



APPROVED

**PLANNING BOARD
REGULAR MEETING
September 11, 2024**

The Planning Board for the Town of Duck convened at the Paul F. Keller Meeting Hall on Wednesday, September 11, 2024.

Present: Chair Marc Murray, Vice Chair Bob Wetzel, Joe Blakaitis, James Cofield, Bob Webb, and Council Liaison Sandy Whitman.

Absent: None

Also present: Director of Community Development Joe Heard, Senior Planner Sandy Cross, Planner Jim Gould and Deputy Town Clerk Christy Drumheller.

CALL TO ORDER

Chair Murray called to order the Regular Meeting of the Planning Board for September 11, 2024 at 5:30 p.m.

PUBLIC COMMENTS

None.

TEXT AMENDMENT

Lot Coverage Calculations for Pervious/Permeable Materials

Director of Community Development Joe Heard summarized the changes of the ordinance recommended by the Board at its last meeting. The recommendations included requirements for the recordation of maintenance agreements for property owners using alternative materials, removing porous concrete from Subsection 7 and including it in Subsection 8, consistently using the term “pervious” throughout the document, requiring in a State licensed engineer to produce a certified maintenance plan, removing requirements allowing manufacturer specifications. Heard said staff evaluated which wording to utilize and decided to use the term “pervious” to be consistent through the documents. A manufacturer may call certain products permeable or pervious but for ordinance purposes, it will be the term “pervious”.

Heard updated the Board members that the Town received notice from the North Carolina League of Municipalities that the veto the Governor had on changes in the building codes was overridden by the House of Representatives on Monday. With the veto being overridden, the changes will become law. There was discussion about impacts to the Town of Duck’s current standards in the it would exempt the water in the pool and artificial turf from consideration in the calculation of built-upon area for stormwater management. He noted this is not exactly the same as lot coverage as has been pointed out by Town Engineer Mike Robinson. However, these changes are similar and included in the draft ordinance for the Board’s consideration.

Murray opened the discussion up to the Planning Board members. Bob Wetzel stated that he felt the Town staff prepared the ordinance as discussed previously and he was comfortable with the proposed ordinance as it's written to go to Council at the next meeting. Bob Webb questioned the timing of the ordinance as the State Legislature may not finalize anything until the November meeting. He asked if the Planning Board should delay its proposal until final State implementation. Murray answered with his understanding that the staff wanted clarification components sooner rather than later and possibly revisit the pool and turf coverage at the point. Heard informed the Board that there is nothing that the Town must approve immediately, and it is up to the Board on when they would like to make those decisions. Webb is curious if the Town should be ahead of the State or follow the State decision. Cross reminded the Board that the issue is related to stormwater and doesn't require change in the Town's lot coverage standards. The Board has the option to include the wording or wait but it will increase the density by adding it. However, it doesn't hurt because there is no issue with the Town being more restrictive than the State. Webb recommended being as restrictive as can be and adding the swimming pool exemption if the State mandates it. However, if they do not mandate, this conversation would not be happening. Cross stated that if the State mandates it, then it is only related to built upon area which speaks to stormwater management not specifically lot coverage. Heard reiterated that it was included in the draft ordinance because the Town staff feels it is related, but the Town is not required to make that change. James Cofield asked if the staff anticipates this becoming problematic in the next few months. Cross replied that if property owners have the option for additional lot coverage to add a pool house, they will probably do it. There would be other hurdles to get over such as setbacks, but if the option to add to lot coverage, most property owners will. It comes down to density and if the pool is serving as a storm water feature and the chairman would argue that it does. Cofield stated that he as well is concerned with the density aspect. Joe Blakaitis agreed with Wetzel's statement as well. Murray agreed with Wetzel and Blakaitis to move forward with the approval. Webb would prefer to wait until the State has approved in November and take out the pool and artificial turf in the draft ordinance.

Murray asked if the turf was taken out of Section 7 with it pertaining only to driveways and parking as there would be no allowance for turf elsewhere. Cross informed them that the way the ordinance currently reads is that turf is allowed up to a 100% exemption. Murray asked if Webb was interested in changing both pieces of the language or just the pool? Webb asked if the Town would be allowing artificial turf if the State hadn't been mandating it at this time. Heard said it wouldn't be spelled out the way it currently is in the draft ordinance, but it is presently allowed with proof that it is 100% pervious. Cross asked if it would fall into Subsection 7 with the requirement for engineering or if the Town needs to create a different subsection in the ordinance speaking specifically to artificial turf with specifications. Heard said it would fall under Subsection 8 with a 40% credit. This ordinance would otherwise tighten up the regulations that the Town has on artificial turf as it changes it from 100% to 60% under Subsection 8. Murray questioned which section Heard and Cross were speaking of as subsection 7 is for driveways. Heard confirmed it would fall into Subsection 8 as turf is not a driveway surface. Murray feels that the staff summarized the consensus of the Board and asked for a motion to recommend the ordinance as written. Blakaitis motioned to approve the ordinance as Town staff has written. Wetzel second the motion. The motion passed with 4-1. Webb was not in favor.

TRAINING/EDUCATION

Trend Report for Planners: Transportation Inequities

Heard provided a few notes of national trends that could possibly affect the Town of Duck related to transportation. For many decades, most public policies and transportation funding have heavily favored vehicles opposed to pedestrians and bicycles. Most of the advancement in infrastructure around the country goes towards roads to accommodate more vehicle traffic. He noted that the Town of Duck is an exception in this by going against the trend to invest in the boardwalk as alternative transportation, such as the sidewalks and bike lanes through Duck Village. The Town of Duck has done well in investing in these alternative options and allowing its community to experience the Village. Heard continued to highlight is that the pedestrian and bicycle deaths have been increasing nationally, peaking in 2021. Heard asked Community Planner Jim Gould to provide a brief presentation on the Pedestrian & Bicycle Coalition of the Outer Banks.

Gould noted that the Outer Banks Pedestrian & Bicycle Coalition was founded in 2013 after multiple loss of lives. The Coalition was formed by multiple businesses and communities at the time and slowly faded away especially during Covid. Around May of 2023 it started to rise again, and three new board members have helped re-establish the nonprofit 501(c)(3) status. The Coalition has helped with advertising safety campaigns in schools, education to the J1 visa students, and distribution of bike lights and safety helmets. They continue efforts due to the Outer Banks having one of the highest pedestrian fatality rates in the country. Gould said that it highlights that responsibility is for both drivers and pedestrians and shows that continued safety education on the Outer Banks is important.

Gould noted that the Town of Duck is currently revamping its website for bicycle and pedestrian safety in hopes that more education and efforts will be helpful around the Town. He is also working on new stencils for the bike paths to inform users of the proper paths to utilize if you're walking, biking, or using a golf cart. The goal is for high visibility to help everyone. Heard followed up with the importance of what the Town is doing to help provide safety to vehicles and pedestrians alike. He mentioned several other innovative practices in communities throughout the nation including eliminating parking requirements downtown or charging different rates for parking during peak hours with the use of meters. These are some ideas being used to help relieve some of the pressure of parking on businesses.

Heard continued with information of the electric vehicles and the safety concerns that need to be overcome. Its slow growth is also due to concerns about battery life as well as disposing or recycling of batteries. Low speed vehicles have become more popular.

APPROVAL OF MINUTES

Minutes from the July 10, 2024, Meeting

Cofield motioned to approve the minutes from July 10, 2024 as presented. Blakatis seconded. Motion carried 5-0.

STAFF COMMENTS

Heard mentioned that at the last Town Council meeting, the Council approved three different contracts: two with VHB for design/engineering of the Teresa Court stormwater improvements and one with Millstone Marine to replace an existing retaining wall north of Tuckahoe. The Council also had a public hearing for a special use permit for Verizon to erect a small wireless facility on the Northpoint neighborhood common property. This is a benefit to the company, but also for the community as the location makes the pole less visible. The Town has received two more applications for the Verizon wireless company to place poles in the right-of-way that will not require special use permits.

Cross updated on the two contracts signed with VHB to be bidding it out by the end of the year and hoping to begin the project in early 2025. Millstone Marine is hoping to begin construction of the retaining wall shortly after the Duck Jazz Festival. She added that informative sessions about the Town's NC 12 resiliency project have been presented in two different workshops with five more upcoming conferences. We will continue to monitor our project and be a resource for other communities interested in similar projects.

BOARD COMMENTS

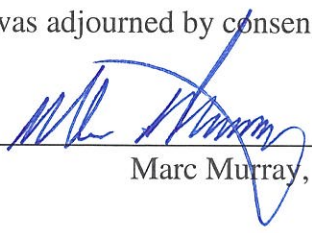
None.

ADJOURNMENT

Cofield moved to adjourn the meeting.
Murray second the motion.

The meeting was adjourned by consensus of the Board members at 6:17 p.m.

Approved: _____



Marc Murray, Chairman