

**PLANNING BOARD
REGULAR MEETING
January 15, 2025**

The Planning Board for the Town of Duck convened at the Paul F. Keller Meeting Hall on Wednesday, January 15, 2025.

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

Absent: Vice Chair Bob Wetzel

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

CALL TO ORDER

Chair Murray called to order the Regular Meeting of the Planning Board for January 15, 2025 at 4:00 p.m. Murray announced that Bob Wetzel was not present due to illness.

PUBLIC COMMENTS

None.

TEXT AMENDMENTS

a. Text Amendment Discussion: Outdoor Lighting

Director of Community Development Joe Heard outlined the importance of the lighting ordinance in dealing with environmental, aesthetics, and safety. Heard noted that based comments at the previous meeting that staff continued to work on the Planning Board's concerns and questions on lighting. Community Planner Jim Gould addressed the Board on the impacts on wildlife in reference to the Dark Sky organization and other scholarly articles. He continued with animals affected such as reptiles, mammals, birds, amphibians, insects, and more. Senior Planner Sandy Cross added to the discussion of impacts that outdoor lighting at night has on the animal population. Gould gave an overview on how night lighting, including indoor lighting, also has impacts on human health as well. He will provide articles highlighting this scientific research to the Board members. Heard noted that the Board was provided with outdoor lighting ordinances from communities on the Outer Banks and other coastal communities that could provide ideas.

Chairman Marc Murray asked if there are other specific species beyond sea turtles on which lighting has a heavy impact. Gould pointed out that the Outer Banks is on the Atlantic flyway for migratory birds and they would significantly impacted by lighting at night. Murray questioned if the Dark Sky program helps with the impact on them or how far do lighting restrictions need to

go. Gould said that the staff would work on that issue and come back with research. The Board was provided with questions that the staff developed to discuss different ideas on the lighting and what is all involved. Heard also added that this ordinance does not need to be solved immediately and may take a few months. Cross added that these questions are just a few and that the Board may have others as well.

The Planning Board went through the list of questions to discuss and had questions for the Town staff. During the discussion of the questions, it was determined that staff would identify current properties with positive and negative lighting qualities to pass along to the Board to also observe in person. The Board also added questions about penalty possibilities, presenting light fixtures during development process, and commercial versus residential standards. Prior to the next meeting, staff will work towards answers to those questions and the Board will have reviewed in person properties of negative and positive lighting to have a better idea of how to move forward.

b. Text Amendment Discussion: Tree Violation Penalties

Heard outlined the amendment that was adopted 10 years ago including the penalties involved and the process of tree removal. At issue is the requirement for replanting trees, namely that the tree size required is not readily available at most local and regional nurseries. He asked the Board to review the appropriate size of tree that is readily available and can be obtained by property owners. Staff provided the Board with a list of nurseries and their availability of tree sizes. Heard pointed out that a 2-inch caliper tree starts growing quicker than a 3-inch tree after replanting. Gould added that while local nurseries do not carry the 3-inch trees, nurseries farther away can order trees for landscapers. The Board clarified with staff that the 2-inch tree will grow quicker and take root quicker than a 3-inch tree would. Murray discussed among the Board on suggesting changing the amendment to a 2-inch tree to replace tree removal processes.

The Board opened discussion about possible penalties for tree removal violations. Heard asked that while there are fines currently in place for removing trees, does the Board feel that they are sufficient enough to deter removal? While Murray commented that most contractors inform the homeowners about the process, it becomes their responsibility. One of the main questions is who holds the responsibility for the fine from a contractor to a homeowner. Cross mentioned that the Town hasn't had an incident involving repetitive offenses in 20 years. Member James Cofield believed that there should be fines and accountability for tree removal and the Town of Duck should be at the forefront of tree protection. Member Bob Webb agreed that tree protection is important and the Town should be at the forefront as well. Murray believed that there has been enough discussion to allow the staff to develop an amendment to bring at the February meeting. Murray suggested that the staff can write the amendment at 2.5-inch tree caliper to discuss at the next meeting to have a vote of all five members.

APPROVAL OF MINUTES

Minutes from the December 11, 2024 Meet

Cofield motioned to approve the minutes from the December 11, 2024 meeting as presented. Webb seconded the motion. Motion carried 4-0.

STAFF COMMENTS

a. Summary of January 8 & January 15, 2025 Town Council Meetings

Heard informed the Planning Board that the Town Council held their annual strategic planning session on January 15th where they set their priorities for the upcoming year. The strategic plan helps guide their decisions on the budgeting that will be reviewed over the next 4-5 months. At its January 8th meeting, the Council considered and approved a special use permit for the maximum height for a house addition. The Council approved text amendments proposed by the Board regarding lot coverage and the use of pervious surfaces. The Council also adopted the text amendment ordinance corrections for the special use permit process and outdoor lighting standards. Heard noted that the Council moved the text amendment hearing on the amusement arcade to the April Town Council meeting at the request of the applicant due to not all Council members being present until then.

b. Project Updates

Cross updated the shoreline protection project at the Town Park and is currently in the permitting process with Coastal management. The Teresa Court stormwater project is hoping to have plans from VHB by the end of the month and then will have a meeting before submitting the application to NC Dot. Southern Shores and Duck submitted a letter of intent for a brick grant for improvements on Sea Oats Trail. Recently staff discovered the rural and tribal pilot program from NC Dot and will apply for a grant to get help with survey and design work for the west side trail feasibility study.

c. Celebration of Community, 6:30p.m., January 24, 2025

Heard reminded the Board that they were all invited to the Celebration of Community. Cross also noted the Town Council Retreat on February 19 & 20.

BOARD COMMENTS

None.

ADJOURNMENT

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

The meeting was adjourned by consensus of four Board members at 5:50 p.m.

Approved: _____
/s/ Marc Murray, Chairman