Francis Chiaramonte 7508 Masters Drive Potomac, MD 20854 Ph: 202-834-7348 Alt. Ph: 301-922-4663

June 20, 2024

Julie R. Molina Environmental Scientist III DNREC Division of Water Wetlands and Waterways Section 89 Kings Highway Dover, DE 19901

Dear Julie Molina:

I hereby request that the previous Subaqueous Lands Lease authorization no. SL-138/20 to construct Two PWC Lifts be voided since they were never constructed. This is currently included with the deed for the property located at 47 Madison Ave, Fenwick Island, DE. A copy of this Submerged Land Lease is attached.

Sincerely,

Francis Chiaramonto

Francis Chiaramonte

Document# 2021000001450 BK: 5388 PG: 51 Recorder of Deeds, Scott Dailey On 1/8/2021 at 10:45:14 AM Sussex County, DE Doc Surcharge Paid



DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF WATER Richardson & Robbins Building 89 Kings Highway Dover, Delaware 19901

PHONE (302) 739-9943

WETLANDS & SUBAQUEOUS LANDS

> Michael J. Chiaramonte, Delegate 44 Canal Center Plaza, Suite 325 Alexandria, VA 22314 Tax Parcel: 1-34-23.16-170.00

Subaqueous Lands Lease: SL-138/20 Associated Permits: Date of Issuance: 1-6-2021 Construction Expiration Date: 1-6-2014

SUBAQUEOUS LANDS LEASE

GRANTED TO:

Michael J. Chiaramonte

TO CONSTRUCT AND UTILIZE:

Two PWC lifts

OCCUPYING PUBLIC SUBAQUEOUS LANDS TOTALING:

2 square feet

LOCATED CHANNELWARD OF MEAN LOW WATER:

In Little Assawoman Bay, at 47 Madison Avenue, Lot #235 Fenwick Island, Sussex County, Delaware

Pursuant to the provisions of 7 <u>Del. C.</u> §7205, and the Department's <u>Regulations Governing the Use</u> of <u>Subaqueous Lands</u>, permission is hereby granted on this 6^{++} day of <u>Januar</u> A.D. 2020, to construct the above-referenced project in accordance with the approved plans for this Lease (3 sheets) as approved on November 25, 2020 and the application dated March 25, 2020, and received by this Department on April 6, 2020, and subsequent documentation received August 26, 2020 and September 15, 2020.

WHEREAS, the State of Delaware is the owner of ungranted subaqueous lands lying beneath the waters of Little Assawoman Bay; and

WHEREAS, Michael J. Chiaramonte, owner(s) of certain lands adjoining to Little Assawoman Bay have applied for permission to occupy 2 square feet of those public lands to install the indicated structures for private use; and

WHEREAS, pursuant to the provisions of 7 Del. <u>C</u>. §7203, the Secretary of the Department of Natural Resources and Environmental Control through his duly authorized

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> Michael J. Chiaramonte SL-138/20

Page 2 of 3

representative finds that it is not contrary to the public interest if this project is approved subject to the terms and conditions herein set forth.

This Lease shall be continued for a period of ten (10) years or so long as the conditions attached to the Lease are adhered to, whichever is the shorter in time. Upon the expiration of the ten-year term, this Lease shall expire and become null and void, unless prior thereto the lessee shall have applied for and received a renewal of this Lease. A renewal may be denied if the State determines that the Lease is no longer in the public interest.

NOW THEREFORE, this Lease is issued subject to the attached Subaqueous Lands Lease General Conditions and the following special conditions:

SPECIAL CONDITIONS

- 1. This Lease shall not be considered valid until it has been duly recorded in the office for the Recorder of Deeds in and for the appropriate County, and a copy of the recorded Lease is returned to, and has been received by, the Department.
- 2. This approval is in accordance with the plans and application submitted to the Department of Natural Resources and Environmental Control, a copy of which is attached hereto and made a part hereof.
- 3. The work authorized by this Lease is subject to the terms and conditions of the attached Department of the Army Permit Number CENAP-OP-R SPGP-20.
- 4. This Lease is granted for the purpose of berthing no more than two vessels, as indicated on the approved plans. Any other use without prior approval shall constitute reason for this Lease being revoked.
- 5. Any previously unauthorized structures present must be removed in their entirety prior to construction of the approved structures.
- 6. The authorized area of structure over public subaqueous lands is 2 square feet, represented by the two PWC lifts and 2 associated pilings.

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> Michael J. Chiaramonte SL-138/20

Page 3 of 3

IN WITNESS WHEREOF, We, Michael J. Chiaramonte, have caused this instrument to be executed on this ______ day of ______ December ______, 2020.

By:

Michael J. Chiaramonte (Delegate)

NE MARIE ROGERS BRIANNE CALVERT COUNTY MARYLAND MY COMMISSION EXPIRES FEB. 4, 2023

Sworn and Subscribed before me on this β day of $\mathcal{V}(eth) \mathcal{U}$, 2020

(Notary Seal)

Notary

IN WITNESS WHEREOF, I, Shawn M. Garvin, Secretary of the Department of Natural Resources and Environmental Control, have hereunto set my hand this <u>6th</u> day of January , 2020. 2021

Shawn M. Garvin, Secretary Department of Natural Resources and Environmental Control

WETLANDS AND SUBAQUEOUS LANDS SECTION PERMIT APPLICATION FORM

For Subaqueous Lands, Wetlands, Marina and 401 Water Quality Certification Projects

State of Delaware Department of Natural Resources and Environmental Control Division of Water

Wetlands and Subaqueous Lands Section



APPLICATION FOR APPROVAL OF SUBAQUEOUS LANDS, WETLANDS, MARINA AND WATER QUALITY CERTIFICATION PROJECTS

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY

Application Instructions:

- 1. Complete each section of this basic application and appropriate appendices as thoroughly and accurately as possible. Incomplete or inaccurate applications will be returned.
- 2. All applications must be accompanied by a scaled plan view and cross-section view plans that show the location and design details for the proposed project. Full construction plans must be submitted for major projects.
- 3. All applications must have an original signature page and proof of ownership or permitted land use agreement.
- 4. Submit an original and two (2) additional copies of the application (total of 3) with the appropriate application fee and public notice fee* (prepared in separate checks) to:

Department of Natural Resources and Environmental Control Wetlands and Subaqueous Lands Section 89 Kings Highway Dover, Delaware 19901

*Application and public notice fees are non-refundable regardless of the Permit decision or application status.

5. No construction may begin at the project site before written approval has been received from this office.

Helpful Information:

1.	Tax Parcel Information:	New Castle County	(302) 395-5400
		Kent County	(302) 736-2010
		Sussex County	(302) 855-7878
2.	Recorder of Deeds:	New Castle County	(302) 571-7550
		Kent County	(302) 744-2314
		Sussex County	(302) 855-7785

- 3. A separate application and/or approval may be required through the Army Corps of Engineers. Applicants are strongly encouraged to contact the Corps for a determination of their permitting requirements. For more information, contact the Philadelphia District Regulator of the Day at (215) 656-6728 or visit their website at: <u>http://www.nap.usace.army.mil/Missions/Regulatory.aspx.</u>
- For questions about this application or the Wetlands and Subaqueous Lands Section, contact us at (302) 739-9943 or visit our website at: <u>http://www.dnrec.delaware.gov/wr/Services/Pages/WetlandsAndSubaqueousLands.aspx</u>. Office hours are Monday through Friday 8:00 AM to 4:30 PM, except on State Holidays.

APPLICANT'S REVIEW BEFORE MAILING

DID YOU COMPLETE THE FOLLOWING?

x	Yes	BASIC APPLICATION
x	_Yes	SIGNATURE PAGE (Page 3)
X	_Yes	APPLICABLE APPENDICES
X	_Yes	SCALED PLAN VIEW
x	Yes	SCALED CROSS-SECTION OR ELEVATION VIEW PLANS
X	Yes	VICINITY MAP
X	Yes	COPY OF THE PROPERTY DEED & SURVEY
	Yes	THREE (3) COMPLETE COPIES OF THE APPLICATION PACKET
X	_Yes	APPROPRIATE APPLICATION FEE & PUBLIC NOTICE FEE (Separate checks made payable to the State of Delaware)

Submit 3 complete copies of the application packet to:

Department of Natural Resources and Environmental Control Wetlands and Subaqueous Lands Section 89 Kings Highway Dover, Delaware 19901

Before signing and mailing your application packet, please read the following:

The Department requests that the contractor or party who will perform the construction of your proposed project, if other than the applicant, sign the application signature page along with the applicant in the spaces provided. When the application is signed by the contractor as well as the applicant, the Department will issue the Permit to both parties. For Leases, the contractor will receive a separate construction authorization that will make them subject to all of the terms and conditions of the Lease relating to the construction

Section 1: Applicant Identification

- 1. Applicant's Name: <u>Francis Chiaramonte</u> Mailing Address: <u>7508 Masters Drive</u> Potomac, MD 20854
- Consultant's Name: Ron Freund Mailing Address: Hidden Oak Farm, LLC Po Box 1262 Cambridge, MD 21613
- 3. Contractor's Name: <u>Ryan Murphy</u> Mailing Address: <u>13239 Rollie Road</u> Bishopville, MD 21813

Telephone #: <u>202-834-7348</u> Fax #: <u>E-mail: francis.p.chiaramonte@nasa.gov</u>

Company Name: <u>Hidden Oak Farm, LLC</u> Telephone #:<u>410-603-5666</u> Fax #:_____ E-mail:<u>hiddenoakfarmllc@aol.com</u>____

Company Name: R.G. Murphy Marine Construction Telephone #:410-352-5015 Fax #: ______ E-mail: rgmurphy11@comcast.net_____

Section 2: Project Description

4. Check those that apply:

X New Project/addition to existing project?

□ Repair/Replace existing structure? (If checked, must answer #16)

5. Project Purpose (attach additional sheets as necessary): Build a 36' X 5' pier

Build two, 12.5' X 13' boat lifts; one on each side of pier
Install a 6' x 12' float
Build a 6' X 6' PWC lift

6. Check each Appendix that is enclosed with this application:

х	A. Boat Docking Facilities	G. Bulkheads	N. Preliminary Marina Checklist
	B. Boat Ramps	H. Fill	O. Marinas
	C. Road Crossings	I. Rip-Rap Sills and Revetments	P. Stormwater Management
	D. Channel Modifications/Dams	J. Vegetative Stabilization	Q. Ponds and Impoundments
	E. Utility Crossings	K. Jetties, Groins, Breakwaters	R. Maintenance Dredging
	F. Intake or Outfall Structures	M. Activities in State Wetlands	S. New Dredging

Section 3: Project Location

7. Project Site Address: <u>47 Madison Ave</u> Fenwick Island, DE 19944

8. Driving Directions: Route 1 south to Fenwick Island, right turn on S. Carolina Ave, <u>left on Mermaid, right on Bayside, right on Glenn ave, left on Madison Ave.</u> (Attach a vicinity map identifying road names and the project location)

9. Tax Parcel ID Number: 134-23.16-170.00

Subdivision Name: N/A

WSLS Use	Only:	Permi	t #s:						_
Туре	SP 🗆	SL 🗆	SU 🗆	WE 🗆	$WQ \square$	LA 🗆	SA 🗆	$\mathbf{MP} \ \Box$	WA 🗆
Corps Per	mit: SPGP 1	8 🗆 20 🛛	☐ Nationwide	Permit #: _		Indi	vidual Pern	nit #	
Received I	Date:		Pro	ject Scientis	t:				
Fee Receiv	red? Yes 🗆	No 🗆	Amt: \$		Receipt #: _				
Public Not	ice #:		Public Notice	Dates: ON		OFF			

Section 3: Project Locat	
10. Name of waterbody a	Little the Project Location: Assawoman Bay waterbody is a tributary to: Assawoman Bay
11. Is the waterbody:	χ Tidal \Box Non-tidal Waterbody width at mean low or ordinary high water <u>1823'</u>
12. Is the project:	 X On public subaqueous lands? □ On private subaqueous lands?* □ In State-regulated wetlands? □ In Federally-regulated wetlands?
*If the project is on privat	te subaqueous lands, provide the name of the subaqueous lands owner:
(Written permission from	the private subaqueous lands owner must be included with this application)
13. Present Zoning:	□ Agricultural □ Residential □ Commercial □ Industrial □ Other
Section 4: Miscellaneous	
project (attach addition 49 Madison Ave: Ri	nd complete mailing addresses of the immediately adjoining property owners on all sides of the onal sheets as necessary): .chard & Patricia Weigle, 4320 Prince Road, Rockville, MD 20853
foot radius of the project (marina projects, list the names and complete mailing addresses of property owners within a 1,000 (attach additional sheets as necessary):
	DNREC and/or Army Corps of Engineers representatives whom you have discussed the project with:
B. Has the project be	ate Jurisdictional Determination performed on the property? \Box YesX Noen reviewed in a monthly Joint Permit Processing Meeting? \Box Yes $\overline{\chi}$ Nos the date of the meeting? \Box Yes $\overline{\chi}$ No
	uctures or fill at the project site in subaqueous lands? \Box Yes X No the permit and/or lease number(s):
*If no, were strue	ctures and/or fill in place prior to 1969?
17. Have you applied for $\overline{\chi}$ No \Box Pend	or obtained a Federal permit from the Army Corps of Engineers? ing Issued I Denied Date:
Type of Permit:	Federal Permit or ID #:
18. Have you applied for $\overline{\chi}$ No \Box Pend	permits from other Sections within DNREC? ing
Type of permit (circle all	that apply): Septic Well NPDES Storm Water
Other:	

Section 5: Signature Page

19. Agent Authorization:	
If you choose to complete this section, all future corresponde agent. In addition, the agent will become the primary point of	
I do not wish to authorize an agent to act on my behalf $\Box X$	
I wish to authorize an agent as indicated below \Box	
I,, hereby design	ate and authorize
(Name of Applicant) to act on my behalf in the processing of this application and t Department.	(Name of Agent)
Authorized Agent's Name: Mailing Address:	Telephone #: Fax #: E-mail:
20. Agent's Signature:	

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application.

Agent's Signature

Date

June 20, 2024

Date

21. Applicant's Signature:

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge and that I am required to inform the Department of any changes or updates to the information provided in this application. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application. I grant permission to authorized Department representatives to enter upon the premises for inspection purposes during working hours.

sancis Cliusmonte Applicant's Signature

Francis	Chiaramonte	
Print Name	9	

22. Contractor's Signature:

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge, and that I am required to inform the Department of any changes or updates to the information provided in this application. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application.

R.G. Murphy Marine Construction Contractor's Name

June 21,2024 Date

Ryan Murphy Print Name

BOAT DOCKING FACILITIES

Any boat docking facility for more than four (4) vessels is considered a marina facility (see definitions and explanations section) and requires the applicant to complete Appendices N and O, and make application to the U.S. Army Corps of Engineers for approval.

Please make sure answers to all of the questions in this appendix correspond with information on the application drawings.

 Briefly describe the project. (Attach additional sheets as necessary.) Install a 5' x 36' pier with two (2) boat lifts, one (1) single PWC lift, and a 6' x 12' floating dock

Structure Type	Number of Support Pilings	Dimensions (C MHW or OHW			hannelward of for non-tidal	
Pier	12	Width <u>5</u> ft.	Length <u>36</u> ft.	Width $_5_$ ft.	Length <u>36</u> ft.	New
Boat Lift	4	12.5	13'	12.5'	13'	new
Boat lift	4	12.5	13'	12.5'	13'	new
PWC lift	1	6'	6'	6'	6'	new
Floating Dock	2	6	12'	6'	12'	new
			and a second sec	TIL THE RECEIPTION OF THE RECEIPTION		
Freestanding Pilings	Number					
None	0					

2. Please provide numbers and dimensions as follows:

 Mooring Buoy: How many moorings will be installed?
 0______

 What will be used for the anchor(s)?

 Anchor/Mooring Block Weight

 Anchor Line Scope (Length or Ratio)

 Water Depth at Mooring Location

- 3. Approximately how wide is the waterway at this project site? 1823 _____ft. (measured from MLW to MLW)
- 4. What will be the mean low water depth at the most channelward end of the mooring facility? <u>3.25'</u> ft.
- What type of material(s) will be used for construction of the mooring facility (e.g. salt treated wood, aluminum, fiberglass floats, etc.) Use of creosote-treated wood is prohibited. Salt treated poles
- 6. Circle any of the following items that are proposed over subaqueous lands: Fish Cleaning Stations/Benches/Ladders/Water Lines/ Satellite/Electric Lines/ Handrails/Other (Describe)

If any of the items are circled above, include their dimensions and location on the application drawings.

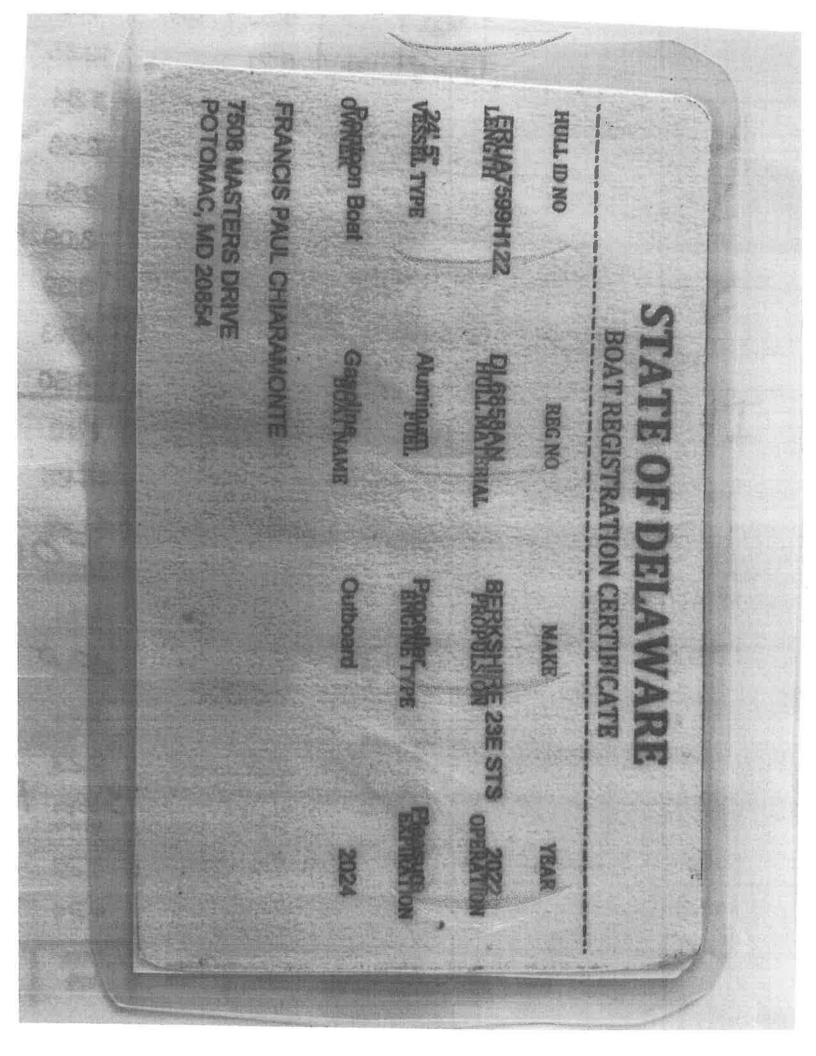
- 7. What will be the distance from the most channelward end of the docking facility to the edge of any natural or man-made channel? 100' ft.
- 8. Describe the vessels that will be berthed at the docking facility. Please draw proposed vessel locations on plans and drawings.

Make/model Boston Whater	length 17'	width	draft
Make/model Pontoon	length 24'	width	draft
Make/model	length	width	draft
Make/model	length	width	draft

- 9. Please provide a copy of the current state registration or Coast Guard Certificate of Documentation for each motorized vessel listed above.
- 10. Give the number and type of each Marine Sanitation Device (e.g. MSD III, Portable toilet) that will be used on vessels to be docked at the facility. 0
- 11. Is there currently a residence on the property? Yes _____ No
- 12. Do you plan to reach the boat docking facility from your own upland property? _____ Yes _____ No If "No", explain your proposed means of access and provide documentation of easement or documentation authorizing access if you intend to cross someone else's property.
- 13. Will any portion of the structure be located in privately owned underwater land (such as a pond or lagoon) owned by someone other than the applicant? ____Yes ___No. If yes, written permission of the underwater land owner must be provided with this application.
- 14. What is the width of the waterfront property frontage adjacent to subaqueous lands? <u>50</u> ft. Will any portion of the structure or any vessel be placed within 10 feet of your neighbor's property line? Yes <u>Yes</u> No

If yes, a letter of no objection from the adjacent property owner must be included with this application.

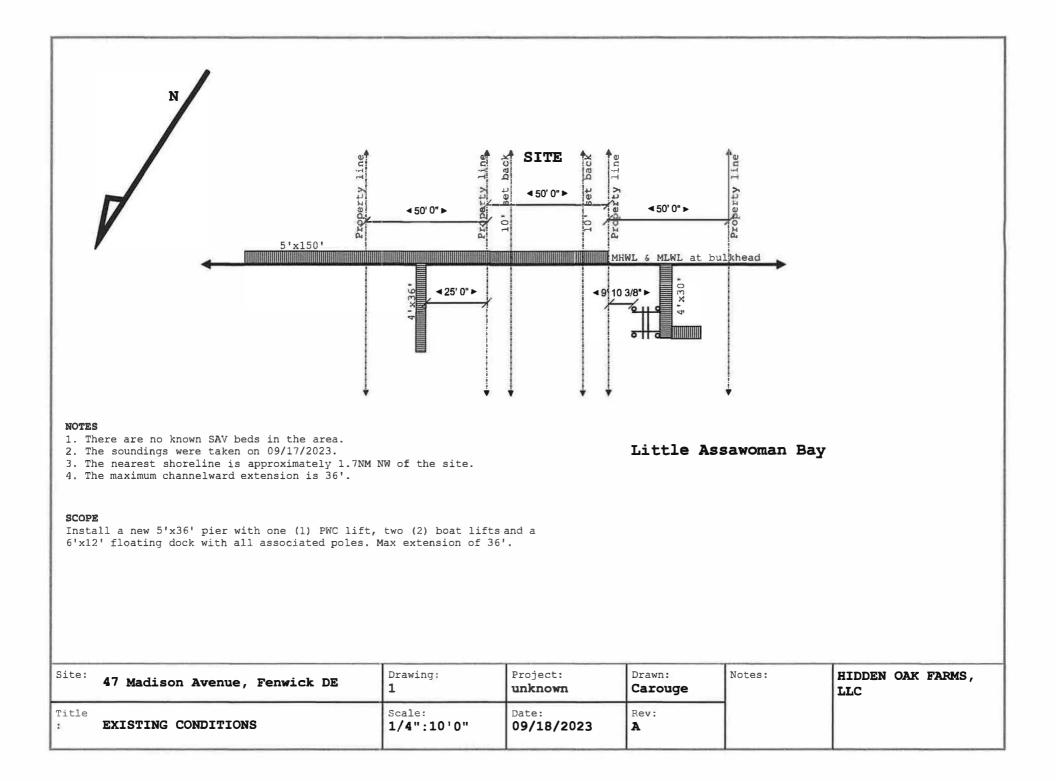
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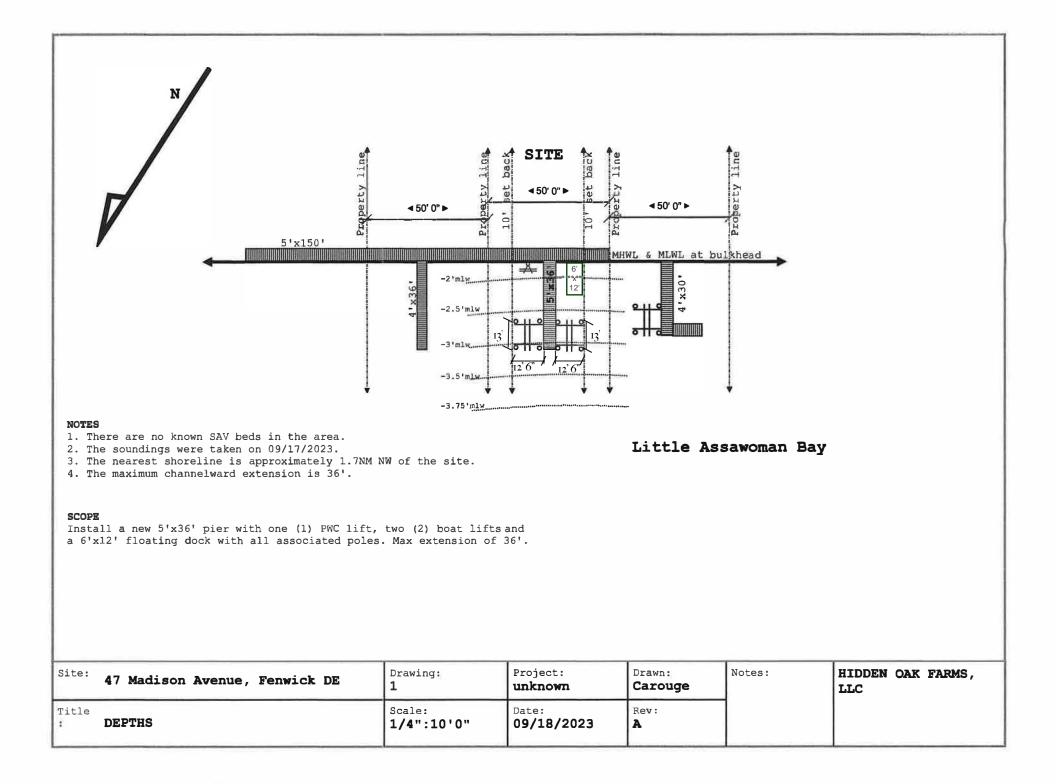


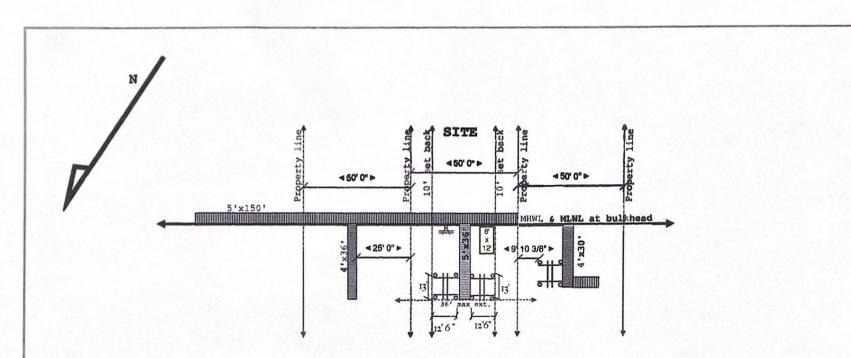
STATE OF MARYLAND CERTIFICATE OF VESSEL NUMBER					
ES December 31, 2025					
BOAT NO. MD 8327 CG	LENGTH 17' 0"				
MAKE BOSTON WHALER	YEAR 1984				
	ES December 31, 2025 BOAT NO. MD 8327 CG MAKE				

FRANCIS PAUL CHIARAMONTE III 7508 MASTERS DR POTOMAC, MD 20854 Natural Resources Police: 1-877-620-8367 Marine Radio VHF CH. 16









NOTES

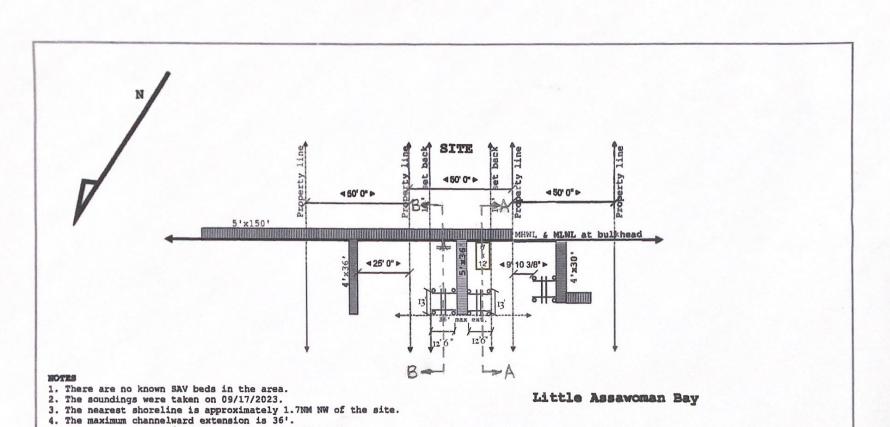
- 1. There are no known SAV beds in the area.
- 2. The soundings were taken on 09/17/2023.
- 3. The nearest shoreline is approximately 1.7NM NW of the site. 4. The maximum channelward extension is 36'.

SCOPE

Install a new 5'x36' pier with one (1) PWC lift, two (2) boat lifts and a 6'x12' floating dock with all associated poles. Max extension of 36'.

Site:	47 Madison Avenue, Fenwick DE	Drawing: 1	Project: unknown	Drawn: Carouge	Notes:	BIDDEN OAK FARMS, LLC
Title :	PROPOSED CONDITIONS	Scale: 1/4":10'0"	Date: 09/18/2023	Rev:		

Little Assawoman Bay



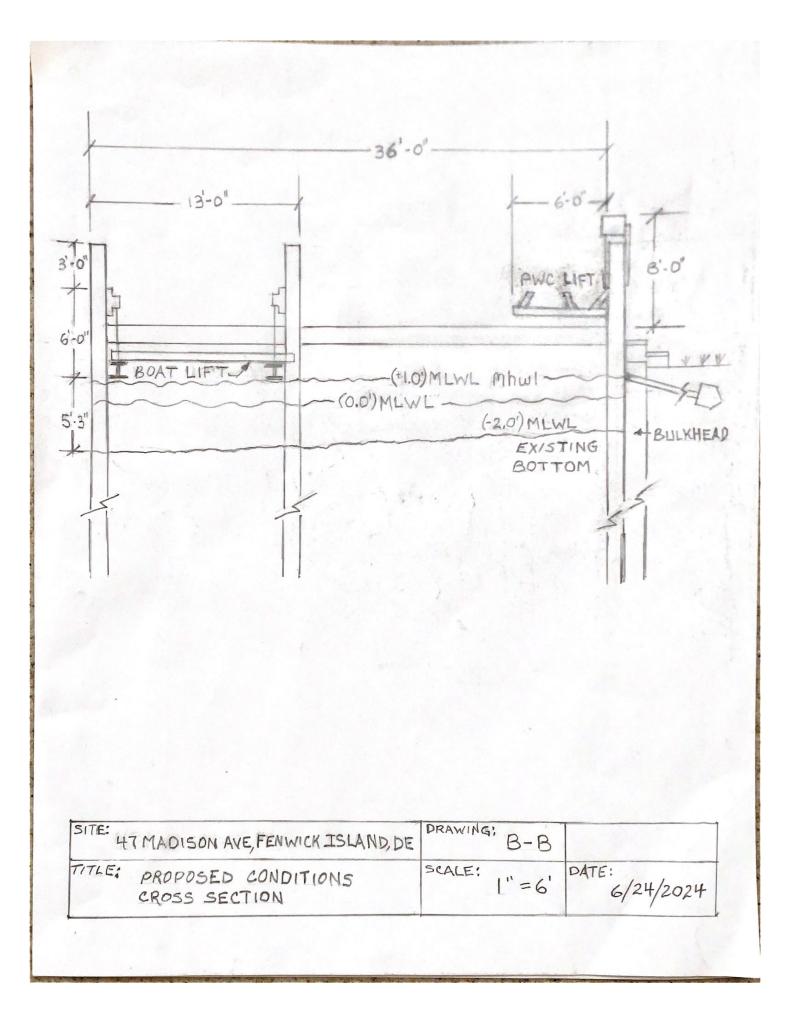
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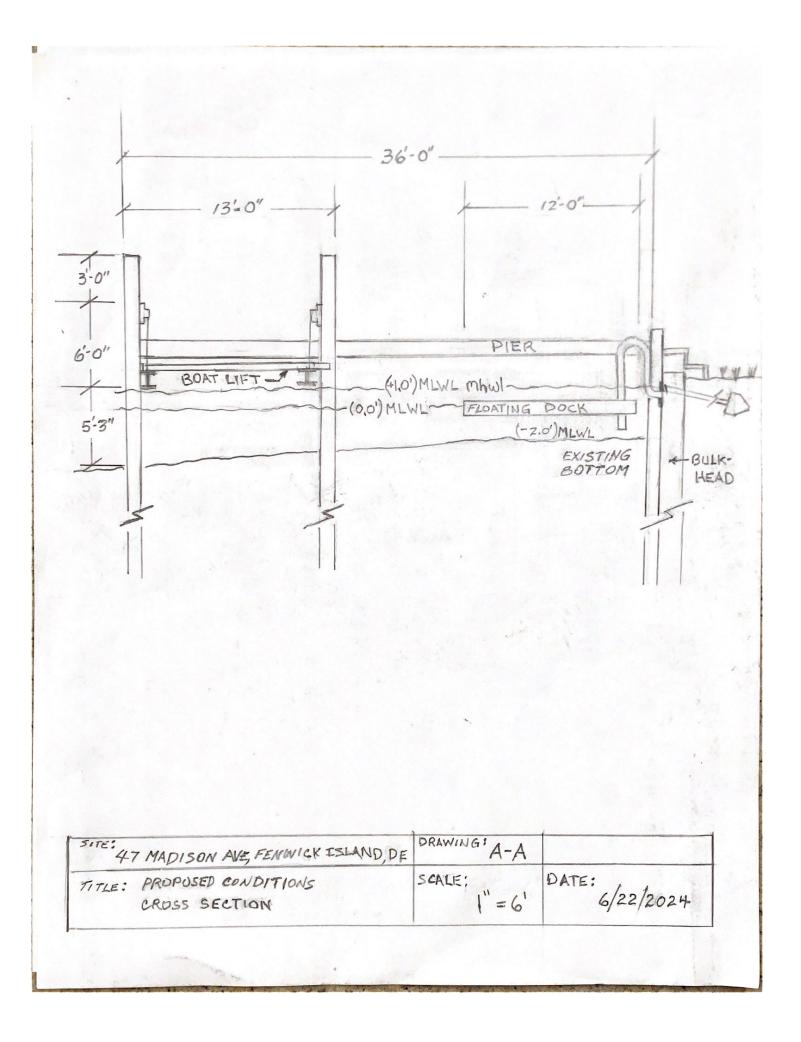
5. CROSS SECTIONS A-A AND B-B REFERENCED

SCOPE

Install a new 5'x36' pier with one (1) PWC lift, two (2) boat lifts and a 6'x12' floating dock with all associated poles. Max extension of 36'.

Site: 47 Madison Avenue, Fenwick DE	Drawing: 1	Project: unknown	Drawn: Carouge	Notes:	HIDDEN OAR FARMS, LLC
Title PROPOSED CONDITIONS WITH CROSS SECTIONS REFERENCED	Scale: 1/4":10'0"	Date: 09/18/2023	Rev:		-





TAX MAP NO.: 134-23.16-170.00

PREPARED BY: Venable LLP 1201 North Market Street, Suite 1400 Wilmington, DE 19801 Attn: Laura S. Bouyea, Esq.

> RETURN TO: Venable LLP 750 E. Pratt Street Baltimore, MD 21202 Attn: Samantha R. Gutridge, Esq.

Document # 2022000017496 BK: 5678 PG: 93 On 4/6/2022 at 3:34:18 PM RECORDER OF DEEDS Scott Dailey Sussex County, DE Consideration: \$0.00 County/Town: \$0.00 State: \$0.00Total: \$0.00 Doc Surcharge Paid

THIS DEED, made this 31st day of December, 2021,

- BETWEEN -

DOROTHY A. CHIARAMONTE (being also known of record as DOROTHY CHIARAMONTE), an individual, resident of the State of Maryland, party of the first part,

- AND -

FRANCIS P. CHIARAMONTE, III (being also known of record as FRANCIS PAUL CHIARAMONTE, III), an individual, resident of the State of Maryland, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, there being no actual consideration paid or to be paid in connection with this conveyance, hereby grants and conveys unto the party of the second part, and its successors and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, Delaware:

ALL that certain lot, piece or parcel of land known and designated as Lot No. 235 on the plot of Land of Bay Side, Inc. in Baltimore Hundred, Sussex County, Delaware, said lot being more particularly bounded and described as follows:

BEGINNING at a point in the Northwesterly right of way line of Madison Avenue which point is the Southwesterly corner for Lot 236; thence South 71°-11'-33" West for a distance of 50 feet; thence North 18°-48'-27" West for a distance of 100 feet more or less, to the mean high water mark of the waters of the Assawoman Bay; thence by and with the meanderings of the Bay in a Northeasterly direction for a distance of 50 feet to a point; thence South 18°-48'-27" East for a distance of 100 feet, more or less, home to the place of Beginning, as will more fully and clearly appear upon reference to the plot of Bay Side, Inc. which is of record in the Office of the Recorder of Deeds in and for Sussex County, at Georgetown, Delaware, in Plot Book 8, at page 55.

> RETURN TO: HARBOR CITY RESEARCH, INC. P.O. BOX 3260 BALTIMORE, MD 21228

53895324-v3

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CHIARAMONTE, DIANE TERESE CHIARAMONTE and MARK STEPHEN CHIARAMONTE by Deed from GEORGE H. LUCKS and LOUISE IRENE LUCKS, dated May 15, 1979 and recorded on May 18, 1979 in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Book 950, Page 340.

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IN WITNESS WHEREOF, the said party of the first part hath hereunto set their hands and seals as of the day and year first written above.

Sealed and Delivered In the Presence of:

(SEAL)

DOROÁTHY A. CHIARAMONTE, Individually

1. West : to-wit STATE OF OUNTY OF

BE IT REMEMBERED, that one this day of day of hand for the State and County aforesaid, **DOROTHY A. CHIARAMONTE**, Individually, party to this Deed, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

Notary Public

6.4.2023 My Commission Expires:

BRI ROGERS MY COMMISSION EXPIRES FEB. 4, 2023



[Signature Page - Deed - 47 Madison Avenue, Fenwick Island, DE]