

**TOWN OF DUCK
PLANNING BOARD
REGULAR MEETING
July 9, 2008**

The Planning Board for the Town of Duck convened at the Duck Municipal Offices at 6:30 p.m. on Wednesday, July 9, 2008.

Present were Chairman Jon Britt, Vice Chair Joe Blakaitis, Ron Forlano and John Fricker.

Absent: Member Claiborne Yarbrough.

Also present were Director of Community Development Andy Garman, Council Liaison Dave Wessel and Permit Coordinator Sandy Cady.

Others Present: Bill Lane of East Coast Construction and Olin Finch of Finch & Company.

Chairman Britt called to order the Regular Meeting of the Planning Board for July 9, 2008 at 6:41 p.m.

PUBLIC COMMENTS

Olin Finch of 116 Sandy Ridge Road was recognized to speak. Mr. Finch stated that there has been an issue about boardwalks and setbacks that has not been resolved. He suggested that walkways to the beach be allowed in the setback and felt the matter should be addressed.

Member Fricker thought the issue may be more important than some of the other issues the Board has been dealing with. Olin Finch felt the rules should be clarified and addressed.

Chairman Britt stated that he vaguely remembered the brief discussion the Board had on the issue. Director Garman stated that he did bring it up previously and expected that it would be something that would need to be addressed. Chairman Britt recommended bumping the issue up in the list of items for the Board to address. Director Garman stated he could ask Council to consider it now. Chairman Britt noted that it would be brought up later in the meeting.

Olin Finch pointed out that the syntax was incorrect in the Town ordinances with regard to fill. He stated that the ordinance states: "...All fill shall be established at a slope not to exceed 3 feet horizontal run for every 1 foot vertical rise..." He thought it should be the opposite. Member Forlano agreed and stated it should be one (1) foot for every three (3) feet. The Board went on to review the ordinance and decided that Section 156.128 should be changed. Chairman Britt recommended sending the correction to Council. Director Garman recommended bringing the revision up at the next meeting and then have Council hold a hearing. He stated that they may be able to bypass consent approval since this was essentially a housekeeping issue, and that it should be listed in the Planning Board package as it may be a better way to proceed administratively.

OLD BUSINESS

None.

NEW BUSINESS

Discussion of Town Policies and Zoning Regulations Pertaining to Wind Energy

Director Garman stated that more communities are now dealing with wind energy policies and localities such as Kill Devil Hills, Currituck and Camden, have wind energy policies in place. He stated that there were rumors of having a wind turbine at the Duck Fire Department and thought it was better to be proactive. He stated that he had a property owner come in last week inquiring about wind turbines in residential settings. He stated discussions should start as zoning standards, noise impacts and aesthetics would all need to be taken into consideration. He stated that he had discussed the issue with the Town Manager and was reminded that Duck is a bird sanctuary, so the potential impacts would have to be addressed. Director Garman stated he was looking for some preliminary discussion from the Board.

Member Fricker stated that his first reaction was to question why the issue needed to be addressed, but after reading an article in the news about the topic, he thought it should be looked at given the current economic climate.

Vice Chair Blakaitis agreed with Member Fricker's comments. He felt the issue needed to be considered. He felt the Board needed to consider allowing all residential properties to be included or given access to alternative energy. He stated that he read the regulations regarding wind energy for Kill Devil Hills and Currituck County and didn't like some of them, but felt they could be dealt with. He thought that many people have misconceptions about wind turbines and that the issue should be considered.

Member Forlano thought the issue should be discussed. He thought the residential properties should not be allowed to have turbines based on research he had done as well as the controversy arising from the visual pollution and noise. He noted that Cape Code and the Great Lakes do not allow wind turbines. He thought the Town should look at an overlay district for a wind farm or a wind and solar farm, suggesting a government property to have one such as the Army Corps of Engineers property. He stated that he would have a problem with turbines in the sound blocking his view or seeing his neighbor having one. He stated he would like to discuss wind farms, overlay districts and definitely excluding residential and commercial properties from having turbines. He noted that he did not have a problem with solar panels on roofs of buildings.

Chairman Britt asked if solar panels on the ground have been addressed as coverage. Director Garman stated that the issue has come up. He thought they would be treated as coverage. Chairman Britt thought the issue was something that should be looked at. He stated that he somewhat agreed with Member Forlano's comments regarding residential districts. He stated commercial properties should be looked at as he didn't want to rule that out. He felt it was a complicated issue but thought it was something that should be looked at.

Vice Chair Blakaitis moved to ask the Town Council to refer the issue of wind energy to the Planning Board for consideration. Member Fricker seconded.

Motion carried 4-0.

Member Fricker moved to request direction from the Town Council for the Planning Board to consider the implications of solar power. Member Forlano seconded the motion.

Vice Chair Blakaitis asked what would be discussed regarding solar panels. Chairman Britt stated they would discuss coverage, mass and visual impacts. Director Garman stated that NC statutes have allowances to waive fees for renewable energy, which would get at the Land Use policy. Member Forlano noted that Duck has always been a proactive town and felt the issues should be addressed.

Motion carried 4-0.

Chairman Britt stated he would like to discuss the boardwalk language at a future meeting.

Member Fricker moved to request the Town Council charge the Planning Board with examining zoning regulations of the Town as they relate to private walkways and similar structures. Member Forlano seconded the motion.

Motion carried 4-0.

Chairman Britt stated that the Board needed to look at the issues regarding the syntax error in the ordinance with regard to fill.

Member Fricker moved to request the Town Council refer the issue of the land disturbing ordinance referencing 156.128 with respect to language regarding the three (3) to one (1) slope. Member Forlano seconded the motion.

Motion carried 4-0.

APPROVAL OF MINUTES

Planning Board Meeting May 14, 2008

Chairman Britt directed the Board to review the minutes from the May 14, 2008 meeting. Vice Chair Blakaitis had one change to Page 1.

Member Fricker moved to approve the minutes as amended. Vice Chair Blakaitis seconded the motion.

Motion carried 4-0.

OTHER BUSINESS

None.

STAFF COMMENTS

None.

BOARD COMMENTS

None.

ADJOURNMENT

Vice Chair Blakaitis moved to adjourn the meeting.

Motion carried 4-0.

The time was 7:38 p.m.

Approved: _____
/s/ Jon Britt, Chairman