



APPROVED

**PLANNING BOARD
REGULAR MEETING
August 13, 2025**

The Planning Board for the Town of Duck convened at the Paul F. Keller Meeting Hall on Wednesday, August 13, 2025.

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

Also present: Assistant Town Manager Connor Winstead, 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 August 13, 2025 at 4:00 p.m.

PUBLIC COMMENTS

None.

TEXT AMENDMENTS

a. Text Amendment: Fill & Retaining Walls

Sandy Cross updated the Board on changes made as a result of review and comments offered during the July 9 meeting. It was the consensus of the Board to revise section 156.128(A)(4) to reflect driveways should be designed to “mitigate” versus the previous necessity to “prevent” the direct flow of stormwater runoff to streets or adjacent properties. It was agreed that “mitigate” addressed the concern and suggestion that “to the extent reasonable,” be added back as recommended by Town Engineer, Mike Robertson. For bulkheads the language was changed to reflect bulkheads could not contain fill more than 3 feet from the adjacent grade, and the fill could not exceed 3 feet in height. Language concerning the measurement of building heights after the addition of fill material and/or grading were also further clarified and included under section 156.128(14)(A) and (B). At the recommendation of Town Attorney, Robert Hobbs, Mike Robinson, Town Engineer reviewed section 156.128(B)(2)(a)(6) regarding the “certification” to help take out some subjectivity while adding some clarification as well. Murray pointed out to the Board that Robinson noted the certification was similar to a no rise certification and those statements typically apply to rivers or streams where fill was placed into a flood plain and could impede normal river flow volumes. He went on to note that the Board and Town should be mindful of the effects bulkheads could have on rainwater flooding, in particular how they could be seen to divert rainwater, but Robinson is correct in his observation that ours is not moving.

Walls and fences, 156.050 had additional language to address consistency with 156.128.

With regards to information required at the time of submission for a Land Disturbance permit, Wetzel asked if changing “shall” to “may” would allow for greater discretion for staff. Cross then explained that “may” would allow staff to request additional documents, like detailed topographic plans on an “as needed basis,” and noted the request is typically accompanied by a site visit and detailed review of the specific project.

Cofield motioned to approve the text amendment as presented. Wetzel seconded the motion. Motion approved 5-0.

NEW BUSINESS

a. Town of Duck Floodwater Management Discharge Plan

Cross gave a brief overview that the topic was brought up at Town Council retreat in February and staff were given directions to review the ordinance with the Planning Board. Current criteria are very restrictive, 48 hours no rain plus 6+ inches roadway water or 10+ inches across two different properties, despite the frequency of events, standing water may impact septic systems and potentially community health. Cross has contacted David May, NC Water Quality Program Regional Supervisor, about flexibility in the Town’s current policy and has scheduled a meeting on August 15. Murray asked that Cross discuss the effects of time and temperature on standing water with Mr. May, with the idea that standing water may be better pumped as soon as possible. Wetzel asked if the Town has pumped into the ocean in recent events. Cross stated that while the Town does not pump, they do assist in making pumps available and have provided staff to begin or facilitate starting and monitoring pumps. In extreme events, like hurricane Matthew, the Town did assist due to remaining water and the low point that affected state-maintained roads. However, Cross emphasized that Town staffing capacity limits the feasibility of staff completely orchestrating pumping, but we have been able to coordinate with Dare County to acquire pumps and hoses for communities to pump. Furthermore, the Town serves as the State permit holder of and is responsible for ensuring pump operation within the permitted parameters and for submitting all post-pumping reports.

b. General Nuisances – Pumping on Private Properties and Streets

Another topic brought up was pumping on private properties and streets. Cross mentioned that this happens often during spring when properties start to clean and reopen their pools and perhaps inadvertently drain them onto neighboring properties. Cross noted that tensions “can run high” between private property owners and pointed out that there is no direct ordinance to prohibit or mitigate this situation. This situation is currently viewed as a civil matter. Staff are researching neighboring towns for ordinance language and while most do not have anything, Nags Head has code that could be of assistance. Staff plans to come up with some guidance to bring back to the Board at the following meeting. Murray asked if Chief Ackerman could also provide insight into

the matter and whether this could be addressed as trespassing. Wetzel asked about the language in the discharge plan that emergency pumping onto private property is prohibited and if this can be applied in this situation. Cross pointed out that it could, however it is a policy, meant to guide actions and is not an enforceable regulation.

The Board decided to deal with the two situations individually and staff will present general nuisances- pumping on private properties and streets at the September 10 meeting and floodwater management discharge plan at the October 8 meeting.

OLD BUSINESS

a. Ordinance Amendment Subsection 156.130(F)(5) – Nonconforming

Cross sent off the recommended language amendment on nonconforming signs to Robert Hobbs and after reviewing the revisions, he noted conflicts with the general statute. Following that email, Cross discussed the matter with Hobbs and she suggested that perhaps we simply leave the code language unchanged. Currently the Town of Duck does not have any nonconforming signs that come to mind. The Town ordinance had its last substantial overhaul in 2004 and then in 2020, the Town completed additional revisions to ensure consistency with revisions at a state level to NC General Statute Chapter 160D – Local Planning and Development Regulation. Recently, the Town has been dealing with several violations that are partly due to the language in ordinances. Conversations have been conducted with Town Manager, Drew Havens, to consider putting in the budget next year for comprehensive review by a consultant of all Town ordinances for consistency and conformity with NC General Statutes. Cross asked the Board if they would like to discuss nonconforming signs now or defer until this comes back with consultant assistance. Webb said to wait on the matter, Cofield deferred to staff, with the understanding that all property owners are treated consistently the same, Murray said to wait, Wetzel said to wait, and Snyder agreed to wait.

PRESENTATION OF STUDIES/REPORTS

2025 Trend Report for Planners: The Evolving Needs of Public Spaces (pages 25-26)

Jim presented the Trend Report for Planners to the Board regarding the evolving needs of public spaces focusing on 'third spaces' - areas between work and home that encourage social interaction. Third spaces foster community engagement by providing informal settings where individuals can gather, interact, and build relationships outside of home and work environments. These areas can include parks, cafes, and community centers, which serve as social anchors that enhance social capital and promote a sense of belonging among residents. The design and functionality of third spaces should evolve to accommodate changing societal needs, such as incorporating digital elements and considering diverse user groups, including solo travelers and individuals with pets.

APPROVAL OF MINUTES

Minutes from the July 9, 2025, Meeting

Cofield motioned to approve the minutes from the July 9, 2025 meeting as written. Murray seconded the motion. Motion carried 5-0.

STAFF COMMENTS

a. Summary of August 6, 2025, Town Council Meeting

Herron property planning project kicked off on July 30th with Freese and Nichols consulting firm from Raleigh. The Herron property planning project aims to develop a comprehensive site plan for the newly acquired public space. An online survey is being developed to gather input from residents, non-resident property owners, and visitors, with public engagement opportunities planned for the week of the Jazz Festival. Feedback collected through the survey will inform the planning and development of the Herron property

Twiddy Special Use Permit was approved by Town Council for driveway expansion eastward for easier facility exit. The approval aims to enhance traffic flow and safety for vehicles leaving the premises.

b. Project Updates

Cross gave proper introduction to Connor Winstead recently hired as the Development & Infrastructure Director and Assistant Town Manager. Winstead will be working closely with the planning board and town staff to enhance community infrastructure projects. Winstead's role will involve overseeing various initiatives, including public engagement and the development of the Herron property planning.

The Town Park shoreline stabilization project is out for bid and a mandatory pre-bid opening was held in late July with a good number of participants. The Town is hoping to receive 3 or 4 bids with the opening scheduled for August 21st, and construction to start after the Jazz Festival. Shoreline stabilization project aims to protect the park from erosion and improve overall environmental health.

Teresa Court stormwater improvements are still awaiting NCDOT approval. The project will convert the asphalt road surface to a permeable paving system with infiltration basin. The project will enhance stormwater management, facilitate water absorption and reduce runoff. Pending approval from the North Carolina Department of Transportation (NCDOT) this project is expected to be put to bid with construction following the Jazz Festival. Trail improvements between Pintail and Wood Dock scheduled for winter construction, converting asphalt to concrete with stormwater enhancements. Stormwater improvements will be integrated to address existing standing water

issues, promoting better drainage and reducing flooding risks. The project is scheduled for winter, allowing for completion before peak usage in the spring and summer months.

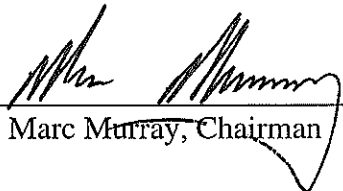
BOARD COMMENTS

None

ADJOURNMENT

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

The meeting was adjourned by consensus of Board members at 4:46 p.m.

Approved:  _____
Marc Murray, Chairman