

## Section 1: Applicant Identification

1. Applicant's Name: Robert & Suzanne Smith Telephone #: 703-283-9568  
 Mailing Address: 712 Rauli Dr. Fax #: \_\_\_\_\_  
Leesburg, VA 20175 E-mail: \_\_\_\_\_

2. Consultant's Name: John Merritt  
 Mailing Address: 32992  
Lighthouse Rd  
Seabury, DE 19975

Company Name: Merritt Marine Construction Inc  
 Telephone #: 302-841-2806  
 Fax #: 302-436-2038  
 E-mail: merrittmarineconstruction@AOL.com

3. Contractor's Name: John Merritt  
 Mailing Address: 32992  
Lighthouse Rd  
Seabury, DE 19975

Company Name: Merritt Marine Construction Inc  
 Telephone #: 302-841-2806  
 Fax #: 302-436-2038  
 E-mail: merrittmarineconstruction@AOL.com

## Section 2: Project Description

4. Check those that apply:

☒ New Project/addition to existing project?

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

5. Project Purpose (Attach additional sheets as necessary):

Dock and boat lift for boat and floating dock for kayakers and/or canoe

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

<input checked="" type="checkbox"/> A. Boat Docking Facilities	<input type="checkbox"/> G. Bulkheads	<input type="checkbox"/> N. Preliminary Marina Checklist
<input type="checkbox"/> B. Boat Ramps	<input type="checkbox"/> H. Pill	<input type="checkbox"/> O. Marinas
<input type="checkbox"/> C. Road Crossings	<input type="checkbox"/> I. Rip-Rap	<input type="checkbox"/> P. Stormwater Management
<input type="checkbox"/> D. Channel Modifications/Dams	<input type="checkbox"/> J. Vegetative Stabilization	<input type="checkbox"/> Q. Ponds and Impoundments
<input type="checkbox"/> E. Utility Crossings	<input type="checkbox"/> K. Jetties, Groins, Breakwaters	<input type="checkbox"/> R. Maintenance Dredging
<input type="checkbox"/> F. Intake or Outfall Structures	<input type="checkbox"/> M. Projects in Wetlands	<input type="checkbox"/> S. New Dredging

## Section 3: Project Location

7. Project Site Address: 400 Oysto Bay Dr.  
Frederick Island, DE 19944

County: ☐ N.C. ☐ Kent ☒ Sussex  
 Site owner name (if different from applicant): \_\_\_\_\_  
 Address of site owner: \_\_\_\_\_

8. Driving directions: See map

(Attach a location road map with the site indicated on the map).

9. Tax Parcel Number: L-34-23.20-28.00 Subdivision Name: Frederick Island

WSLS Use Only:		Permit #3:	
Type	SP <input type="checkbox"/> SL <input type="checkbox"/> SU <input type="checkbox"/> WE <input type="checkbox"/> WQ <input type="checkbox"/> LA <input type="checkbox"/> SA <input type="checkbox"/> MP <input type="checkbox"/> WA <input type="checkbox"/>		
Corps Permit:	SPGP 18 <input type="checkbox"/> 20 <input type="checkbox"/> Nationwide Permit #:	Individual Permit #	
Received Date:	Project Scientist:	Receipt #:	
Fee Received? Yes <input type="checkbox"/> No <input type="checkbox"/>	Amount: \$	Public Notice Dates: ON <input type="checkbox"/> OFF <input type="checkbox"/>	
Public Notice #:			



## Section 3: Project Location (Continued)

10. Name of Waterbody at Project Location: Lagoon Waterbody is a Tributary to: Little Assamoon Bay11. Is the waterbody: Tidal ☒ Non-tidal ☐

12. Is the project:

On public subaqueous lands? ☒ On private subaqueous lands? ☐ In wetlands? ☐

If the project is on private subaqueous lands, indicate the name of the subaqueous lands owner:

(Written permission of the private subaqueous lands owner must be included with this application).

13. Present Zoning: Agricultural ☐ Residential ☒ Commercial ☐ Industrial ☐ Other ☐

## Section 4: Miscellaneous

14. A. List the name and complete mailing address of the immediately adjoining property owners on all sides of the project. (Attach additional sheets as necessary):

R+M Steele Properties LLC 40157 Delaware Ave.  
Farmville, NC 27834  
Dwight Meyer / TTEERUTR 83 Majorie Popen Dr.  
Morgantown, TN 37402

B. For wetlands and marina projects, list the name and complete mailing address of each property owner within a 1000 foot radius of the project. (Attach additional sheets as necessary)

N/A

15. Indicate the names of all representatives from DNRBC and the Army Corps of Engineers who you have discussed the project with:

NONEA. Have you had a State Jurisdictional Determination performed on the property? Yes ☐ No ☒B. Has the project been reviewed in a monthly Joint Permit Processing Meeting? Yes ☐ No ☒

If yes, what was the date of the meeting? \_\_\_\_\_

16. If there is any existing fill or structures in subaqueous lands at the project site, were the structures constructed or fill placed prior to 1969? ☐ Yes ☒ No - If no, provide a copy of any prior and/or current authorization(s) for projects at this site. If a copy is not available, provide the permit or lease number(s) if known.Unknown

17. Have you applied for or obtained a federal permit for the project from the Army Corps of Engineers?

☒ None ☐ Pending ☐ Issued ☐ Denied Date: \_\_\_\_\_

Type of permit: \_\_\_\_\_ Federal Permit or ID #: \_\_\_\_\_

18. Have you applied for permits from other Sections within DNRBC?

☒ None ☐ Pending ☐ Issued ☐ Denied Date: \_\_\_\_\_ Permit or ID #: \_\_\_\_\_

Type of permit (circle all that apply): Septic Well NPDES Storm Water

Section 5: Signature Page

19. Agent Authorization:

If you elect to complete this agent authorization section, all future correspondence to the Department may be signed by the duly authorized agent. In addition, the agent will become the primary point of contact for all correspondence from the Department.

I do not wish to authorize an agent to act on my behalf. ☐

I wish to authorize an agent as indicated below. ☒

I, ROBERT CURTIS SMITH, hereby designate and authorize

Name of Applicant

John Merrett to act on my behalf in the processing

Name of Agent

of this application and to furnish any information that is requested by the Department.

Authorized Agent's Name: John Merrett

Mailing Address: 32992

Light house Rd,

Seabrook, DE 19975

Telephone #: 302-841-2806

Fax #: 302-436-2038

E-mail: merrettmarineconstruction  
@AOL.com

20. Agent Signature

I hereby certify that the information on this form and on the attached plans is 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.

[Signature]  
Agent's Signature

5/9/24  
Date

21. Applicant's Signature:

I hereby certify that the information on this form and on the attached plans is 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.

[Signature]  
Applicant's Signature

5/4/2024  
Date

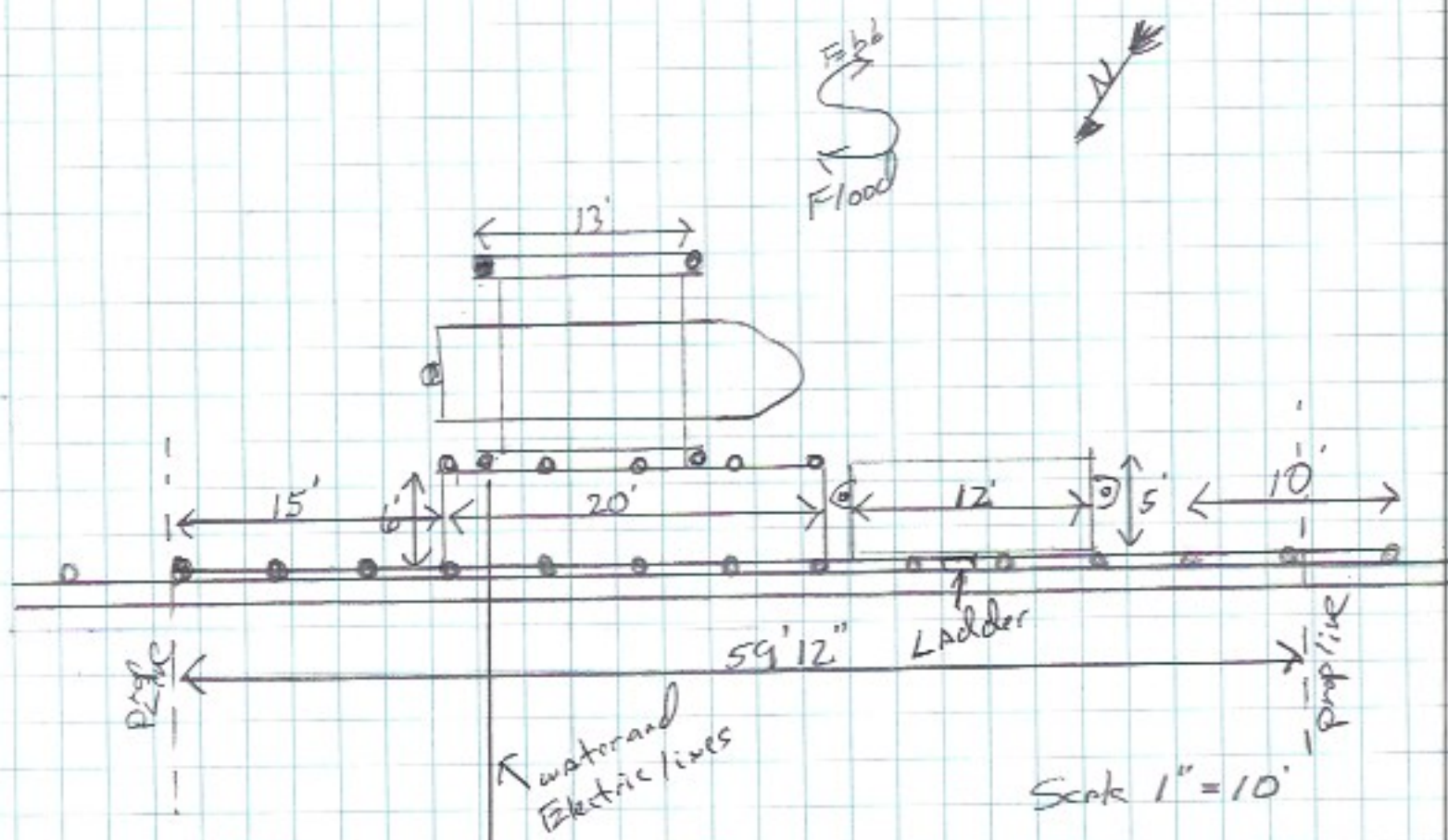
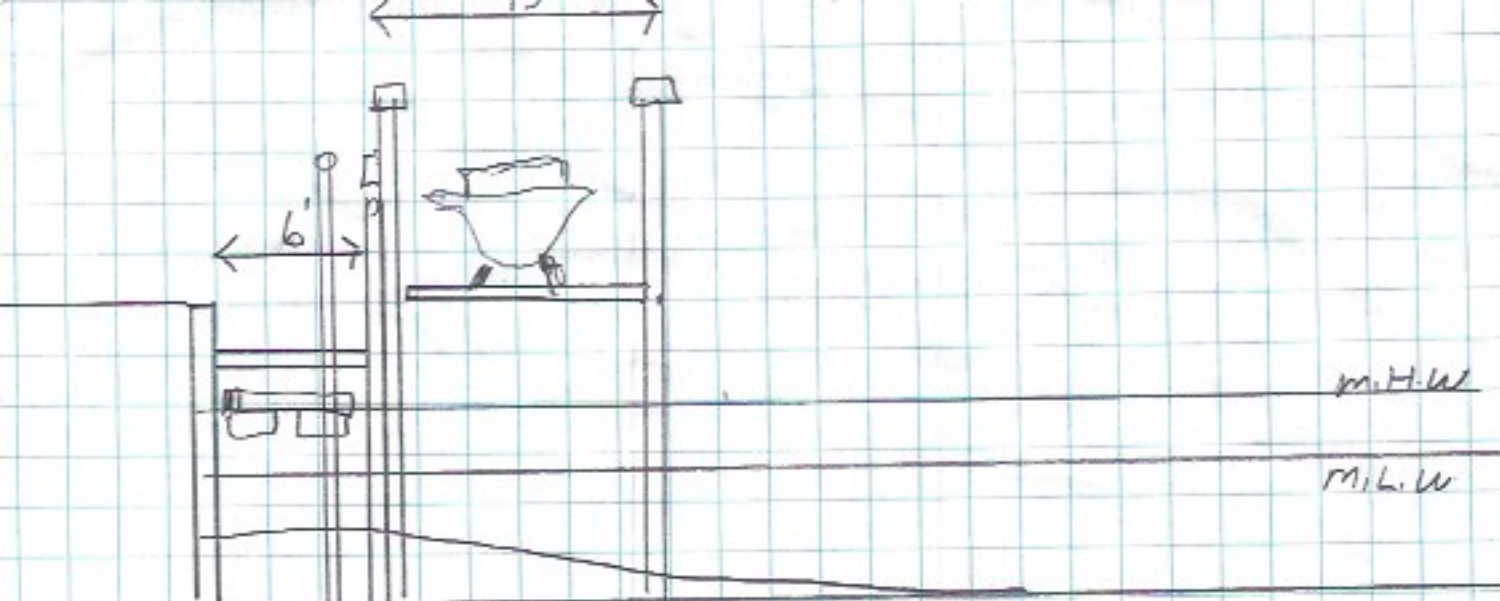
ROBERT CURTIS SMITH  
Print Name

22. Contractor's Signature:

I hereby certify that the information on this form and on the attached plans is 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.

[Signature]





Robert & Suzanne Smith  
 40 Oyster Bay Dr.  
 Fenwick Island, De. 19944

## 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.

1. Briefly describe the project. (Attach additional sheets as necessary.)

*Add dock and boat lift for boat and floating dock for kayakers, long boards, canoes*

2. Please provide numbers and dimensions as follows:

Structure Type	Number of Support Pilings	Dimensions (Channelward of MHW or OHW)		Dimensions (Channelward of MLW- n/a for non-tidal water)		New, repair or maintain
		Width ft.	Length ft.	Width ft.	Length ft.	
Dock, Pier, Lift, gangway						
<i>Dock</i>	<i>5</i>	<i>16'</i>	<i>20'</i>	<i>6'</i>	<i>20'</i>	<i>New</i>
<i>Boat lift</i>	<i>4</i>	<i>13'</i>	<i>13'</i>	<i>13'</i>	<i>13'</i>	<i>New</i>
<i>Floating Dock</i>	<i>2</i>	<i>5'</i>	<i>12'</i>	<i>5'</i>	<i>12'</i>	<i>New</i>
Freestanding Pilings	Number					
	<i>0</i>					

Mooring Buoy: How many moorings will be installed? *N/A*  
 What will be used for the anchor(s)? *N/A*  
 Anchor/Mooring Block Weight *N/A*  
 Anchor Line Scope (Length or Ratio) *N/A*  
 Water Depth at Mooring Location *N/A*

3. Approximately how wide is the waterway at this project site? *117* ft. (measured from MLW to MLW)
4. What will be the mean low water depth at the most channelward end of the mooring facility? *2' 4"*
5. 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 lumber*
6. Circle any of the following items that are proposed over subaqueous lands:  
*Aluminum lift, galvanized bolt and piling loops*  
 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? 5 ft.
8. Describe the vessels that will be berthed at the docking facility. Please draw proposed vessel locations on plans and drawings.

Make/model <u>SCARAB</u>	length <u>21'</u>	width <u>8'6"</u>	draft <u>2'</u>
Make/model _____	length _____	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. Yes
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.
11. Is there currently a residence on the property? Yes ☒ Yes ☐ No
12. Do you plan to reach the boat docking facility from your own upland property? Yes ☒ 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 ☒ 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? 59.12 ft.  
Will any portion of the structure or any vessel be placed within 10 feet of your neighbor's property line?  
Yes ☒ Yes ☐ No  
If yes, a letter of no objection from the adjacent property owner must be included with this application.

Use the form on back for reporting a **CHANGE IN STATUS** pertaining to the boat described below.  
Please include your mailing address (if different) and phone number should we need to contact you.

Division of Fish & Wildlife  
Boat Registration Office  
89 Kings Hwy  
Dover, DE 19901  
(302) 739-9916 \$13.45



No boat may be operated on the waters of this State without a current signed certificate of registration on board. Anyone using a vessel on the waters of this State shall present the certificate to any Federal, State, or Local Law Enforcement Officer for inspection at the Officer's request. No other numbers, letters, or pictures may be displayed on the forward half of the hull, or in the area of the registration numbers.



NOTE: The illustration shows the proper placement of decals.

ROBERT SMITH  
712 RANDI DR SE  
LEESBURG, VA 20175

#### REPORT BOATING ACCIDENTS

Stop and render assistance if you are involved in a boating accident. You are required to report all accidents to the Delaware Natural Resources Police, Fish & Wildlife upon the following circumstances: (1) a person dies; (2) a person is injured and requires medical treatment beyond first aid; (3) damage to the vessel and other property totals more than \$500; or (4) a person disappears from the vessel under circumstances that indicate death or injury.

### STATE OF DELAWARE

#### BOAT REGISTRATION CERTIFICATE

HULL ID NO	REG NO	MAKE	YEAR
P58SC018G122	DL3540AP	SCARAB	2022
LENGTH	HULL MATERIAL	PROPULSION	OPERATION
21' 0"	Fiberglass	Water Jet	Pleasure
VESSEL TYPE	FUEL	ENGINE TYPE	EXPIRATION
Open Motorboat	Gasoline	Inboard	2025
OWNER	BOAT NAME		
ROBERT SMITH			
712 RANDI DR SE			
LEESBURG, VA 20175			

CARD 44976

TAX MAP AND PARCEL #:  
1-34-23.20-28.00

PREPARED BY:  
Moore & Rutt, PA  
122 West Market Street  
P.O. Box 554  
Georgetown, DE 19947  
File No. 15435/JEM

RETURN TO:  
Robert Curtis Smith  
Suzanne M. Smith  
712 Randi Drive S.E.  
Leesburg, VA 20175

THIS DEED, made this 3<sup>rd</sup> day of June, 2021,

- BETWEEN -

NORBERT H. MUENCH and MABEL A. MUENCH, of 102 Springview Ct.  
Timonium, MD 21093, parties of the first part,

- AND -

ROBERT CURTIS SMITH and SUZANNE M. SMITH, CO-TRUSTEES OF THE  
ROBERT CURTIS SMITH LIVING TRUST DATED NOVEMBER 24, 2009, of 712 Randi  
Drive S.E., Leesburg, VA 20175, as tenants by the entirety with the right of survivorship and not  
as tenants in common, parties of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum  
of ONE AND 00/100 DOLLARS (\$1.00), lawful money of the United States of America, the  
receipt whereof is hereby acknowledged, hereby grant and convey unto the parties of the second  
part, and their heirs and assigns, in fee simple, the following described lands, situate, lying and  
being in Sussex County, State of Delaware:



All that certain lot, piece and parcel of land situate, lying and being in the Town of Fenwick Island, Baltimore Hundred, Sussex County, State of Delaware, on the West side of Ocean Highway leading from Ocean City, Maryland to Bethany Beach, Delaware, being known and designated as Lot No. 162A on a re-subdivision plot of lots laid out and surveyed by Maddox & Associates, Inc., Registered Surveyors, in January 1978, and known as "Lots 159 through 164, Bayside, Inc." at Fenwick, Sussex County, Delaware, said plot remains of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Plot Book 15 Page 115.

SUBJECT TO Restrictions contained in a Deed recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware in Deed Book 545 Page 134.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

BEING the same property conveyed to Norbert H. Muench and Mabel A. Muench from Norbert J. Percy and Palma Percy, by Deed dated June 4, 1982, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 1119, Page 30.

**REMAINDER OF PAGE LEFT BLANK INTENTIONALLY  
SIGNATURE PAGE FOLLOWS**

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered  
in the presence of:

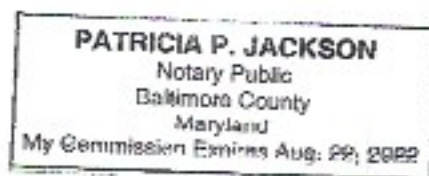
Norbert H. Muench (SEAL.)  
Norbert H. Muench

Mabel A. Muench (SEAL.)  
Mabel A. Muench

STATE OF MARYLAND, COUNTY OF BALTIMORE: to-wit

BE IT REMEMBERED, that on June 3<sup>RD</sup>, 2021, personally came before me, the subscriber, Norbert H. Muench and Mabel A. Muench, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

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



Patricia P. Jackson  
Notary Public PATRICIA P. JACKSON  
My Commission Expires: 08/22/2022



# THE ROBERT CURTIS SMITH LIVING TRUST

THIS TRUST AGREEMENT is entered into by **ROBERT CURTIS SMITH**, as Settlor, and **ROBERT CURTIS SMITH** and **SUZANNE M. SMITH**, as co-Trustees (hereinafter referred to as "the Trustee"). For all purposes hereunder, the words "I", "me", "my", "mine", and similar pronouns, shall refer to Settlor **ROBERT CURTIS SMITH** and shall be construed as the possessive when the context would so indicate.

## ARTICLE I

### RECITALS AND CONVEYANCE

WHEREAS, I, **ROBERT CURTIS SMITH**, desire to establish a trust of which, during my lifetime, I am the sole life beneficiary and the exclusive recipient of the economic benefits;

WHEREAS, this trust shall be initially funded with the sum of TEN DOLLARS (\$10.00) in cash; such sum and any assets later added to the trust shall be known as the "trust fund" and shall be held, administered and distributed as provided in this document and any subsequent amendments to this document;

NOW, THEREFORE, the Trustee acknowledges receipt of the trust fund and shall hold the same in trust under the following terms, conditions and provisions:

## ARTICLE II

### DECLARATIONS

2.A. **Name.** This trust shall be known as **THE ROBERT CURTIS SMITH LIVING TRUST**.

2.B. **Family.** I am married to **SUZANNE M. SMITH** and all references to "my wife" shall be to her. There are three children of this marriage now living; their names and dates of birth are:

JOSHUA CURTIS SMITH, born November 10, 1991  
MITCHELL ANDREW SMITH, born October 29, 1992  
JACOB ROBERT SMITH, born March 28, 1996

2.C. **Successor Trustee.** If either of the above-named co-Trustees shall cease to act for any reason, the other shall act as sole Trustee of the trust. In the event that both of the above-named co-Trustees cease to act for any reason, my brother-in-law, **RICHARD JOHN VAHALY**, 708 Darby Lane, Lancaster, Pennsylvania, shall act as the alternate successor Trustee.

beneficiary) transfer and deliver forthwith his or her share to said beneficiary's then-living brothers and sisters, if any, and if none to my then-living issue, per stirpes.

Executed on November 24, 2009, in Loudoun County, Virginia.

  
ROBERT CURTIS SMITH,  
Settlor

We hereby acknowledge receipt of the trust fund, accept the terms of THE ROBERT CURTIS SMITH LIVING TRUST, and covenant that we will execute the trust with all due fidelity.

  
ROBERT CURTIS SMITH,  
Co-Trustee

  
SUZANNE M. SMITH,  
Co-Trustee

Commonwealth of Virginia,  
County of Loudoun.

The foregoing instrument was acknowledged before me on this 24th day of November 2009, by ROBERT CURTIS SMITH.

My commission expires: Nov. 30, 2012  
Notary ID # 7176042

  
Jennifer A. Mills, NOTARY PUBLIC





## NOTES:

• Other than shown, this plat and survey does not verify the existence or nonexistence of right-of-ways and/or easements pertaining to this property. Including but not limited to Tax Ditch Easements.

• No title search provided or stipulated.

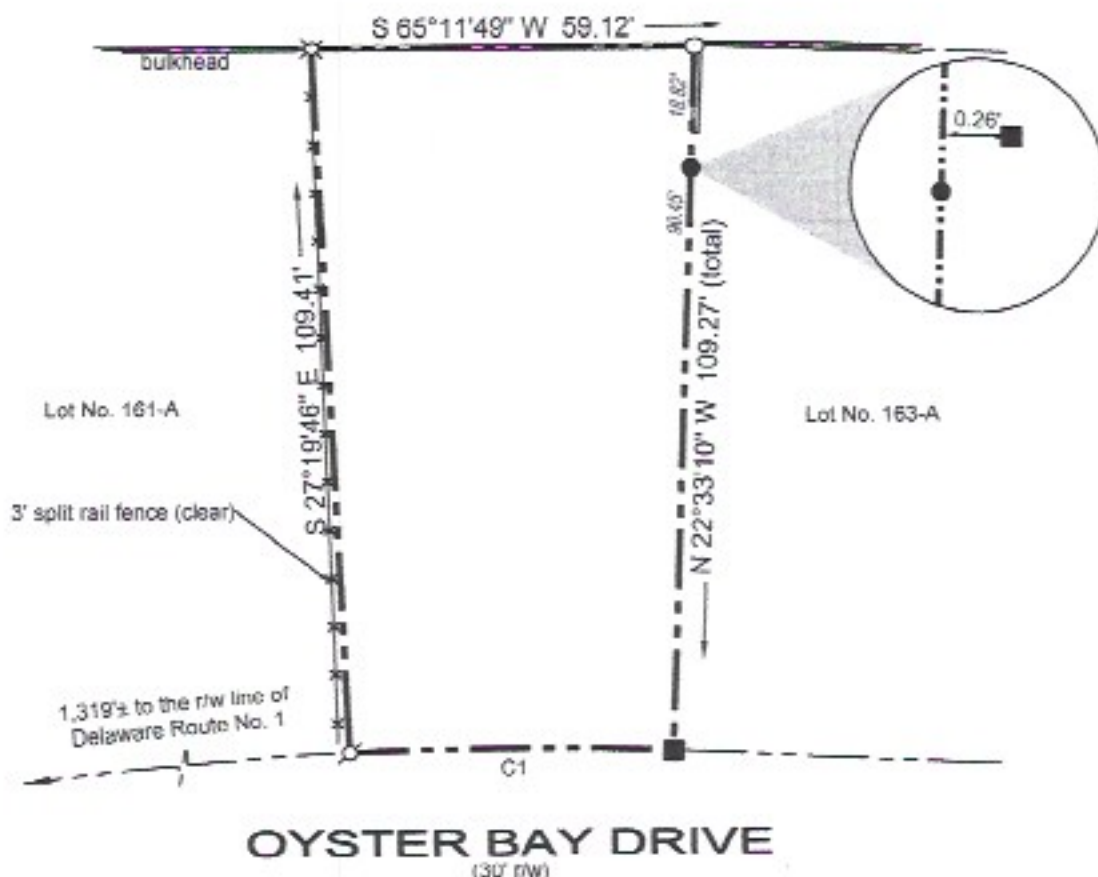
## REFERENCE DATUM NOTES:

1. HORIZONTAL DATUM: NAD '83  
(North American Datum of 1983)

PROPERTY LINE CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	800.00'	50.02'	50.01'	N 65°03'32" E	4°46'35"



Little Assawoman Bay



○ POINT

● 3/4" PIPE (FD)

■ CONC. MON. (FD)

⋈ 5/8" RE-BAR w/CAP (SET)

⋈ PK NAIL (SET)

SCALE: 1"=30'

AREA: 5,943 SQ. FT.

TAX MAP NO. 1-34-23.20-28

Lands of NORBERT H. MUENCH and MABEL A. MUENCH to be conveyed to R. CURTIS SMITH and SUZANNE SMITH. Being known as LOT NO. 162-A, RESUBDIVISION PLAT of LOTS 159 THRU 164, BAY SIDE, INC. Situated in the Town of Fenwick Island. Ref: Plat Book 15, Page 115.

## FIRM INFORMATION:

105084 - 0658 - K  
MARCH 16, 2015  
ZONE: "AE", B.F.E. = 5.0'  
CLASS "A" SURVEY

HUNDRED: BALTIMORE

COUNTY: SUSSEX

STATE OF DELAWARE

DATE OF ORIGINAL: 04-12-2021

DRAWN BY: MICHAEL LOVELAND



**SIMPLER  
SURVEYING  
& ASSOCIATE, INC.**

32486 POWELL FARM ROAD, FRANKFORD, DE 19945

www.delawaresurveyor.com

PHONE: (302) 539-7873 FAX: (302) 539-4336

SEAL

*Gregory M. Hook*  
04/12/2021

I, Gregory M. Hook, registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the property conditions, improvements, boundary or property owners after the date shown hereon shall necessitate a new review and certification for any official or legal use.

P.L.C. 711