



APPROVED

**PLANNING BOARD
REGULAR MEETING
June 11, 2025**

The Planning Board for the Town of Duck convened at the Paul F. Keller Meeting Hall on Wednesday, June 11, 2025.

Present: Chair Marc Murray, James Cofield, Bob Wetzel, Bob Webb, and Dan Snyder.

Also present: Planning and Permits Manager, 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 June 11, 2025 at 4:00 p.m.

PUBLIC COMMENTS

Robert Lotze from 117 Dune Road, praised the Town's efforts to increase pedestrian and bicycle safety by painting stencils along Duck Trail and expressed concerns with the use of electric bicycles in Duck. He recommended an additional stencil design that would create a dismount zone similar to those found in Fort Collins, CO. He encouraged continuation of the stencils and volunteered personal time to help with painting.

TEXT AMENDMENTS

a. Text Amendment Discussion: Fill & Retaining Walls

Staff presented revisions to Town Code Section 156.128 Land Disturbing Activities as suggested by the Planning Board during the May 2025 meeting. Cross led the discussion by providing an overview of revisions, during which she noted that consensus was reached during the May meeting to allow bulkheads and retaining walls as a method to stabilize or contain fill provided that no more than 3 feet of fill was used. She also noted that comments were made and should be addressed regarding the setbacks for retaining walls stabilizing or containing fill.

Cross presented Members with a visual profile representation of varying setback options based on existing 3:1 slope grading requirement for fill with the goal of clarifying whether a 3-foot retaining wall holding fill should maintain a setback of 5 feet from the property line, or perhaps greater to ten feet or fourteen feet. After review, consensus was reached that setbacks for retaining walls holding fill should remain at 5 feet from the property line, with Chairman Murray noting that the fourteen-foot setback would exclude the need for a retaining wall because the fill slope could be met.

Cross continued discussion guiding Members to review draft definitions added to differentiate between “retaining walls” v. “bulkheads” and “fill slopes” v. “cut slopes.” Chairman Murray noted that providing the definitions is necessary and will promote clear separation when considering differing ordinance requirements, including retaining wall v. bulkhead height allowances. Members reached consensus to include the definitions as drafted.

The Board maintained its consensus from the May 2025 meeting to allow for administrative approval for retaining walls to stabilize or contain 3 feet of fill and to install a retaining wall up to 3 feet in height. Limiting retaining wall supported fill depth to 3 feet was noted to help ensure stability, prevent erosion, maintain the integrity of the landscape, and minimize potential drainage issues. Chairman Murray noted that allowing for a retaining wall greater than 3 feet in height would likely encourage additional fill exceeding 3 feet in depth soon after project completion and Town approval. Retaining walls designed to stabilize or contain more than 3 feet of fill would need to be approved by Town Council via the special use permitting process. Staff was prompted to add language noting the retaining wall height for a cut slope could not exceed 6 feet unless approval was received via the special use permitting process.

Bulkhead height and fill limitations were thoroughly discussed but consensus was not reached. While allowing staff to approve 5-foot-tall bulkheads to retain five feet of fill depth was discussed, Cross and Member Webb noted that if the Town was attempting to promote living shorelines, shorter bulkheads, perhaps installed in a tiered or terraced fashion may be more advisable. While discussing bulkheads, Cross indicated that the Division of Coastal Management did not regulate bulkhead height when considering the Coastal Area Management Act (CAMA). Many photos of retaining walls, bulkheads and terraced features were shared during discussion. Chairman Murray also mentioned preferring to “take baby steps” when considering allowing for five feet of fill behind a bulkhead v. three feet of fill.

Member Wetzel indicated that the removal of “to the extent reasonable” language from (A)(4) would enhance clarity and objectivity in regulations. Chairman Murray thought that the language allowed for flexibility when options for improvements were limited to anywhere other than the right-of-way. Cross noted that Council raised the concern of mitigating sheet flow and run-off from driveways. Consensus was reached that the language be struck from the existing code, however unanimity was not established with Chairman Murray noting that the stormwater concerns, perhaps created by the original developer should not be left solely to the homeowner.

Chairman Murray noted revisions should be made to (A)(2) language that allows for clearing and grubbing, etc., but does not allow for changing of the existing grade. He noted that clearing and grading could displace soil but should not go as far as to change grades. Cross agreed that “changes to existing grade” language should be added for clarity and that Staff would create revisions to existing language to enhance clarity.

Cross indicated that further clarification is needed on whether additional fill above the regulatory flood protection elevation is permissible and under what conditions. The current ordinance allows for 3 feet of fill above the flood protection elevation, but it must be clearly defined how this impacts overall building height calculations. Consideration should be given to whether retaining walls can

be used to support fill above the flood protection elevation and the implications for stormwater management. Members did not proceed to discuss relevant code section 14(b), but Cross did indicate that she would try clean-up 14(c) so that it was consistent with the definition of building height.

Cross suggested the removal of item (2)(a)(1) and the need for approximate depth of water table when submitting for a land disturbance permit. It was agreed that she would check with Town engineer, Mike Robinson, to determine relevance. It was noted that staff do not typically require this.

Staff agreed to continue to revise the ordinance and offer a new draft for review by the Planning Board at their next meeting.

b. Text Amendment Discussion: Outdoor Lighting Survey

Gould presented a proposed 13-question draft survey which was created by combining questions from the 2023 Social Science Survey created by the UNC Chapel Hill Institute for the Environment Outer Banks Field Site Capstone Report Capstone study and the 2021 Perspectives on Outdoor Lighting Survey created by the Town of Nags Head. The survey draft aims to gauge public perceptions about artificial light at night among Duck residents, property owners, visitors, and other stakeholders. The survey addressed various aspects of lighting, including impact on wildlife, wayfinding, and community safety, and is aimed to guide future revisions to our outdoor lighting ordinance. Gould also noted that the questions were whittled down to 13 to help mitigate “survey fatigue.”

Chairman Murray encouraged Members to provide general comments regarding the draft survey. Bob Webb stated that the draft survey acts as a great introductory piece to get the community thinking about light and noted that additional surveys or public hearing will likely follow it up. Member Wetzel expressed concerns about education and enforcement related to potential changes in Town ordinances. Chairman Murray emphasized collecting responses from a representative sample size and presenting the data in meaningful way. Member Cofield suggested that the purpose of the survey be revised to specifically include language to say the Town is considering regulating lighting. Gould noted the Town has existing outdoor lighting regulations, but Member Cofield felt that most people did not understand this, and suggested inclusion of the language so that responses could reflect potential revisions to existing regulation.

Gould proceeded to review questions individually while collecting Member feedback. While minor revisions were made to draft questions and one additional question was recommended by Member Wetzel. Wetzel suggested a question aimed at gauging the public’s willingness to fund enforcement and explained that additional human resources may be needed. Gould noted that tools needed for enforcement include existing cellphone and light meter, and ability to manipulate schedule to work after 5:00 PM.

Member Cofield suggested the removal of energy consumption and stargazing as an option and suggested the addition of wayfinding. Chairman Murray was not comfortable with the removal of stargazing but was ok with the addition of wayfinding signs.

Miriam Rollins, 149 Plover Dr., a NEST volunteer, provided some feedback on the proposed lighting survey. Rollins emphasized the need for an introductory statement in the survey that highlights the negative impacts of artificial light on nesting sea turtles and hatchlings. She suggested that the survey should distinguish between beachfront and other types of lighting to address specific concerns related to sea turtle nesting. Rollins also would like to distinguish residential beachfront properties and non-residential beach front, highlighting the need for tailored regulations. Residential beachfront properties often have unique lighting needs to protect local wildlife, such as sea turtles.

The Board reached a consensus that adding an introductory paragraph explaining the ordinance review purpose will clarify the intent of the survey regarding lighting regulations. It will inform respondents that their feedback will guide potential revisions to existing ordinances.

Staff are hoping to launch the light survey in the summer of 2025 to capture summer visitor responses as well as residents with the focus on gathering perceptions about artificial light at night.

PRESENTATION OF STUDIES/REPORTS

2025 Trend Report for Planners: Heat, Wildfire & Air Pollution (pages 20-21)

The Board moved to defer the review of the 2025 Trend Report for Planners: Heat, Wildfire & Air Pollution to the July 9, 2025 meeting.

APPROVAL OF MINUTES

Minutes from the May 14, 2025 Meeting

Cofield motioned to approve the minutes from the May 14, 2025 meeting as written. Wetzel seconded the motion. Motion carried 5-0.

STAFF COMMENTS

a. Summary of June 4, 2025 Town Council Meeting

Cross updated the Board from the Town Council meeting on June 4, 2025, letting them know that they passed the zoning text amendment to building height ordinance unanimously. The Council adopted the TY 25-26 budget as proposed.

b. Project Updates

Cross noted stormwater improvements at Teresa Court and living shoreline improvements in the Town Park are pending and we expect final plans and bid documents to be released shortly with construction anticipated to begin following the Jazz Festival.

Cross brought up the definition of lot coverage in Section 156.002, and whether the intent was to include artificial turf and pavers outside of the driveway as pervious materials requiring property owner certification and recordation with the Dare County Register of Deeds when seeking a 100% or reduced pervious coverage allowance. The Planning Board consensus was yes. Staff indicated they would create a zoning text interpretation and bring this back to Council as a text amendment when we have other "housekeeping items to clean up"

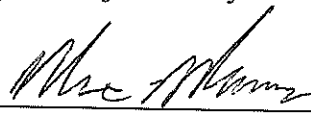
BOARD COMMENTS

None

ADJOURNMENT

Murray moved to adjourn the meeting.

The meeting was adjourned by consensus of Board members at 6:19 p.m.

Approved: 

Marc Murray, Chairman