



APPROVED

**PLANNING BOARD
REGULAR MEETING
May 14, 2025**

The Planning Board for the Town of Duck convened at the Paul F. Keller Meeting Hall on Wednesday, May 14, 2025.

Present: Chair Marc Murray, James Cofield, Bob Wetzel, Bob Webb, Dan Snyder and Council Liaison Sandy Whitman.

Also present: Director of Community Development Joe Heard, Community Planner Jim Gould, Deputy Town Clerk Christy Hanks, and Town Engineering Consultant Mike Robinson.

CALL TO ORDER

Chair Murray called to order the Regular Meeting of the Planning Board for May 14, 2025 at 4:00 p.m..

PUBLIC COMMENTS

None

ELECTION OF OFFICERS

a. Chair

Wetzel nominated Marc Murray for Planning Board Chairman. Snyder seconded the motion. Vote approved 4-1 with Cofield opposed.

b. Vice-Chair

Snyder nominated Bob Wetzel for Planning Board Vice-Chairman. Murray seconded the motion. Vote approved 5-0.

TEXT AMENDMENTS

c. Text Amendment Discussion: Fill & Retaining Walls

Joe Heard presented key points from previous discussion on fill and retaining walls, focusing on the need for a consensus on height limits and engineering requirements for retaining walls. The Board considered the implications of allowing more fill and the potential need for special use permits for fill height exceeding three feet. Concerns were raised about the impact of fill height on neighboring properties and potential flooding issues. The Board proposed an amendment allowing retaining walls to support fill. This change could allow for greater flexibility in

construction and landscaping projects, enabling homeowners to better manage elevation changes on their properties and potentially improving structural integrity. Eliminating this requirement should also reduce the number of special use permits needed for projects involving fill, streamlining the approval process for homeowners and builders.

Discussion focused on the need to clearly define and differentiate between bulkheads and retaining walls in the ordinance. The distinction is important as bulkheads are typically located at the water's edge, while retaining walls are used to support soil and prevent erosion on sloped properties. Clarifying these definitions can help streamline permitting processes and ensure appropriate engineering standards are applied based on the structure's function.

Clark Olson, contractor and owner of 101 Schooner Ridge Drive, expressed concerns about the proposed restrictions on retaining walls, particularly the maximum height limit of six feet. He highlighted that many properties, including his own, require taller retaining walls due to significant elevation drops in their building envelopes. Olson emphasized that the restrictions could negatively impact homeowners looking to remodel or build additions, as they may need higher walls to maintain structural integrity.

The Board suggested using 3:1 slope requirement to minimize the impact of fill on neighboring properties. It encourages better drainage and reduces the risk of erosion by maintaining a gradual slope.

Town Engineer Mike Robinson confirmed that engineering certification is required for retaining walls over five feet in height to ensure structural integrity and compliance with safety standards. Walls up to three feet in height may not require engineering approval, allowing for more straightforward construction processes for homeowners. The need for engineering assessments is determined by the amount of fill retained behind the wall, with specific regulations governing the relationship between wall height and fill depth. Engineering is required to assess the load and stability of the retaining wall under pressure. Failure to adhere to engineering requirements can lead to safety hazards and potential collapse.

The Board discussed and reached a consensus to allow staff to administratively approve retaining walls up to three feet without additional review, streamlining the approval process for smaller projects. For retaining walls exceeding three feet in height, or retaining walls at three feet with a fill slope greater than three feet, a special use permit would be required, ensuring that larger structures undergo additional scrutiny to assess potential impacts on neighboring properties.

Discussion ensued about how allowing fill depth to be dictated by slope can provide more flexibility for property owners to manage elevation changes without the need for special permits. A fixed, three-foot limit may restrict development options for properties with unique topographical challenges, potentially leading to increased costs and complications for homeowners. Implementing a slope-based fill depth could encourage better drainage and stormwater management practices, aligning with environmental considerations. A majority of the Board members decided against this approach.

d. Text Amendment Discussion: Outdoor Lighting

Discussion of outdoor lighting regulation continued from the previous meeting as staff provided additional insight into an outdoor lighting report conducted by students from the UNC Coastal Institute concerning community perceptions of artificial lighting and its impact on sea turtles. A new public survey could help gauge current residents and visitors' attitudes towards outdoor lighting regulations.

Miriam Rollin, member of the Network of Endangered Sea Turtles (NEST) and owner of 149 Plover Drive, emphasized the importance of turtle-friendly lighting to protect nesting sea turtles and hatchlings. She advocated key requirements such as low lighting, shielding to prevent light from dispersing widely, and the use of long wavelengths, such as amber lights, to reduce visibility to turtles. Encouraging property owners to turn off unnecessary lights and use motion detectors can further reduce light pollution and enhance the natural environment for wildlife. Rollin noted both exterior and interior lights can negatively affect sea turtles. Exterior lights can disorient nesting sea turtles, causing them to move away from the ocean instead of towards it. Interior lights can also contribute to light pollution, affecting hatchlings' ability to find their way to the sea.

Tony Parisi, NEST President, supported earlier comments made by Rollin on turtle-friendly lighting emphasizing the importance of turtle-friendly lighting to protect nesting sea turtles and hatchlings. He advocated for the use of low, shielded, and long-wavelength lighting to minimize light pollution on the beach. Parisi expressed concern about the potential weakening of lighting regulations and urged for stronger protection for sea turtles. Parisi explained that four turtle species nests in the Duck area all threatened or endangered. Loggerhead turtles, which are the most common nesting species in the region and are classified as threatened. Green turtles, known for their herbivorous diet and are also listed as endangered. Leatherback turtles, the largest of all sea turtles, are critically endangered and occasionally nest in the area.

NEST is initiating a lighting project to conduct detailed surveys on outdoor lighting along the beach. The project aims to assess the impact of artificial lighting on sea turtle nesting and hatching. NEST is open to expanding the survey efforts to include the Town of Duck in addition to Nags Head. Partnerships may be established to retrofit existing lighting with turtle-friendly options, such as amber lights. Parisi requested no weakening of current ordinances protecting nesting sea turtles by regulating beach illumination. Maintaining strict lighting regulations helps prevent disorientation of hatchlings and nesting females. Parisi acknowledged that stricter lighting regulations may limit the ability of property owners to adequately illuminate their properties, potentially impacting safety and accessibility, but noted its importance along the oceanfront.

The Board discussed a survey that would potentially encompass all types of lighting, not just beach/turtle lighting and gather comprehensive community sentiment. Including various lighting types will help identify broader issues related to light pollution and its impact on both residents and wildlife. A well-rounded survey can facilitate informed decision-making by the Planning Board and Town Council regarding future lighting regulations. Chair Murray noted that responses may be skewed towards the views of older, more established residents, potentially overlooking the perspectives of younger generations and seasonal visitors. The survey methodology should ensure a diverse sample that includes various demographics, such as age, residency status, and property

ownership, to capture a comprehensive view of community sentiment. Failure to account for demographic diversity may lead to biased conclusions and ineffective policy recommendations that do not reflect the needs and preferences of the entire community. Board members noted the possibility of conflict between public preference and scientific consensus.

The Board expressed a desire for the staff to prepare a draft community survey based on the Capstone Report while waiting for legislative action or clarification regarding the issue of whether further restrictions on outdoor lighting would constitute a “down-zoning” limited by recent State legislation.

PRESENTATION OF STUDIES/REPORTS

2025 Trend Report for Planners: Digital Fatigue

Heard presented the Board 2025 trend report on digital fatigue referring to the overwhelming feeling of exhaustion and stress caused by excessive use of digital devices and online platforms. The Town has used digital tools to enhance efficiency and streamline operations in various departments, most recently utilizing AI and other digital technologies to assist with improving service delivery. The Community Development Department is utilizing AI technology to enhance the efficiency of meeting minutes and presentations. This initiative aims to reduce the workload on staff and improve the clarity and accessibility of information presented to the community.

APPROVAL OF MINUTES

Minutes from the April 9, 2025 Meeting

Wetzel motioned to approve the minutes from the April 9, 2025 meeting as written. Webb seconded the motion. Motion carried 5-0.

STAFF COMMENTS

a. Summary/Comments Regarding APA Online Conference

Heard asked members Webb and Cofield on their thoughts after attending the APA Online Conference. Members stated that they felt it was informative but many topics didn't apply directly to Duck. They noted that the affordable housing topic was a big one and asked if the topics were largely the same every year. Heard informed members that it does change its focus yearly and that the information is always evolving.

b. Summary of May 7, 2025 Town Council Meeting

Heard updated the board that the Council adopted the changes to the tree preservation ordinance to allow two-inch caliper trees instead of three-inch. The Council also set a hearing for the text amendment regarding a one-foot allowance in height for non-conforming residences.

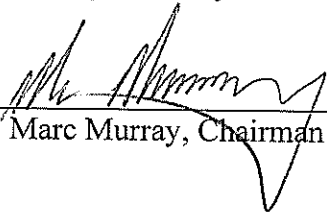
BOARD COMMENTS

The Board congratulated Joe Heard on his retirement and individually thanked him for his years of service, commitment, knowledge, and dedication to the Town of Duck. He will be greatly missed as his service has been appreciated and knowledge sought through the years.

ADJOURNMENT

Wetzel moved to adjourn the meeting. Murray seconded the motion.

The meeting was adjourned by consensus of Board members at 6:09 p.m.

Approved:  _____
Marc Murray, Chairman