morning and evening and living so close, we easily can see what happens there.

We often observed people riding bikes, having dogs, sometimes not on leashes, and young people riding skateboards. A skateboard on wood makes a lot of racket. Open alcoholic beverages were common, especially on Fri. and Sat. evenings. All of this occurs in plain view of town employees. We observed that if there are police in the boardwalk area, they are almost never up on the wooden boardwalk, but are in the area of shops, restaurants, bars, and nearby amusement rides. Also, we observed people who appeared to be homeless loitering and sleeping at night. We have been told by a town employee that the town policy is to try to do nothing that would irritate or annoy a tourist. And we understand that the town plans to put cameras on the boardwalk because of vandalism occurring there.

There are now 7 egresses from the west which includes 4 wide handicap accessible ramps and 3 sets of steps. There are 5 handicap accessible access ramps to the beach. One of the 7 ramps from the west and one of the 5 ramps to the beach is located at the northern terminus of the present boardwalk and very near a public parking lot. I have included photos of them in my hand out.

An extension north of 875 feet would go in its entirety in front of private properties. Therefore, it would not be possible to add an additional egress from the street to the beach to increase access as the town claims. A person standing in the center of the extended boardwalk would have to walk either north or south over 400 feet to reach a street egress. I have included a map showing this in my hand out. Notice that phase 3 is a possible extension south to Hamlet Ave.

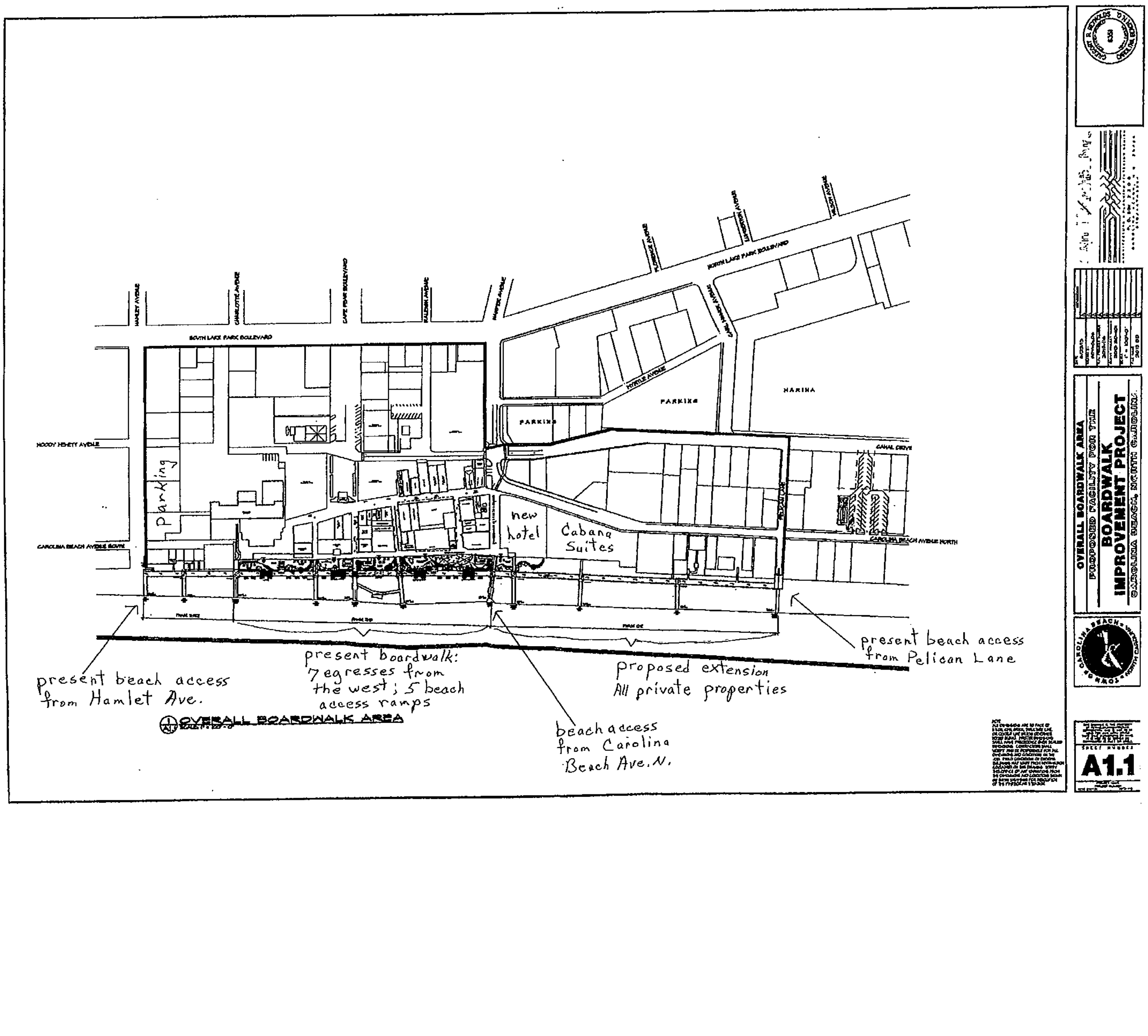
Even if constructed to withstand 139 miles an hour winds, the greatest danger in a hurricane would be the storm surge breaking up the boardwalk. We know what happened in Atlantic City.

Try spreading your fingers in front of you and looking through them. Most owners of oceanfront property where there is a public boardwalk would have the same view of the ocean as looking through your fingers. My attorney tells me that littoral rights include unobstructed views of the ocean.

I ask that you not allow this precedence of permitting a public boardwalk parallel to the ocean and in front of private oceanfront residences.

Thank you.

Donald Motsinger



HAMLET AVENUE
CHARLOTTE AVENUE
CAPE FEAR BOULEVARD
RALEIGH AVENUE
HARPER AVENUE
SOUTH LAKE PARK BOULEVARD
NORTH LAKE PARK BOULEVARD
FLORENCE AVENUE
LUMBERTON AVENUE
WILSON AVENUE
MYRTLE AVENUE
CAROLINA BEACH AVENUE SOUTH
CAROLINA BEACH AVENUE NORTH
CANAL DRIVE
PARKING
PARKING
MARINA
Parking
new hotel
Cabana Suites
present beach access from Hamlet Ave.
present boardwalk: 7 egresses from the west; 5 beach access ramps
beach access from Carolina Beach Ave. N.
proposed extension All private properties
present beach access from Pelican Lane
OVERALL BOARDWALK AREA
OVERALL BOARDWALK AREA
PROPOSED FACILITY FOR THE
BOARDWALK IMPROVEMENT PROJECT
CAROLINA BEACH, NORTH CAROLINA
TOWN OF CAROLINA BEACH NORTH CAROLINA
A1.1

Willis, Angela

From: Hewitt.patty <hewitt.patty@gmail.com>
Sent: Monday, October 26, 2015 5:29 PM
To: Willis, Angela
Subject: Carolina Beach BOARDWALK EXTENSION

Please consider the proposed Carolina Beach Boardwalk a negative impact on Pleasure Island.

Patricia Hewitt
13 year resident

Sent from my iPhone

Willis, Angela

From: Davis, Braxton C
Sent: Tuesday, October 27, 2015 8:11 AM
To: Willis, Angela
Subject: FW: Carolina Beach Boardwalk Extension

From: Debra LeCompte [mailto:debra.e.lecompte@gmail.com]
Sent: Monday, October 26, 2015 10:05 PM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Subject: Carolina Beach Boardwalk Extension

Dr. Davis:

My name is Debra LeCompte. My family and I have called Carolina Beach our home since 2003. I own & operate Sunrise Express Laundry and I am an ordained wedding officiant. I volunteer for several town committees and was recently appointed to Police Advisory.

I want to express my support for Carolina Beach's effort to complete a very positive boardwalk project. The benefits to the handicapped, general public, and visitors is significant. The ability to loop the downtown beach with the ocean front and marina area provides safety, commerce, and positive use for all. Carolina Beach has made it a priority to have enhanced public access of the beaches. Commerce from this project benefits state and local government from the creation of additional jobs and sales tax distribution.

The Town has utilized matching grants with its own funds and New Hanover County to bring this special project to reality. I ask for your support. Thank you.

Sincerely,

Debra LeCompte
307 Charlotte Avenue
Carolina Beach, NC 28428
(910) 471-7545

Willis, Angela

From: Davis, Braxton C
Sent: Tuesday, October 27, 2015 8:12 AM
To: Willis, Angela
Subject: FW: Copy of Letter to the Editor of the Island Gazette
Attachments: Mr. Reynolds Boardwalk Plans.pdf; ATT00001.txt

-----Original Message-----
From: Alice Zachodzki [mailto:azmanor@aol.com]
Sent: Monday, October 26, 2015 8:17 PM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Subject: Copy of Letter to the Editor of the Island Gazette

Mr. Davis,
Below is a copy of a Letter to the Editor that I sent to the Island Gazette. I do not know whether it will be printed in the Wednesday newspaper, but I wanted to make sure the content of my Letter to the Editor is included in the Carolina Beach variance package. Please confirm that you received this email and that you are able to open this pdf file. Thank you.
Alice

Dear Editor,
Once again the Town is pursuing a CRC variance for the Boardwalk northern extension. This near obsessive action occurring after three previous failures. The new variance document includes a grand total of 16 letters in support of the extension, most from civic, social, special interest organizations, and non-profits. Only one directly affected private property owner is included. The letter submitted by the local Chamber of Commerce offers some of the most interesting and revealing content. This letter was written by Mr. Greg Reynolds the Executive Director of the Chamber. Mr. Reynolds also happens to be the Architect of Record for the entire Boardwalk project. This is a rather cozy arrangement and indicates the self anointed movers and shakers of this project can't even spell "conflict of interest" let alone integrate the concept into their moral compass.
Mr. Reynolds' letter is of interest since it lays out an overview of a "Master Plan" the inner circle hopes to inflict upon the Town to fit their singular vision. The following excerpts are offered as examples of the outlook only a Chamber Director could love.

Mr.Reynolds writes:
"When the subject of an extended Boardwalk was brought before our Board over a year ago, we unanimously endorsed the project as well as recommended an extension to the south connecting the Carolina Beach Lake Park to the Central Business District and finally to the Municipal Marina."

"If we are to compete with beach towns to the north[Virginia Beach, Ocean City] and to the South [Myrtle Beach, Charleston] we have to give then something special and unique besides Britts Donuts! This extended boardwalk is just the ticket!"

If you think tearing up of thousands of feet of pristine dune line for the purpose of competing with and becoming like the above listed beach towns is not in the best interest of Carolina Beach residents or visitors, please write to the Coastal Resources Commission (CRC) expressing your opposition to the northern extension by November 2nd, because if it is approved the southern extension won't be far behind. Please email or write you comments:

Address email to Braxton Davis (Director of Coastal Resource Commission)
Then email to: Braxton.Davis@ncdenr.gov

Mail letters to:
Braxton Davis, Director of Coastal Resource Commission
400 Commerce Ave.
Morehead City, NC 28557

Respectfully,
Alice Zachodzki
Carolina Beach
704-604-5102

Willis, Angela

From: Cathy Lane <s.cathy.lane@gmail.com>
Sent: Tuesday, October 27, 2015 10:01 AM
To: Willis, Angela
Subject: Carolina Beach - Comment by Steve Shuttleworth

Angela,

Mr. Gorham might enjoy this comment by Steve made on a FaceBook page called
PAC To Keep BS Out Of CB Politics - Frank Gorham is not an expert int he feild he is an oil developer who lives on figure 8 and a political appointee to the CRC.

I am quite sure Frank would like to know how this councilman feels about his credentials and those of the other commission members. This is just the typical attitude of the current CB Town Council toward anyone that disagrees with them. If it were me, I don't think I would be making that kind of comment about someone from whom I was seeding support.

Cathy Lane
s.cathy.lane@gmail.com

Willis, Angela

From: Susan Pierce <susanapierce@bellsouth.net>
Sent: Tuesday, October 27, 2015 10:30 AM
To: Willis, Angela
Subject: Town of Carolina Beach opposition letters
Attachments: CRC letter October 2015.doc; Town of Carolina Beach Building Line Act of 1963.pdf; Editor letter Oct. 2015.docx

Good morning Angela,

Hope you are doing well and having a good Tuesday so far. I want to take a minute and thank you so much for all your hard work and help you have provided us in our fight. You are truly a blessing. No matter how this turns out - how the vote on this variance request goes in November - we would have never made it this far without your kindness, support and help. We are so grateful!

I have attached three documents to this e-mail that I would like included in the packet for all the commission members. All three letters are in opposition of the town's request to extend the boardwalk.

If you have any questions, please feel free to contact me. We look forward to seeing you at the meetings in November.

Thanks again,
Susan Averette Pierce

October 27, 2015

Mr. Braxton Davis
Director, Division of Coastal Management
Coastal Resources Commission
400 Commerce Avenue
Morehead City, NC 28557

Dear Mr. Davis,

The Averette Family would like to thank you and all the members of the Coastal Resources Commission for your tireless efforts on behalf of our coastal communities. The constant variance requests from the Town of Carolina Beach to build an extension of the existing boardwalk is costly – time, money, etc. We appreciate the commission's unwavering efforts to weigh all the facts and make the best decisions for the betterment of our coastal town and its citizens.

We would like to re-submit a letter to the CRC in opposition to the Carolina Beach boardwalk extension that was originally submitted on April 10, 2014. The facts stated in this letter are still pertinent to oppose the current variance request made by the Town of Carolina Beach. Specifically, please note that the "Carolina Beach Building Line Act of 1963 does not allow any building or structure to be built in the area lying east of the established line (please see the attached Act)." You may find this information in the second paragraph on the second page of the Act.

Also, I would like to submit to the commission a letter written to the editor of the Island Gazette (the local newspaper on Pleasure Island). This letter was printed in the October 21, 2015 edition of the paper. The facts stated in the letter pertain to the secretive acts of the mayor and council members of the town and their refusal to share records with the citizens that are public record and pertain to the town's numerous variance requests.

Again, we are appreciative of your service to our many coastal communities. We look forward to the commission's meetings in November and we ask that you remain mindful of the concerns of the citizens and, taking all the facts into consideration, once again decline the variance request made by the town.

Sincerely,
Susan Averette Pierce and the Averette Family

Attachments:
Town of Carolina Beach Building Line Act of 1963
Editor Letter October 2015

NORTH CAROLINA GENERAL ASSEMBLY
1963 SESSION

CHAPTER 511
HOUSE BILL 612

AN ACT RELATING TO THE TITLE TO THE LAND BUILT UP AND CONSTRUCTED IN THE TOWN OF CAROLINA BEACH IN THE COUNTY OF NEW HANOVER AS A RESULT OF CERTAIN EROSION CONTROL WORK IN SAID TOWN.

WHEREAS, during the course of many years in the Town of Carolina Beach, in the County of New Hanover, North Carolina, much of the land abutting and fronting on the Atlantic Ocean in said town formerly belonging to various property owners has been and is now being washed away by successive storms, tides and winds; and

WHEREAS, the said Town of Carolina Beach, with aid from the State of North Carolina, the United States Government, and with its own funds, has from time to time made available funds with which to control the erosion caused by said tides and winds and other causes, and to that end the said town has pumped sand from Myrtle Grove Sound and also pushed up sand and hauled sand, and as a result thereof there has been, is now, and will be made and constructed new land on the ocean front of said town which will change the ordinary and usual low water mark of the waters of the Atlantic Ocean along the front of said town, and when the work has been completed the question will arise as to whom title to the said new land shall belong; and

WHEREAS, it is the desire of the authorities of the Town of Carolina Beach, as well as the State of North Carolina, to fix and define the title to such new land and to fix and determine its use, and to further define the littoral rights of the property owners abutting on the ocean front which will be destroyed or taken by and through the making of such new made lands: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. All land filled in, restored, and made, and to be filled in, restored, and made, as the result of the recitals in the preamble to this Act, which will exist between the present eastern property line of the lot owners at present bordering on said ocean and the low water mark of the Atlantic Ocean after the work referred to in the preamble hereof is completed, shall be within the corporate limits of the Town of Carolina Beach and so much of said lands so filled in, restored and made which will lie West of "the building line" to be defined and determined by Section 2 of this Act, is hereby granted and conveyed in fee simple to the land owner, to the extent that his land abuts thereon, and the balance of said land lying East of said "building line" to be fixed and determined by Section 2 of this Act is hereby granted and conveyed in fee simple to

the Town of Carolina Beach, provided, however, that no building or structure shall be built and erected on said made and built-up land lying East of "the building line" to be defined and set out in Section 2 of this Act, and provided further that all made and constructed land lying East of "the building line" shall be at all times kept open for the purpose of street and highways for the use of the public and further for the development and uses as a public square or park, as the governing authorities of the Town of Carolina Beach by ordinance shall determine; and provided further that if any such property as is hereby granted and conveyed to the Town of Carolina Beach shall cease to be used for the purposes or in the manner prescribed in this Act, it shall revert and become the property of the State of North Carolina, and provided further that the owners of the property abutting on said newly made or constructed land, shall, in front of their said property possess and keep their rights, as if littoral owners, in the waters of the Atlantic Ocean, bordering on said newly acquired and constructed land.

Sec. 2. Within thirty (30) days from the date of the completion of said work to be carried on by the Town of Carolina Beach and referred to in the preamble hereof, the said Town of Carolina Beach shall, at its own cost, survey or have surveyed by a competent engineer a line to be known as "the building line", and which shall constitute and define "the building line" referred to in Section 1 of this Act, and which shall run the full length of the beach within the town limits, and after "the building line" shall have been surveyed and fixed and determined, the said authorities of the Town of Carolina Beach shall immediately cause to be prepared a map showing, fixing, and determining "the building line", which map so prepared shall be immediately recorded in the office of the Register of Deeds of New Hanover County in a map book kept for said purposes, after the engineer has appended an oath to the effect that said line has been truly and properly surveyed and laid out and marked on said map, and the register of deeds shall properly index and cross-index said map, and when so recorded in said map book or entered or placed therein, in lieu of inserting a transcript thereof, and indexed, the said map shall be competent and prima facie evidence of the facts thereon, without other or further proof of the making of said map, and shall conclusively fix and determine "the building line" referred to in Section 1 of this Act.

Sec. 3. Any property owner or claimant of land who is in any manner affected by the provisions of this Act, and who does not bring suit against the Town of Carolina Beach, or assert such claims by filing notice thereof with the governing body of the town, either or both, as the case may be, or any claimant thereto under the provisions of this Act, or their successor or successors in title, within six (6) months after "the building line" is surveyed and established, and the map thereof recorded, as provided for herein, shall be conclusively presumed to have acquiesced in, and to have accepted the terms and conditions hereof, and to have abandoned any claim, right, title or interest in and to the territory immediately affected by and through or as a result of the doing of act or acts or thing or things herein mentioned, and shall be forever bound from maintaining any action for redress upon such claim.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1963.

Dear Editor and fellow citizens & tax payers of Carolina Beach,

Your Money.... Your Vote!!

The Town's continuous reckless spending of your tax-payer dollars is getting ridiculous! Did you realize that the town has officially sought the approval of the northern extension of the boardwalk since January 2014? Many citizens are opposed to this boardwalk extension that will be constructed between private property and the beach. The extension is not needed and will bring no value to the town - only expense. The town cannot currently keep up with the vandalism on the existing boardwalk. They have continued to seek approval for the extension, and have been denied, in February, May, June and October of 2014. Each time they seek approval, more of the town's money, your money, is being spent. When the mayor and council members attend the Coastal Resources Commission (CRC) meetings seeking approval of a variance in order to build the boardwalk extension, a hefty bill is incurred. More times than not, the meetings are out of town and travel is required. Enough is enough!

I made a public records request of the town on August 25, 2015 asking for the total expenses incurred by the town in their continuous attempts to acquire approval of the extension. These expenses include but are not limited to monies spent on meals, lodging, gas, reimbursements, overtime hours, filing fees, legal billing, etc. I received a letter from the town's attorney, Noel Fox, on September 8, 2015. Their answer was no - no they would not give me any information! Quoting Ms. Fox's letter she states, "NC law doesn't require the Town to create a record in order to comply with public record requests. Only existing records are subject to production. After conferring with the Town Clerk and the Town Manager, I am advised that there is no record responsive to your request." This implies that the town doesn't keep receipts/records of their expenses and will not release information that is public record to the public!

Elected officials, the mayor and town council members, are placed in office by you - the voting citizens of our community. We need change. The town has hired a new attorney to represent them in this never ending fight for the boardwalk extension without an open meeting to discuss an amendment to the budget in order to pay the attorney. The town has refused to give private citizens access to the new variance for the extension that will be voted on by the CRC at their next meeting in November. It seems that the town has been in closed session working on a strategy of how to get this approval against the objections of the general public. Are our elected officials representing us? Are the best interests of the town and the town's

citizens top priority for them or are they selfishly seeking only what they want -- and spending our money in the process?

It's Your Money and it's Your Vote. Vote for a change in the upcoming November elections. And please send in letters of objections to the town's never-ending reckless spending of your money in their variance request for the boardwalk extension to the CRC. Send e-mail letters to: Braxton Davis, Director of Coastal Resources Commission; angela.willis@ncdenr.gov and mail letters to Mr. Davis at 400 Commerce Avenue, Morehead City, NC 28557.

Thank you for your time,

Susan A. Pierce

April 10, 2014

Mr. Braxton Davis
Director
Division of Coastal Management
Coastal Resources Commission
400 Commerce Avenue
Morehead City, NC 28557

RE: Decision of CRC concerning Town of Carolina Beach Boardwalk Expansion

Dear Mr. Davis:

I wanted to thank you and the rest of the committee members for your consideration of my opposition to the Town of Carolina Beach boardwalk expansion. As you are probably aware, this project has caused an emotional toll on me and my family. In this letter, however, I want to put aside the emotional aspect of this expansion project and provide specific reasons why the Town should not be granted a variance.

It is my understanding that the Town must satisfy four requirements to obtain a variance to extend the boardwalk further into a designated "ocean setback area." Here is why I don't think the Town is able to satisfy these requirements:

(1) It is difficult to understand how the Town or its residents would suffer "unnecessary hardships" merely because the Town cannot extend its existing boardwalk to Pelican Lane.

(2) Further, even if the Town could prove that it would suffer unnecessary hardships, how can it explain and prove that the hardships result from conditions particular to this boardwalk extension or that the hardships were not the result of its own actions? The Town actually owns several of the properties that the boardwalk extension will affect. The Town purchased these properties several years ago in hopes that a pier and aquarium project would be successful. When funding for this project failed, the Town was left with the debt of these properties (please see attached information). I feel that the Town would like to increase the property value of these parcels with this boardwalk extension, which certainly does not justify a variance from the setback requirements.

(3) Lastly, according to the local newspaper, it appears that the Town is attempting to satisfy the fourth variance requirement by alleging that the boardwalk will "afford those without private access to the public trust lands with safe and convenient access" by "creating safe and convenient handicap accessible access to the public trust land." It is my understanding that public access to North Carolina beaches is already monitored and protected by the CRC. Because we have a nourished beach, there are already public access points at least every quarter of a mile along this stretch of beach. With the Town owning several of the parcels adjacent to our

property, it could increase access points to the beach on its property instead of interfering with my property that I have owned for over 80 years.

Not only is the Town unable to satisfy these requirements, but the boardwalk extension would create undue hardships on me and my property. These hardships include: loss of "oceanfront" view, safety and crime concerns, greater difficulty accessing the beach from my property, increased noise and lights, increased trespassing, increased liability and loss of privacy. I appreciate your recognition that a private property owner's concerns must be taken into consideration when a public project infringes on his or her property.

The Town claims that the Carolina Beach Building Line Act of 1963 gave the Town ownership of the beach between my home and the ocean. Even if this Act gave ownership of the beach to the Town, the Act does not allow any building or structure to be built in the area lying east of the established building line (please see attached Act). This Act in and of itself, therefore, prohibits the Town from extending the boardwalk in front of my home.

The Town's attorney has indicated that the State of North Carolina now owns the beach between my home and the ocean pursuant to Section 146-6 of the State Lands Act. If this were true, then the Town's application, which provides that it is the owner of the land, is inaccurate. I also question the Town's authority to obtain a variance so that it can extend the boardwalk onto land that it does not own without following the proper statutory procedures established by the State Lands Act for selling or leasing land owned by the State.

Finally, I want to be clear that the proposed enhancements to the existing boardwalk would be a wonderful improvement to the downtown area. My strong opposition is only with the proposed extension of the boardwalk in front of my home. It seems that the justifications for the renovation project of the existing boardwalk do not exist for the extension of the boardwalk beyond its current terminus.

Again, my family and I are grateful for your service to the coastal communities and your concern for coastal property owners. We look forward to attending and being able to speak at the Coastal Resources Commission's upcoming meeting in May.

Sincerely,

James Donald Averette

Willis, Angela

From: Ann-marie Richard <a2richard1217@yahoo.com>
Sent: Tuesday, October 27, 2015 11:50 AM
To: Willis, Angela
Subject: Fw: Carolina Beach: Boardwalk

Hi Angela,
Please make sure this gets in the packet. I am sure braxton will forward to you but mark would always make me double check.

Thanks for being so helpful to my dear husband. He thought the world of you.

Ann-marie

Sent from Yahoo Mail on Android

From:"Radu Dimitriu" <radud@live.com>
Date:Mon, Oct 26, 2015 at 10:00 PM
Subject:Carolina Beach: Boardwalk

Dear Mr. Braxton

I would like to express my opposition to the Boardwalk extension project. This is an outline of my position:

- The community at the Cabana is labored for the last 15 years to maintain and preserve the dunes in front of the building. When we moved in they did not exist, now our walkway is well above the dunes
    - There is no reason to destroy the dunes for any commercial purpose or for someone's interest in commercial development
    - The Boardwalk would extend and amplify everything Carolina Beach is known for: public drunkenness, garbage, empty bottles, fights, illegal camping, loitering and petty crime
- The public has a wide beach to enjoy, the Boardwalk would not add any value
- The Boardwalk will be at eye level for the first and 2nd floor of the building. When the buildings were permitted it was not contemplated that a boardwalk would be 15 feet up in the air at eye level with the second floor
- Once built it will have to be continuously maintained, re-build and policed. This will not add up to a healthy beach.

I would be very disappointed if this were approved as for years we took the words of the Division of Coastal Management at their face value: just look at the picture displayed on the DCM web page and envision a boardwalk up high in the air. Your very own website states: ....to protect , conserve and manage ....to keep the state's environment healthy..... We still believe in this mission, with no exceptions for commercial interests.

We believe the public, as well as the homeowners along the coast deserve the most pristine beach we can have.

With due respect,

Radu Dimitriu

Cabana owner

radud@live.com

Willis, Angela

From: Davis, Braxton C
Sent: Tuesday, October 27, 2015 1:40 PM
To: Willis, Angela
Subject: FW: Cabana De Mar Carolina Beach

From: sharonlyons@charter.net [mailto:sharonlyons@charter.net]
Sent: Tuesday, October 27, 2015 12:13 PM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Subject: Cabana De Mar Carolina Beach

Hello, my name is Sharon Lyons and I reside at 411 Monroe Avenue Carolina Beach, NC 28428. I own a property at Cabana De Mar, Unit 310. I am a local real estate broker and have been for 29 years. I specialize in properties south of Monkey Junction, more specifically Carolina and Kure Beaches. Throughout my career I have earned four designations, have sat on the board of the Carolina and Kure Beach Board of Realtors and have served two terms on the Wilmington Regional Association of Realtors Board. I tell you this to establish credibility to my knowledge of the local real estate market. It is my opinion that having a structure in front of this building will decrease the value of the condominiums and affect the rental income for all owners. I ask that you take this into consideration when ruling on the variance that the Town of Carolina Beach is asking for. Respectfully, Sharon Lyons

Willis, Angela

From: Michael Murphy <mastermurphy@msn.com>
Sent: Tuesday, October 27, 2015 3:00 PM
To: Willis, Angela
Subject: Letter for Braxton Davis
Attachments: cbboardwalkexoct15.wps

Good afternoon Angela...

Attached please find a letter for Mr. Davis supporting my opposition to the extension of the boardwalk North in Carolina Beach, NC. This letter has been prepared for him to review before the CRC vote on November 17th and 18th, 2015.

In advance, thank you for your help; it is appreciated!

Respectfully submitted:

Michael D. Murphy

Michael D. Murphy
545 Vardon Circle
Hemet, CA 92545
(951) 599-4391
mastermurphy@msn.com

October 27, 2015

Braxton Davis, Director of Costal Resource Commission
400 Commerce Avenue
Morehead City, NC 28557

Dear Mr. Davis,

The purpose of this letter is to express my **opposition** to the Boardwalk extension North at Carolina Beach, North Carolina. I have "a dog in the fight" being a homeowner of two condominiums, #216 and #409, at the Cabana de Mar complex located oceanfront at 222 Carolina Beach Avenue North, Carolina Beach, North Carolina. This construction will cause undue hardship to the Cabana's 76 privately owned units.

I believe that the boardwalk extension will have a negative impact on homeowners. In a survey of 76 homeowners at the Cabana, the results indicated 58 units were against and 8 are for. 10 units did not reply. That indicates that 86% of homeowners are against the boardwalk extension. Please take into account the voices of the people who this directly affects.

Other issues concerning the homeowners include but are not limited to:

- Increased security problems
- Vandalism
- Trespassing
- Safety issue of building a parallel structure and suing non-elevated walkways diminishes the dune line and increases erosion and flooding to adjacent properties

- The Town of Carolina Beach **will not** carry liability coverage for damages to property caused by water and wind-driven debris. If our insurance company pays for damages, it will be very unlikely they will subrogate against the town and rates will go up!
- Property's owners littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access and views to the ocean.
- Elevation of the boardwalk could block homeowners' ocean views.
- Will property be devalued or no longer be classified as oceanfront property?

Do not be fooled by the access to the beach being purported by the Town of Carolina Beach. How does a boardwalk constructed parallel to the beach increase access for the general public? Access to the beach is only achieved by building a perpendicular walkway to the beach, not a parallel structure such as a boardwalk. Presently, in a two mile stretch, there are 21 perpendicular access areas from the Carolina Beach Pier to the Boardwalk. Additionally, there is at least one perpendicular access every ¼ miles (1,320 feet) which should suffice to say that this boardwalk extension is not needed. Included in that number are 5 access points at the new existing boardwalk. Additionally, there is at least one perpendicular access every ¼ miles (1,320 feet) which should suffice to say that this boardwalk extension is not needed.

In closing, I would like to thank you for listening to my concerns and **opposition to the extension of the boardwalk North in Carolina Beach, North Carolina.** If you have any questions or concerns please do not hesitate to call on me. Again, thank you.

Respectfully submitted:

Michael D. Murphy
Owner - Cabana De Mar
Units 216 & 409

Willis, Angela

From: Dorothy Duke <dukedorothy26@gmail.com>
Sent: Tuesday, October 27, 2015 5:13 PM
To: Willis, Angela; braxton.davis@ncdnr.gov
Cc: Dorothy Duke; Steven Duke
Subject: Opposition Letter Regarding Carolina Beach Boardwalk Extension
Attachments: boardwalk.docx

Ms. Willis and Mr. Davis,

Attached please find our Letter of Opposition to the proposed boardwalk extension. We expect that our concerns will be expressed at the CRC meeting on November 17 and 18, 2015.

Please let us know if you have any questions or need additional information.

Please acknowledge receipt of this email and attachment.

Thank you.

Dorothy and Steve Duke

October 27, 2015

Braxton Davis, Director

Coastal Resource Commission

Division of Coastal Management

400 Commerce Avenue

Morehead City, NC 28557

Emailed to: angela.willis@ncdenr.gov and braxton.davis@ncdenr.gov

Subject: Carolina Beach Boardwalk Extension

Dear Mr. Davis:

As homeowners of condo 128 at the Cabana, 222 Carolina Beach Road North, we oppose the proposed north extension of the existing boardwalk.

After being defeated twice, we understand that the Town of Carolina Beach (TCB) has filed a new variance in time for the Coastal Resource Commission (CRC) meeting on November 17 and 18, 2015. We request that our concerns identified below, are considered at the meeting.

First and possibly foremost, while the proposed elevation of the boardwalk has been increased by one foot to 18.7 feet, it is still not clear how the integrity of the dunes will be maintained either during or after construction. Who, exactly, will be on site during construction and guarantee that there will be absolutely no damage to the dunes? Post construction, how will the dunes be protected? The TCB cannot even manage the existing boardwalk issues, such as vandalism, trash, inebriated pedestrians, unmonitored skateboarding and cycling unmindful of pedestrians. How in the world can the preservation of the dunes at the proposed extension site be guaranteed?

What facts are there to support that adding this extension is preserving the environment? What evidence is there that additional public access is needed, including additional ADA handicap access? There is currently at least one perpendicular access to the beach every ¼ mile. The existing 750 foot boardwalk has NEVER experienced a traffic problem of people needing ADA access.

With the addition of the extension, there will not be any additional access to the beach from the street. Lack of parking is currently an unresolved issue. How will this be addressed if the boardwalk extension brings more people to Carolina Beach, as intended?

Michael Cramer, TCB Manager, letter of October 15, 2015 to Greg Mears, President of the Cabana Homeowners Association (HOA) Board, presented the proposed summary of the status of the TCB's "Points of Understanding" regarding construction of the boardwalk extension. The TCB's positions as outlined in this correspondence cannot be considered legal or binding unless they are included in the variance being presented at the CRC meeting on November 17 and 18, 2015, and maybe not even then. The reputation of the TCB with regard to completing current projects that impact TCB residences, such as the long standing storm water issue, is just an example of TCB commitments not being honored.

With regard to the storm water issue, in Mr. Cramer's letter of May 7, 2014 to Cabana HOA, he stated "It is my understanding that our Public Works Director is working with the Cabana staff on this issue." He states exactly the same thing in his letter to the Cabana HOA on October 15, 2015. As far as the Cabana HOA Board and owners are aware, nothing is being done to correct this issue.

Additionally, it is not clear if the intention of the TCB's proposed positions will be honored whether or not the Board takes an official position to remain neutral, or vote for or against the boardwalk extension. Is there a chance that, if the Cabana HOA Board takes a stand to oppose the boardwalk extension, the TCB may not consider honoring their proposed positions and take additional retribution by neglecting to address the storm water issue altogether, among other potential reprisals?

In summary, the facts that were prepared by Mark Richard and Renee Lewis and presented at the September 23, 2015 CRC public forum that were NOT addressed by the new variance, confirm that the northern extension of the boardwalk is NOT necessary NOR would it add any value. In addition, its existence would be irrefutably detrimental to the Cabana homeowners as presented at that meeting.

Sincerely,

Steve Duke, Cabana Homeowner

Dorothy Duke, Cabana HOA Board

Willis, Angela

From: Ann-marie Richard <a2richard1217@yahoo.com>
Sent: Wednesday, October 28, 2015 8:52 AM
To: Davis, Braxton C
Cc: Willis, Angela
Subject: LETTER IN OPPOSITION TO CAROLINA BEACH BOARDWALK EXTENSION
Attachments: ANNMARIE LETTER TO CRC 10-27-2015.docx

Dear Mr. Davis:
Please include my letter attached to be included in the packet in opposition to the boardwalk extension.

Thank you,
Ann-Marie Richard

October 27, 2015

Mr. Braxton Davis, Director of CRC

400 Commerce Drive

Morehead City, NC 28557

Dear Mr. Davis:

My name is Ann-Marie Richard. I have been silent for the past two years as I watched my husband, Mark Richard, work tirelessly on our opposition to the boardwalk extension north at Carolina Beach, NC. Although you never heard me speak, I was side by side with my husband with each letter and each speech he wrote. He came before you several times asking that the extension not be allowed. He did extensive research and would spend hours thinking of ways to get through to the CRC that the extension should not happen. My husband collapsed on our kitchen floor, here at the Cabana, on Friday, October 16, 2015 and never regained consciousness. He died the next day at the age of only 63.

I was often frustrated with Mark spending so much time dedicated to this opposition. It is only NOW that I realize why he did. He knew one day I would be left here without him. He wanted to make sure I am safe and secure in my beautiful home on the ocean. He wanted to make sure I didn't have to worry about strangers lurking in my windows or trespassers possibly breaking in. He wanted to make sure I didn't have to worry about a wooden structure coming through our balcony door when a hurricane hits our coast. But the thing about Mark is, he didn't just worry about me. He was thinking of all the residents, visitors and guests that come to the Cabana to enjoy a beautiful day, week, month or even years.

I am begging you to consider all the facts, opinions and comments from so many that truly believe this extension is not the right thing for Carolina Beach.

Sincerely,

Ann-Marie Richard

Cabana Unit #132

Willis, Angela

From: Alice Zachodzki <azmanor@aol.com>
Sent: Wednesday, October 28, 2015 10:23 AM
To: Davis, Braxton C
Cc: Willis, Angela
Subject: Letter From Attorney Ned Barnes - Cabana
Attachments: Mr. Ned Barnes Letter-Cabana.pdf

Dear Commissioners,
Please find the attached letter from Mr. Ned Barnes, who was our closing attorney when we purchased our condominium (unit 312) at the Cabana. This letter clearly refutes the town's position the Cabana is a single commercial property. Please include this email in the Public Comments - Carolina Beach boardwalk extension north. Please let me know you received and are able to open the attachment below.
Thank you.
Alice Zachodzki

NED M. BARNES
ATTORNEY AND COUNSELOR AT LAW
A-3 Pleasure Island Plaza
Carolina Beach, North Carolina 28428
email: vhelms@nedbarnes.com

Telephone: (910) 458-4466 Fax: (910) 458-8845

October 27, 2015

Mr.a nd Mrs. John Zachodzki
4625 Charlestowne Manor Drive
Charlotte, NC 27211

RE: Cabana De Mar Condominium

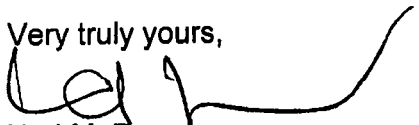
Dear Mr. and Mrs. Zachodzki:

Pursuant to your inquiry, I have reviewed the Declaration and Restriction and By-Laws for Cabana De Mar Condominiums as recorded in Book 1273, Page 757 et seq. of the New Hanover County Registry. Cabana De Mar condominiums were established pursuant to North Carolina General Statutes (N.C.G.S.) 47A, entitled "Unit Ownership Act". I find nothing in the Declarations that establishes Cabana De Mar Condominiums as a condo-tel or condo motel. I direct your attention to N.C.G.S. 47A-21, a copy of which I enclose for your review, which establishes the fact that each condominium shall be deemed to be a parcel and shall be separately assessed and taxed by each assessing unit and special districts of all types of taxes authorized by law. Specifically, I direct your attention to the last sentence of 47A-21, which states "neither the building, the property or any other common areas shall be deemed to be a parcel."

Based upon the above, each individual condominium unit in Cabana De Mar is deemed by statute to be a separate taxable parcel. It is clear that since the establishment of Cabana De Mar condominiums that the Town of Carolina Beach and New Hanover County have enjoyed receiving revenue from each individual unit during each tax year since the inception of the condominiums in 1985. It is counterintuitive that Carolina Beach would receive and accept the benefit of the taxes generated by each condominium unit in Cabana De Mar then contend that Cabana De Mar should be treated as a single parcel. Furthermore, it would be a contravention of N.C.G.S. 47A-21.

If you have any questions in reference to the above, please do not hesitate to contact me.

Very truly yours,



Ned M. Barnes

NMB/vbh
Enclosures

§ 47A-21. Units taxed separately.

Each condominium unit and its percentage of undivided interest in the common areas and facilities shall be deemed to be a parcel and shall be separately assessed and taxed by each assessing unit and special district for all types of taxes authorized by law including but not limited to special ad valorem levies and special assessments. Each unit holder shall be liable solely for the amount of taxes against his individual unit and shall not be affected by the consequences resulting from the tax delinquency of other unit holders. Neither the building, the property nor any of the common areas and facilities shall be deemed to be a parcel. (1963, c. 685, s. 21.)

Willis, Angela

From: Eddie Buchanan <ebuchanan50@yahoo.com>
Sent: Friday, October 30, 2015 12:56 PM
To: Davis, Braxton C
Cc: Willis, Angela
Subject: Proposed Carolina Beach Boardwalk Extension

Dear Mr Davis,
I'm writing to express my opposition to the proposed northward extension of the Carolina Beach Boardwalk. I've been a property owner at Cabana for more than a decade and have enjoyed the awesome, scenic view from my living room, which was the major determining factor for my investment. If the boardwalk is extended with the proposed type of structure, the scenic view will come to an end. Yes , the Town of Carolina Beach officials want everyone to believe that by lowering the height and narrowing the walkway this structure will be unoffensive. I'd ask for each member of the Board to visualize a boardwalk going across your front yard and tell me that it would not be offensive to you. Noise, litter, lighting, traffic and vandalism, not to mention more lockable gates to keep trespassers away are a given that comes from this intrusion.
I've witnessed how the newest renovation to the Carolina Beach boardwalk destroyed dunes and vegetation during construction and given the elevation of the dunes in front of Cabana, there will be even greater cutting into dunes and vegetation.

Structures that give people access to the beaches are perpendicular to the ocean. That has been the most effective way with the least amount of destruction of fragile dunes. The boardwalk extension is a mammoth structure that runs parallel to the ocean and brings it's own set of damage and dangers. It's not if, but when the next hurricane strikes; a parallel structure of this magnitude becomes a source of wave driven debris that will wreak havoc on existing structures. The Town of Carolina Beach is quick to inform us that they have designed the boardwalk to meet hurricane guidelines. So were so many other structures that came crashing down during the violent and destructive waves of past hurricanes. I personally witnessed washing machines and refrigerators along with pier pilings and decking washed from the oceanfront across the road damaging second row structures on Oak Island as a result of one of the major hurricanes to hit our coast. Current standards or not, there is no guarantee a wooden structure will survive the fury that unpredictable hurricanes bring. When the Town of Carolina Beach officials were asked if they would be responsible for the destruction caused by wave driven debris from the boardwalk the answer was absolutely not. The homeowner will bear the cost.

I respect the important responsibility of each Board member and ask you not to open Pandora's box with structures of this nature and deny this project to be built at Carolina Beach as well as other parts of our state.

Respectfully Submitted,

C. Edward Buchanan
117 Braxlo Lane

Wilmington, NC

Please send acknowledge you have received this email.

Willis, Angela

From: Alice Zachodzki <azachodzki@gmail.com>
Sent: Thursday, October 29, 2015 4:37 PM
To: Davis, Braxton C
Cc: Willis, Angela; Ann-marie Richard; Radu Dimitriu
Subject: Fwd: Carolina Beach: Boardwalk

Please include the attached letter and add it to the Public Comments Received - Carolina Beach in opposition to the variance. Please confirm receipt.
Thank you.
Alice Zachodzki

Begin forwarded message:

> **From:** Radu Dimitriu <radud@live.com>
> **Date:** October 29, 2015 at 3:03:12 PM EDT
> **To:** <azachodzki@gmail.com>
> **Subject: Fwd: Carolina Beach: Boardwalk**
>
> Sorry - I am in all kind of meeting.
> Here is what I wrote Monday, it can not be in any other package, but you can include.
> Since his email is blocked I could send a paper letter, just to add to the pile already on his desk.
>
> Radu Dimitriu
> 704.287.2224
> radud@live.com
>
> ---
> From: Radu Dimitriu <radud@live.com>
> Sent: Monday, October 26, 2015 22:00
> Subject: Carolina Beach: Boardwalk
> To: <braxton.davis@ncdenr.com>
>
> Dear Mr. Braxton
>
> I would like to express my opposition to the Boardwalk extension project. This is an outline of my position:
>
> - The community at the Cabana is labored for the last 15 years to maintain and preserve the dunes in front of the building. When we moved in they did not exist, now our walkway is well above the dunes
> - There is no reason to destroy the dunes for any commercial purpose or for someone's interest in commercial development
> - The Boardwalk would extend and amplify everything Carolina Beach is known for: public drunkenness, garbage, empty bottles, fights, illegal camping, loitering and petty crime
> - The public has a wide beach to enjoy, the Boardwalk would not add any value

- The Boardwalk will be at eye level for the first and 2nd floor of the building. When the buildings were permitted it was not contemplated that a boardwalk would be 15 feet up in the air at eye level with the second floor
- Once built it will have to be continuously maintained, re-build and policed. This will not add up to a healthy beach.

I would be very disappointed if this were approved as for years we took the words of the Division of Coastal Management at their face value: just look at the picture displayed on the DCM web page and envision a boardwalk up high in the air. Your very own website states: ....to protect , conserve and manage ....to keep the state's environment healthy..... We still believe in this mission, with no exceptions for commercial interests.

We believe the public, as well as the homeowners along the coast deserve the most pristine beach we can have.

With due respect,

Radu Dimitriu
Cabana owner
radud@live.com

October 28, 2015

Dear Member of the Coastal Resource Commission,

These photos were taken Oct. 3, 4 and 28, 2015. Please note that in a northeaster the waves were coming past the metal spigot located at the end of the ramps of the Boardwalk to the beach in Carolina Beach.

This shows how these lowered ramps to the beach could break up during a hurricane and would funnel the waters of a storm surge from a hurricane to buildings located west of the boardwalk.

I am opposed to a public boardwalk between private residences and the ocean.

Louinice Motsinger

Sand and waves on end of Boardwalk ramp in Carolina Beach.

Wave and sand on Boardwalk ramp to the beach in Carolina Beach. The metal spigot is at end of the ramp.

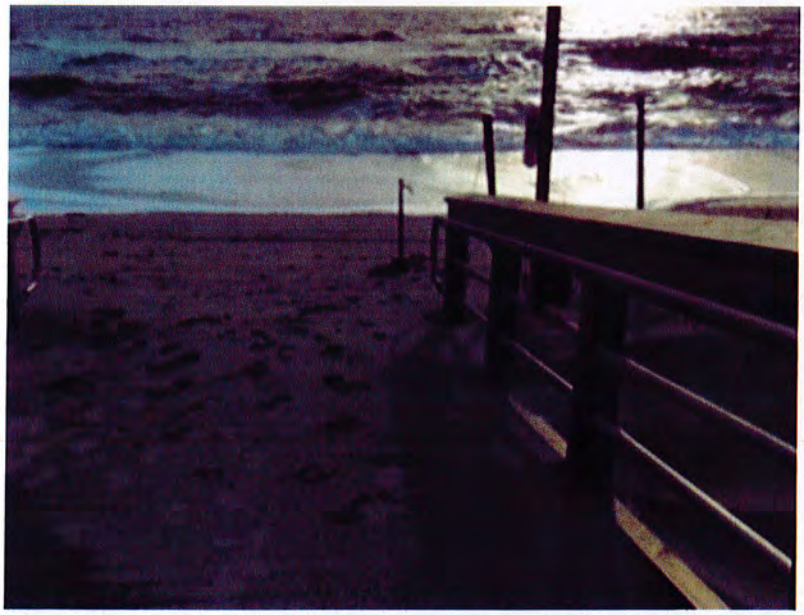


Photo taken on Oct. 28, 2015. Ramp from the Boardwalk in Carolina Beach. Note the metal water spigot is at the end of the ramp.

October 28, 2015

Dear Members of the Coastal Resources Commission

Cabana Suites is not a "Condotel", but is a private residential condo building of 76 units. Here are examples of what is done to keep out the public.

Louinice Motsinger


CABANA


PRIVATE PROPERTY
NO
TRESPASSING
VIOLATORS
WILL BE
PROSECUTED


SMILE!
YOU ARE
ON
CAMERA

October 28, 2015

To: Members of the Coastal Resources Commission
From: Cathy Lane, President, Boardwalk HOA

We the nine owners at Boardwalk Condominiums, 115 Carolina Beach Avenue South, Carolina Beach, NC, would like to express our opposition to the northern extension of the boardwalk.

We support the concerns over noise, trash, vandalism and littoral rights of residents immediately west of the proposed northern extension. We are also concerned with the extensive damage that will be done to wildlife, the dune system and the vegetation in that area, as evidenced in these photos taken during construction of the recently completed boardwalk. It takes years for newly planted vegetation to mature enough to lessen the chance of storm wash overs. Can we take that chance by allowing more destruction in such an ecologically sensitive area?

In this new variance request, the Town of Carolina Beach is asking you to approve a "downsized" boardwalk from sixteen (16) feet to ten (10) feet. "Downsizing" by five (5) feet will do little to lessening the damages to the dune system and any wildlife that may be in that area.

Included in this letter are photos of construction phases on the recently completed boardwalk in the CBD. This is the same thing the Town of Carolina Beach is asking you to approve for the northern extension - level the dunes, destroy the vegetation and any wild life in it, build access ramps carved out five feet into the dunes, while requiring residents to build walkovers above the dune line.

We respectfully ask you to vote against this project.

Cathy Lane, President, 201
Beverley Pellom, Vice President, 102
Carolyn Glasser, Secretary, 101
Paul Glasser, 101
Ralph McElderry, 102
Marc and Jamie Immordino, 103
David Lane, 201
Dico Drakulevski, 202,
Robert and Mary Firth, 203
Ben and Emily Carr, 301
Dan and Janet Abernethy, 302
Lauren Rockwell, 303

Boardwalk area looking north before work began on replacement

October 22, 2014 - First cut through the dunes and vegetation

October 27, 2014 - Early stage of construction

Jan 2015 - Aerial view of construction

Jan 23, 2015 - Digging 5' into dune for non-elevated ramp access

A little perspective of what 5' looks like

Feb 21, 2015 - Work in progress

March 15, 2015 - Pushing sand onto beach

March 15, 2015 - Pushing sand onto beach

March 20, 2015 - Great ocean view from a standing position

March 20, 2015 - Even better from a seated position.

August 2015 - Sand from nor'easter, not even a hurricane

Willis, Angela

From: Vivian Corbett <vtcorbett@gmail.com>
Sent: Wednesday, October 28, 2015 8:27 PM
To: Willis, Angela
Subject: Carolina Beach Boardwalk

To Whom It May Concern:

I am a homeowner at Cabana Suites in Carolina Beach. I would like for you to know that I oppose the extension of the boardwalk for many reasons including the effect of the natural beach environment.

I hope that consideration will be given to make certain that the boardwalk is not extended.

Vivian Corbett
Unit 206
Cabana
Carolina Beach, NC

Willis, Angela

From: Davis, Braxton C
Sent: Thursday, October 29, 2015 9:27 AM
To: Willis, Angela
Subject: FW: Extension of Carolina Beach Boardwalk

-----Original Message-----
From: Vivian Corbett [mailto:vtcorbett@gmail.com]
Sent: Wednesday, October 28, 2015 8:30 PM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Subject: Extension of Carolina Beach Boardwalk

To whom it may concern:

As a homeowner, I strongly oppose the extension for the Boardwalk at Carolina Beach.

Vivian Corbett
Cabana Unit 206
Carolina Beach, NC

Willis, Angela

From: Robert Lewis <rh_50@hotmail.com>
Sent: Thursday, October 29, 2015 8:43 AM
To: Willis, Angela
Subject: Written overview of my comments to the CRC

Angela,

I would like to provide these written comments on what I presented to the CRC at the meeting the September CRC meeting in Wilmington.

I am the former Mayor of Carolina Beach and it was my idea and concept along with the council at that time to develop a design for the new Carolina Beach Boardwalk. My plan was to replace the existing boardwalk based on it poor condition and potential liability to the town. In the design I wanted to include some access to the new Hotel which we were working with to be built at the North end of the former boardwalk. As we developed the design staff and others came up with the idea to include an extension on the boardwalk of an additional 800 ft or so. In doing so we could potentially secure additional grant monies for beach access areas along this new area. We looked at the dune impact at the time and I did not have any data that would provide us any information on the damage to the existing environment or the dune itself in this new area. Today I have information that the dune and environment would be impacted for a number of years until the sea oats and vegetation structure forms to hold the dune in place.

I was the representative from council who was assigned to talk to the owners of the Cabana Del Mar condo association and met with the President of the HOA twice to propose a solution which could work with both the town and the owners of the properties that made up this building. I did not know at the time that the President of the HOA did not get the approval of the owners for an agreement to support the project. Most today tell me they do not support the project.

After the CRC approved the replacement of the existing structure but did not approve the extension you requested the town go back to talk to the owners of the properties who would be affected by the impact of the extension to get some compromise. I left office at this time and to my knowledge no one from the town sat down with the owners of the properties in mention to talk with them about a compromise on the matter. Most residents in Carolina Beach felt this was a dead issue until around August when the editor of the Island Gazette posted an editorial which outlined that the town was again going back to the CRC to push through the extension. In the editors opinion the town, Mayor and Council were not being open with the public about the variance being developed or the new attorney who was being hired to push the issue with the CRC for the town. Many of the owners of condos and homes in the area felt they should of had a public hearing to let their concerns be heard.

As I said at the CRC meeting the town council and town government in my opinion was not being transparent in their approach to this issue and kept the public in the dark about their plans.

I fell the request for a variance should be rejected by the CRC.

Robert Lewis
102 Sugarloaf Court

Carolina Beach, NC 28428
(910) 599-2879
rh_50@Hotmail.com
Sent from Windows Mail

Cabana De Mar Association, Inc.
1612 Military Cutoff Road, Ste. 108
Wilmington, NC 28403
P 910.256-2021 I F 910.256-3794

November 1, 2015

Braxton Davis, Director of the Division of Coastal Management
and
Frank Gorham, Chairman of the Coastal Resource Commission
400 Commerce Ave
Morehead City, NC 28557

Re: Carolina Beach Boardwalk Extension

Dear Mr. Davis, Mr. Gorham, and Members of the Coastal Resource Commission,

The purpose of this letter is provide feedback on the proposed Carolina Beach Boardwalk Extension. I am writing this letter as the President of the Cabana Homeowners Association.

The Cabana Home Owners Board is composed of four members that include: Greg Mears, MD (President and Owner of Unit 204), Vivian Corbett (Secretary and Owner of Unit 206), Dorothy Duke (Owner of Unit 128), and John Zachodzki (Treasurer and Owner of Unit 312). Our 5th Board Member, Mark Richard, was very active in this process. Unfortunately, Mark succumbed to a fatal illness earlier in October, 2015.

This week, an informal vote of the Cabana Board resulted in Corbett, Duke, and Zachodzki opposing the Boardwalk Extension and requesting that a formal letter be sent to the Division of Coastal Management prior to the November 2nd, 2015 deadline.

Historically, the Board has stayed neutral in this matter, negotiating with the Town of Carolina Beach to assure the Cabana property was protected and secured if a Boardwalk Extension were to occur. The Board encouraged individual Cabana property owners to express their formal position based on their personal perspective.

Attached is a letter dated October 15, 2015. This letter contains points of understanding between Cabana and the Town of Carolina Beach. Item 12 pertains to a storm water drain damaged by the Town of Carolina Beach over four years ago. Despite multiple attempts to work with the Town of Carolina Beach and promises (both verbally and in writing) by

elected officials and leadership, this issue has not been repaired. The Board is concerned that this same lack of follow through and accountability will negatively impact the Cabana if the Boardwalk is extended.

Please accept this official correspondence outlining our concerns in opposition of the Carolina Beach Boardwalk Extension.

You may reach me directly at 919-672-9630 for questions or clarification.

Sincerely,

Greg Mears MD

Greg Mears, MD
President
Cabana Homeowners Association

cc: The Cabana Board of Directors
Tara Armstrong, CAMS

TOWN OF CAROLINA BEACH
1121 N. Lake Park Boulevard
Carolina Beach, North Carolina 28428
910 458 2996
FAX 910 458 2997

October 15, 2015

Greg Mears, President
Cabana Homeowners Association Board
222 Carolina Beach Ave. N.
Carolina Beach, N.C. 28428

Re: Boardwalk Extension Update - Points of Understanding

Dear Dr. Mears:

I hope this letter finds you doing well. I wanted to update you and the Board on the Town's current activities on the Boardwalk Northern Extension, and re-affirm our positions and commitments on the project.

On October 6 we re-submitted our Variance Request to the Division of Coastal Management (DCM) to extend the Boardwalk from Harper Ave. to Pelican Lane. We expect the request to be heard by the Coastal Resources Commission (CRC) at their upcoming meeting in Atlantic Beach November 17-18. The full Variance application and information about the CRC review process may be viewed at the DCM website @ http://portal.ncdenr.org/web/cm/nov-2015-agenda. The following is a summary of the status of our points of understanding from our meeting and correspondence in April-May, 2014:

1. **Elevation:** Attached is a cross section view of the boardwalk elevation compared with the first floor elevation of the Cabana. The handrail elevation of 18.7 is 3 feet lower than the first floor elevation of 21.7. As the drawing depicts, the sight line of a person standing on the first floor balcony looking at the ocean would be several feet above pedestrians on the Boardwalk and the frontal dune.

2. **Width:** The attached site plan depicts our current proposal to extend the boardwalk at 16 feet in width from Harper Ave. along the new Hampton Inn property, then narrow the walkway to 10 feet along the Cabana frontage and the rest of the way to Pelican Lane.

3. **Crowds and noise:** The 3 proposed seating bumpouts along the Cabana's 300 feet of frontage were removed in our previous plans in response to your concerns and this remains unchanged.

4. **Security:** The fencing and gates the Town would provide as described in previous correspondence remains unchanged. In addition, the Town will install 24 hour security cameras along the entire northern extension.

5. **Public Beach Access:** The access originally planned in front of the Cabana was moved north to the Sea Witch frontage and this remains unchanged.

6. **Showers:** The Town will replace the showers at your preferred location.

7. **ADA:** The Town will construct the new private beach access from the Cabana to the Boardwalk and from the Boardwalk down to the beach to meet Building Code and ADA standards.

8. **Lighting:** We have already removed all pole mounted lighting for the northern extension. The walkway "puck" style lighting will be mounted to the railing. We have selected a lower voltage fixture for the extension.

9. **Storm damage:** The structure is engineer designed to be "heavy timber" type construction. This design includes 139 mph windspeed per the Building Code with pilings driven to a minimum 16 feet below grade.

10. **Pre-approval of construction design and materials:** We agree that the Cabana Board should pre-approve all design and materials connecting with the property.

11. **Construction period:** If approved by the CRC in November, construction would not commence until fall of 2016. We anticipate a 5 month construction time frame for the extension with completion by late March-early April 2017. Actual construction in front of the Cabana should be less than 90 days.

12. **Stormwater:** It is my understanding that our Public Works Director is continuing to work on this issue.

We remain open to further discussion of other design options you or the Board may deem appropriate. As always I can be reached at 458-2994, or email michael.cramer@carolinabeach.org if you have additional comments or concerns.

Sincerely,

Michael Cramer
Town Manager

Willis, Angela

From: Beverley Pellom <bpellom@hotmail.com>
Sent: Monday, November 02, 2015 10:21 AM
To: Willis, Angela
Subject: Fwd: Opposition to the Carolina Beach Boardwalk Extension
Attachments: IMG_1117.MOV; ATT00001.htm

Dear Ms. Willis,
I sent the following email to Mr. Gotham but have been told that you should have received it. I thank you for seeing that it gets into the packet.
Beverley Pellom

Sent from my iPhone

From: bpellom@hotmail.com
To: frankgorhamcrc@gmail.com
Subject: Opposition to the Carolina Beach Boardwalk Extension
Date: Mon, 26 Oct 2015 13:23:51 -0400

Dear Mr. Gorham and Coastal Resources Commission Members,

It has come to our attention that previous correspondence concerning our opposition to the Carolina Beach Boardwalk extension must be resubmitted for the November hearing on the matter. Please review the below opposition.

On behalf of my father Ralph McElderry and myself, as condo owners at Carolina Beach (Boardwalk Condos. 115 Carolina Beach Avenue, South) this letter is being sent to you as resounding opposition to the Town of Carolina Beach (further known as TCB) Boardwalk proposal to extend the Boardwalk north to Pelican Lane.

We feel that the extension is unnecessary and in fact detrimental to the existing ecosystem. TCB states in their Variance Request that the extended Boardwalk would provide viewing access to the dune ecosystem and provide handicapped visitors access as well. This was done when the new Boardwalk was recently constructed providing ample access. Additional opportunities for access and viewing can be made by using the other existing access points to view the dunes and ocean. Handicapped visitors already can be driven directly onto the beach at the northern end of the island. Digging a proposed 16 plus feet into the dunes is a detrimental force against the ecosystem for no reason when other options exist. If beautification is the purpose of the extension proposal, it makes no sense to cover dunes and seagrass and natural beauty with decking. While it is unnecessary as previously noted it is also extremely detrimental to the property values of the homeowners who would be subject to this unnecessary "beautification" or walking access from Pelican Lane. TCB acknowledges this detrimental nature to the property owner throughout their request by mentioning many modifications they have made to "reduce impacts" on the property owners. These impacts to the property owners include lower property values, safety, noise, security, wind driven debris damage, and impeding ocean front view. Of the 7 current candidates for Carolina Beach Town Council, 4 believe the project should not go to Pelican Lane but stop at the new Hampton Hotel, one questions the extension due to safety and

TO: BRAXTON DAVIS, DIRECTOR OF COASTAL RESOURCE COMMISSION

FROM: BILLY AND JOANNE MARSHALL

SUBJECT: CAROLINA BEACH BOARDWALK EXTENSION NORTH

DATE: OCTOBER 7, 2015

There are 76 privately owned condominium units at the Cabana. We have owned at the Cabana for 18 years. We support the existing boardwalk upgrade, but adamantly oppose the boardwalk extension north. This intrusion on oceanfront homeowners will negatively impact property values, safety, security, privacy, littering and noise levels. How is it even possible that a structure could be built in the dunes between our home and the ocean? This goes against all common sense and safety principles when mitigating hazards and protecting inland structures. Who will be responsible if the proposed boardwalk is damaged during a hurricane and the water and wind driven debris comes inland and destroys our home? Parallel structures, destroying sea oats, disturbing dune line, not using walkovers are all contraindicated when building in the dunes between the ocean and inland structures.

Cabana is a gated community. Security will be compromised by easy access from the boardwalk to the Cabana property. There is a potential of increased vandalism and trespassing because of access 24 hours a day. In addition, there will be an increase in foot traffic in close proximity to our pool and condo. This will proportionally increase noise levels, littering, and directly affect our scenic views.

The existing boardwalk is sufficient to meet the demands of the general public, elderly and handicapped. Many beach access ramps are available in Carolina Beach for homeowners, renters and guests. This project is unwarranted, unjustified, and not in the best interest of all concerned.

Please help us **STOP** the boardwalk extension. You are our last hope!

Willis, Angela

From: Davis, Braxton C
Sent: Monday, November 02, 2015 8:48 AM
To: Willis, Angela
Subject: FW: Carolina Beach Variance Request 2015 - Boardwalk Extension

From: Robert Lewis [mailto:rh_50@hotmail.com]
Sent: Sunday, November 01, 2015 10:57 AM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Subject: Carolina Beach Variance Request 2015 - Boardwalk Extension

To: Braxton Davis
Director of the CRC

From: Bob Lewis

I am a concerned Carolina Beach resident who wants to voice my opinion against the variance request by the Town of Carolina Beach to extend the current Boardwalk 875' in front of residential properties.

1. From what I have read the request does not meet the 60' set back guideline - 15 ANCAC 07H .0306 (a) which from what I understand is current policy.
2. I believe there would be a negative impact on the integrity of the Dune in this area. When building the new wooden boardwalk over the same area as the old worn out wooden boardwalk the heavy equipment used to clear the area flattened the old dune and took out all of the vegetation. The new build cleared a lot more area than most folks thought it would. When the new sand built up a new dune I took part in re-planting the sea oats to help the vegetation take root. Many of my friends who helped as well voiced their concern for the area hoping we did not have any big storms as it looked like the deep root system would take years to take hold. I think the CRC has heard data and expert presentations on dune vegetation and that it could take up to 5 years for the root system to build up to hold the dune in place. This new area of dune which has never had a wooden structure on it would definitely be negatively impacted.
3. Environmental impact. In the dune structure lives an entire community of wild life in various forms and all would be removed with the construction of this wooden structure.

I would request that the variance be rejected based on the above and let the Town of Carolina Beach move onto other more pressing issues.

I appreciate that the board did allow us to remove the old wooden boardwalk and construct the new larger boardwalk for our community it has been great for the residents and tourist alike.

This issue should not be about individuals egos and pushing something down the throats of the residents. It should be about what is right and doing the right thing. I can tell you from what I have learned that after the CRC approved the first request to allow the construction of the new boardwalk and you did not approved the

proposed extension no one from the town has sat down to talk with the Averette Family or the owners of the Cabana Condo owners about a compromise. I thought it was the recommendation of the CRC board for the Town of Carolina Beach to try to work out some agreement with the property owners in that area. I find it irresponsible on the part of the town to not have even tried. Any changes that the town made in this variance which they say were compromises were never discussed with those owners from what those owners have told me. My question is Why Not?

Robert Lewis
102 Sugarloaf Court
Carolina Beach, NC 28428

Sent from Windows Mail

Willis, Angela

From: Velvet Motsinger <vmmotsinger@gmail.com>
Sent: Monday, November 02, 2015 8:54 AM
To: Willis, Angela
Subject: Comment Town of Carolina Beach Variance
Attachments: In opposition to Town of Carolina Beach Variance Request V.10.docx; Exhibit 1.pdf

Please see my attached letter and Exhibit. If you have any issues with the data please let me know.
Thank you

Debbie Thorpe
PO Box 204
Albemarle NC 28002

North Carolina Coastal Resource Commission
400 Commerce Avenue
Morehead City, NC 28557

RE: In opposition to Town of Carolina Beach Variance Request- Boardwalk Northern Extension

Mr. Braxton Davis, Director and Members of the North Carolina Coastal Resource Commission

I am in opposition of the Carolina Beach Variance Request for the Boardwalk Northern Extension. After reviewing the Variance Request

I would like to address Carolina Beach's response to (A) Will strict application of the applicable development rules, standards or orders issued by the Commission cause the petitioner unnecessary hardships?

> Finally, a significant additional hardship (and uniqueness) factor is the ongoing construction of a major new downtown hotel, which will bring additional economic benefits to the Town's Central Business District. With these benefits will come increased numbers of visitors to the area, and the Town respectfully contends that it would create a further hardship not to allow construction and use of the Town's downsized Boardwalk Extension Project to serve this increased pedestrian based walkway and beach access demand. The hotel developer has relied on the construction of the Boardwalk Extension Project as an integral part of the hotel project. [See Stipulated Exhibit

This hardship is self inflicted by the hotel developer. The developer should not have used the Extension Project as an "integral part" of the project. This variance hearing is based an fact and finding, no one should or could have promised the Hotel Devolper that this Variance Request would be approved or denied.

I respectfully request that the Commissioners deny the Variance Request due that there is no hardship identified.

Thank you for your time

Debbie Thorpe

Velvet Motsinger
PO Box 204
Albemarle NC 28002

North Carolina Coastal Resource Commission
400 Commerce Avenue
Morehead City, NC 28557

RE: In opposition to Town of Carolina Beach Variance Request- Boardwalk Northern Extension

Mr. Braxton Davis, Director and Members of the North Carolina Coastal Resource Commission

I am in opposition of the Town of Carolina Beach Variance Request for the Boardwalk Northern Extension. After reviewing the Variance Request please see my findings and responses.
Thank you
Velvet Motsinger

- I would like to address Town of Carolina Beach's response to **(A) Will strict application of the applicable development rules, standards, or orders issued by the Commission cause the petitioner unnecessary hardships?**

its Central Business District. The proposed Boardwalk Extension Project is located entirely within the Central Business District, which is of course commercial in nature. [See Stipulated Exhibits.] Immediately landward of the downsized Boardwalk Extension Project are two Town owned public parking lots, as well as public marina facilities. [See Stipulated Exhibits.] These Town amenities draw numerous residents and visitors to this area, with resulting economic benefits to many area property owners and downtown businesses. The Proposed Boardwalk Project will provide ADA compliant public walkway and park type amenities that will allow residents and visitors utilizing the public parking and marina amenities in the Central Business District reasonable access to the public beaches in this area. Currently, there are no public beach access dune crossovers within the proposed boardwalk extension area, and the current public

  - There is no evidence in the variance request package that the current Boardwalk has had positive economic impact for area property owners and downtown businesses.
  - There is no evidence in this variance request package that the downsized Boardwalk Extension project will provide. Future positive economic impacts for area property owners and downtown businesses.
  - There is no evidence in this variance request package that current ADA beach access is not sufficient.
  - There is no evidence in this variance request package that additional ADA beach access is required.

- I would like to address Town Carolina Beach's response to **(B) Do such hardships result from conditions peculiar to the petitioner's property such as the location, size, or topography of the property.**

As noted above, the relevant public lands are owned by the Town of Carolina Beach as a result of the governing 1963 Session Law, which law resulted in the recording of a public Building Line in Map Book 8, at Page 52, New Hanover Register of Deeds Office. This unique, recorded building line has been on the public property records of New Hanover County for over 50 years now. In summary, the combination of the recorded Building Line, the express terms of the governing 1963 Session Law, and the successful Corp's beach nourishment project resulting in a first line of stable and natural vegetation located 90 feet from the proposed project provide an extremely unique set of conditions and circumstances peculiar to the Town's pending variance request.

- The Building Line for Sec 2. 1963 Session Law recorded in Map Book 8 at page 52 New Hanover Register of Deeds office is in dispute and has not been resolved: Carolina Beach Fish Pier v Town of Carolina each, 163 S e 2d 363 (NC. 1968) NO. 192 Supreme Court of Norht Carolina. Therefore variance request based on the building line should not be approved.

- I would like to address Town of Carolina Beach's response to **(C) Do the hardships result from action taken by the petitioner?**

concerns. Further, the Town has successfully constructed its repaired and upgraded Boardwalk facilities just to the south of the proposed work, and the dune system in this area is fully recovered and fully vegetated from this recent work. [See Stipulated Exhibits.]

- The dune system in this area has not "fully recovered". The construction and upgrade to the Boardwalk was completed in Spring 2015, it is my understanding it takes 5 years for a dune and vegetation to recover. I belive Mr Frank Gorham, Chairman referenced this 5 year time period during a earlier Coastal Resource Commision Meeting.
- If the Boardwalk extension is completed in the manner of the repaired and upgreaded current Boardwalk the new construction will have negative effect on the dune system.
- Please see pictures below

During construction and upgrade to the Boardwalk in 2015: note dune cut into over 5 feet

Note sand from dune pushed out and on to the beach by bull dozer, dark color is sand bulldozer pushed onto beach.

- I would like to address Town Carolina Beach's response to **(d) Will the variance requested by the petitioner (1) be consistent with the spirit, purpose, and intent of the rules, standards or orders issued by the Commission; (2) secure the public safety and welfare; and (3) preserve justice?**
  - The Town, public and including the property owners have useable oceanfront properties as a result of beach nourishment projects since the 1960s. The North Carolina General Assembly 1963 Session Chapter 511 House Bill 612 clearly defines the purpose of the nourishment projects: "WHEREAS,...during the course of many years...much of the land abutting and fronting on the Atlantic Ocean...has been and is now being washed away by successive storms, tides and winds..."
  - The interpretation is clear in Section 1: "that no building or structure shall be built and erected on said made and built-up land...."
  - I believe the North Carolina General Assembly enacted the provisions of the 1963 Session Law based on firsthand knowledge and experience of what happens when there is no "pushed up sand and hauled sand" to change the "usual low water mark of the waters". Protecting this new land was and is very important to the Town, public and property owners for future generations.
  - My family has firsthand experience of what happens when a dune with a structure on it is hit by a storm. Please see exhibit 1, as you can see remnants of Boardwalk washed from original foundation.

➢ I would like to address Town Carolina Beach's Proposed Stipulated Facts:

14. Not Correct: Per the finding of Carolina Beach Fish Pier v Town of Carolina each, 163 S e 2d 363 (NC. 1968) NO. 192 Supreme Court of Norht Carolina the "Building Line" was established before the completinon the publicly funded beach nourishment

16. Not Correct: Carolina Beach Fish Pier v Town of Carolina each, 163 S e 2d 363 (NC. 1968) NO. 192 Supreme Court of Norht Carolina

➢ Certified letters do not have the correct information.
  - Please see example of the letter sent to Boardwalk Unit Owners Association which is located on Carolina Beach Ave South, which is not adjacen to the proposed Town of Carolina Beach Variance Request for the Boardwalk Northern Extension. "The Boardwalk Extension project, if approved, will be constructed on the public land located adjacent to your property...."

➢ Town of Carolina Beach-Renewed Variance request Checklist Item 1 does is not make clear where "Name-Location of Development" will be. The Certified letters state "between Charlotte Avenue and Pelican Lane". I have read the 204 pages of the package on line and I can not find where this project will start and end. The maps provided do not start and end between Charlotte Avenue and Pelican Lane which the certified letters state.

Fran Sept 1996
Mary Cottage
107 Carolina Beach Ave S

(3rd lot south of old/current Boardwalk)

Please note the Boardwalk remnants which washed into Mary Cottage during Hurricane Fran 1996

- Based on the Town of Carolina Beach previous lack of concern to follow the requirments of the variance package for the construction and upgrade of the current Boardwalk this lack or misresentation of the informtion is very concerning to me as a Citizen.
  - All ramps were to built to ADA standards: Town of Carolina Beach did not follow this requirement
  - The Commission's Final Variance Order stated maximum of 16.0 feet, the Town of Carolina Beach ignored this requirment.

CRAIGE & FOX PLLC

ATTORNEYS & COUNSELORS AT LAW

701 Market Street / Wilmington, North Carolina 28401
Telephone: (910) 815-0085 / Facsimile: (910) 815-1095 / www.craigeandfox.com

LAWRENCE S. CRAIGE*
CHARLOTTE NOEL FOX

*Board Certified Specialist in Elder Law
*Certified Elder Law Attorney by ABA Accredited National Elder Law Foundation

ASHLEY MICHAEL
BONNIE BRAUDWAY
JENNIFER M. RODEN
HARRISON B. FREEDLAND

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

October 5, 2015

Boardwalk Unit Owners Association
PO Box 179
Wilmington, NC 28402
Certified Mail Tracking #7014 1820 0001 7904 3599

Dear Boardwalk Unit Owners Association:

This letter is to inform you that The Town of Carolina Beach is applying for a variance to the North Carolina Coastal Resources Commission (CRC) from the ocean hazards setback rules in order to construct an extension of the Carolina Beach Boardwalk. The extension has been reduced in size in several respects in response to landowner and public comments. If the CRC grants the requested variance, the boardwalk will be built on land that the North Carolina Legislature gave to the Town pursuant to the provisions of 1963 Session Law 510, and as later publicly recorded on May 8, 1964 in Map Book 8, Page 52, New Hanover Register of Deeds Office. The 1963 Session Law mandates that the Town use this land for public streets, public thoroughfare, public park and public square purposes, which is of course the goal of the proposed Boardwalk Extension Project. The Boardwalk Extension project, if approved, will be constructed on the public land located adjacent to your property, between Charlotte Avenue and Pelican Lane.

Willis, Angela

From:	sweatherman@carolinasampler.com
Sent:	Monday, November 02, 2015 8:44 AM
To:	Willis, Angela
Cc:	sweatherman@carolinasampler.com
Subject:	AGAINST Carolina Beach Variance Request

Dear Members of the Coastal Resources Commission,

I am writing today to ask you to vote AGAINST the Carolina Beach Variance Request

or the extension of the Carolina Beach Boardwalk.

I am a proud native North Carolinian and have been visiting

the Carolina Beach area for over 25 years.

At one point in Carolina Beach history, bulldozers were used

to flatten the dunes in order to provide more level beachfront.

Looking back, we now know that was a tragic mistake.

I also believe that the boardwalk extension project would

be a tragic mistake. The allure of the beachfront cottages

bring tourists from different parts of the state, and indeed

the country. The economic impact of these tourists would

be jeopardized if we take away the very reason that many of them come.

In addition, severe weather patterns are affecting many coastal areas.

I cannot see the logic in creating an additional negative variable that

could affect the safety and structural integrity of the homes that would be impacted.

Please, vote AGAINST the extension of the Carolina Beach boardwalk.

Sincerely,

Shawn Miohael Weatherman
502 Brighton View Lane
Winston-Salem, North Carolina 27104-5310

336.422.7237

Willis, Angela

From: Velvet Motsinger <vmmotsinger@gmail.com>
Sent: Monday, November 02, 2015 10:01 AM
To: Willis, Angela
Subject: 2nd letter comment to Carolina Beach Variance request
Attachments: Security. In opposition to Town of Carolina Beach Variance Request V.10.docx; Exhibit 2.pdf

Please see the 2 attached documents. If you have any issues opening the documents please let me know thank you
Velvet Motsinger

Velvet Motsinger
PO Box 204
Albemarle NC 28002

North Carolina Coastal Resource Commission
400 Commerce Avenue
Morehead City, NC 28557

RE: In opposition to Town of Carolina Beach Variance Request- Boardwalk Northern Extension

Mr. Braxton Davis, Director and Members of the North Carolina Coastal Resource Commission

I am in opposition of the Town of Carolina Beach Variance Request for the Boardwalk Northern Extension. After reviewing the Variance Request please see my findings and responses regarding Security.

Town of Carolina Beach's Proposed Stipulated Facts:
Item number 55 states "The proposed Boardwalk Extension Project is located entirely within the Town's Central Business District zone." This is true however this is an older community and as with any old community there will be mixed uses within a Business District. The current Boardwalk is not adjacent to any private residential property. However the new Variance Request places the Boardwalk adjacent to private residential property.
Item number 61 & 62 addresses the current and continued vandalism and ordinance violations occurring on and adjacent to the Town of Carolina Beach's Public Boardwalk. (See exhibit 2)

I praise the Town for trying to address these issues however the proposed solutions demonstrates the Town of Carolina Beach does not have the resources to:

1. Protect the Current Public Boardwalk
2. Protect the Business Owners adjacent to the Current Boardwalk
3. To enforce the existing Ordinance on the Current Boardwalk
4. To enforce the existing Ordinance adjacent to the Current Boardwalk

Furthermore the Town of Carolina Beach's Proposed Stipulated Facts does not address how Emergency Personnel and equipment will respond or address issues in regard to the Boardwalk Northern Extension. Which will as stated be adjacent to residential property and Businesses that will houses hundreds of visitors.

If the Town of Carolina Beach cannot enforce and protect the current public Boardwalk how does the Town expect to enforce and protect the new Extension? The request should be denied.

Thank you
Velvet Motsinger

Current Town of Carolina Beach Public Boardwalk

Oct. 3, 2015: Broken electrical outlet cover

Oct. 3, 2015: Missing cover for electrical outlet

Oct. 28, 2015: Dog poop

Willis, Angela

From: Davis, Braxton C
Sent: Monday, November 02, 2015 10:27 AM
To: Willis, Angela
Subject: FW: Boardwalk Extension

-----Original Message-----
From: Cindy McMunn [mailto:cindymcmunn@hotmail.com]
Sent: Monday, November 02, 2015 10:05 AM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Cc: Bob Lewis <rh_50@hotmail.com>
Subject: Boardwalk Extension

Sent from my iPhone I worked at the Cabana for a couple years. I am totally against the boardwalk extension. As a Realtor I think it would decrease the value of their properties and also violate their privacy. Cindy and Steve McMunn - Residents of C B....

Willis, Angela

From: Pam Brewer <pambrewer3@yahoo.com>
Sent: Monday, November 02, 2015 1:17 PM
To: Willis, Angela
Subject: letter to be included in the public comment of the Carolina Beach Variance Request
Attachments: letter of Greg Reynolds.docx

Please see attached letter.

Thank you,
Pam Brewer

Pam Brewer

Nov. 1, 2015

Honorable Member of the Coastal Resources Commission,

In the variance request submitted by Carolina Beach to the CRC, there is a letter written by **Mr. Greg Reynolds, Chairman of the Pleasure Island Chamber of Commerce,** that strongly supports extending the public boardwalk north to Pelican Lane. He states in the letter that the chamber endorsed extending the Boardwalk south to Carolina Beach Lake Park. He wrote that the extended boardwalk would allow a person in a wheelchair to travel in a wheelchair from a town parking lot to the town marina, the central business district and water side restaurants without moving their car.

I would like to point out the following:

1. Mr. Reynolds also is the **Boardwalk Project Architect** and **Chairman of the Carolina Beach Planning and Zoning Commission.**

2. **A town parking lot** is now adjacent to the central business district and extends from the central business district to and is adjacent to the town marina and adjacent to oceanfront restaurants. **A person in a wheelchair now can travel in his or her wheelchair to and from these 3 destinations without moving their car.**

3. Included in the variance public comment is the first page of the grant application stating that extending the public boardwalk south to Hamlet Ave. is a possible Phase 3. The Pleasure Island Chamber of Commerce endorsed extending the Public Boardwalk south to the Town Lake Park. On those two stretches of beach, there are no businesses or motels, but only oceanfront individual houses and condo buildings.

Some of the oceanfront private residences on those two stretches of beach are vacation rental properties. I would not want to vacation in a property that had a public boardwalk between it and the ocean.

I ask that you not give the variance to construct a public boardwalk where there are private residences.

Thank you,

Pam Brewer

Willis, Angela

From: Louinice Motsinger <louinice.motsinger@gmail.com>
Sent: Monday, November 02, 2015 2:14 PM
To: Willis, Angela
Subject: Letter of opposition for Carolina Beach Variance Request

Nov. 2, 2015

Honorable Members of the N.C Coastal Resources Commission.

In the variance package for a boardwalk extension in Carolina Beach, submitted by Attorney Clark Wright, it is stated that failure to grant the variance would cause a hardship to the Hampton Inn now being constructed at the northern end of the present Public Boardwalk.

Since the hotel was planned and construction begun without a variance having been granted by the CRC to extend the boardwalk, the owners of the property began the project with no assurance that the boardwalk extension would be built.

Therefore, the owners of the Hampton Inn being constructed have no right to claim that failure to allow the extension would cause them hardship.

Thank you.

Louinice Motsinger