

**TOWN OF DUCK
PLANNING BOARD
REGULAR MEETING
February 8, 2023**

The Planning Board for the Town of Duck convened at the Paul F. Keller Meeting Hall on Wednesday, February 8, 2023.

Present: Chair James Cofield, Vice-Chair Joe Blakaitis, Tim McKeithan, and Marc Murray.

Absent: Randy Morton.

Also present: Council Liaison Sandy Whitman, Senior Planner Sandy Cross, Director of Community Development Joe Heard, Community Planner Jim Gould and Deputy Town Clerk Melissa Felthousen.

Others Present: Matt Price and Jim Braithwaite, of Allis Holdings and Savage Lane, LLC, Joe O’Grady, Coastal Kayaks, Paul Gori of Sea Bags, LLC, Dave Klebitz of Bissell Professional Group.

Chair Cofield called to order the Regular Meeting of the Planning Board for February 8, 2023 at 6:30 p.m.

PUBLIC COMMENTS

No public comments.

NEW BUSINESS

SUP 23-001: Application by Allis Holdings, LLC for a special use permit to expand the Waterfront Shops shopping center by relocating an existing kayak and stand-up paddleboard rental/tour business to an existing 100 square foot gazebo in the Village Commercial (V-C) district at 1240 Duck Road, PIN 985911761465

Director of Community Development Joe Heard was recognized to bring this proposal forward. Director Heard noted that the meeting was properly advertised and posted with signs in the appropriate time frame. He stated the reason the application is before the board is it involves a 100 square foot expansion to an existing 32,000 plus square foot shopping center. Director Heard indicated that although relatively minor, the area was previously not used for retail purposes. He stated the location of the gazebo is directly off the boardwalk ~~out~~ over the Currituck Sound and the proposal would change the use of this gazebo from an amenity to a retail space. Director Heard explained the gazebo would remain open. He also noted the business is already onsite, and is relocating to this gazebo and the former location of this business will be rented out to another tenant. Director Heard described the additional square footage of retail space would only require ½ of an additional parking space. He went on to explain that the total number of parking spaces

required for the Waterfront Shoppes, including this new addition of 100 square feet, would be a total of 177 parking spaces. He acknowledged the center currently has 230 parking spaces on site.

Director Heard noted that all the board needs to look at is the special use permit criteria, and whether it meets all the conditions and specifications of the ordinance. He commented that it appears that the permit meets these criteria and there are no improvements needed on site to accommodate the new retail space. He indicated that it does not endanger or cause any issues regarding public health and safety. Director Heard also asserted the use is not likely to impact adjoining properties; it is an extremely minor addition located near the center of the development. He explained it is in harmony with the comprehensive land use plan and consistent with uses that are allowed and encouraged in the Duck Village.

Director Heard stated that staff is recommending approval of the special use permit with 4 conditions for the board's consideration.

1. Uses of the gazebo is subject to CAMA major permit 54-41, as well as the subsequent letter of refinement allowing the commercial use of the gazebo.
2. Any new signs must be approved under a separate permit.
3. Any lighting of the gazebo must be low intensity, no more than one foot candle and shielded downward to prevent light spillage to adjoining properties and over the waters of the Currituck Sound.
4. The special use permit would expire in 12 months if it is not acted upon.

Director Heard stated that this concluded the staff report.

Chair Cofield inquired if it was the staff's position that the application is in compliance with the town ordinances.

Director Heard concurred and indicated that the only thing that needed a second look was parking and this property has more than enough parking to accommodate the proposal as presented.

Chair Cofield requests the applicant to speak.

David Klebitz, engineer with Bissell Professional Group, 3512 North Croatan Highway Kitty Hawk, explained he was present tonight with the applicant, Jim Braithwaite and Matt Price, their legal counsel, as well as the vendor who owns and operates the existing kayak operation that is proposing to relocate to this existing gazebo. Mr. Klebitz explained that he didn't have much to add noting that Mr. Heard's explanation of the proposal was accurate and complete. He confirmed the permit application was simply a request to add 100 square feet of additional retail use to the existing Waterfront Shoppes property. He pointed out the retail space would be located within an existing gazebo and that there would be no improvements made. Mr. Klebitz stated he would be happy to answer any questions.

Member Blakatis stated he thinks it fits very nicely.

Chair Cofield asked Jim Braithwaite or Matt Price if they had any comments. Mr. Braithwaite and Mr. Price declined to comment.

Member Blakatis stated the presentation was nicely prepared.

Member McKeithan moved to recommend approval for SUP 23-001 as stated including the 4 conditions provided.

Chair Cofield asks if there are any comments from anyone in the audience concerning this proposal before he requests a second.

Member Marc Murray seconds the motion. Senior Planner Cross requests clarification from Member McKeithan as to whether his motion includes finding that the application is consistent with the land use plan.

Member Murray again seconds the motion.

Motion carried 4-0.

SUP 23-002: Application by Sea Bags, LLC for a special use permit to establish a formula business in the Village Commercial (V-C) district at the Scarborough Lane Shoppes at 1171 Duck Road, PIN 985916839641

Director of Community Development Joe Heard was recognized to bring this proposal forward. Director Heard noted that the meeting was properly advertised and posted with signs in the appropriate time frame. He explained the reason this proposal is coming before the board is a result of the type of business. He stated the business applying for special use is retail and the center is already approved for retail space. However the business, Sea Bags LLC, has 45 locations nationwide and therefore considered a formula business under the town's definition and ~~therefore~~ requires special use permit approval. He went on to explain that there would be no improvements or expansions to the new space and that the only reason it is being presented to the board is due to the status of Sea Bags LLC being considered a formula business. Director Heard acknowledged the other formula businesses within Duck, one being Flip Flop Shop and The Fudgery, both also located in Scarborough Lane. He described the town's goal, in looking at formula businesses, is to prevent Duck from having buildings that would look like other communities. He explained that this is only a retail business and not a new building with corporate colors. Heard went on to describe the shopping center would maintain its current architecture exterior. He reported that the town has specific formula business criteria that have to be met in order to approve the special use permit.

1. The business has to be compatible with surrounding uses, designed and operated in a non-obtrusive manner, maintain consistent signs and appearance with the Scarborough

- Lane Shops. Upgrades to interior only. Due to location of unit within the shops, unit is not visible from the street.
2. The formula business would not result in over concentration of formula businesses.
 3. The formula business would promote diversity and variety to commercial businesses improving the environment for all shops.
 4. The business would contribute to the blend of businesses in the community and reflect the sea coast ambiance The business repurposes sails in the manufacturing of its product offering a unique connection to sea coast history.
 5. The formula business would be mutually beneficial occupying an existing vacant unit bringing greater vitality to this center and diversify offerings.
 6. Contribute to the appropriate balance of business sizes. The unit is 945 square feet and would not alter existing size or character of this shopping center.
 7. The proposed use is consistent with unique character of the town and would preserve the distinctive visual appearance and offering unique product not found elsewhere in the town.
 8. Proposed intensity of use of site is size not to exceed 3000 square feet, which this complies with that, and street facing frontage be limited to 50 feet, the unit has no street frontage.

Staff recommended approval as the proposal appears consistent with town standards, with three (3) conditions for the Board to consider.

1. Signage utilize corporate logo must be designed and maintained in a manner consistent with other businesses in Scarborough Lane shops

2. Signs must be reviewed and approved under a separate permit.

3. Permit would expire 12 months from day of approval if not acted upon.

Chair Cofield inquired if it is the staff's position that the proposal is consistent with town ordinance.

Director Heard agreed.

Chair Cofield asked if there are any other questions to staff and whether the applicant was present.

Applicant for SUP 23-002, Paul Gori, stated his business address is 25 Custom House Wharf Portland, Maine and his home address is 130 Granite Street Auburn, Maine. Gori described himself as Vice President of retail stores for Sea Bags LLC and has been with the company for 5 years. He explained how the original store was founded in 1999 on the working waterfront of an authentic sea-coast community in Maine. Gori describes his reasoning for seeking this location in Duck was the town itself, what it stood for, the uniqueness, charm and it being an authentic sea coast community. Gori described what the company does as making totes, handbags and accessories from recycled sailboat sails. He mentioned that customers can bring in a sail and trade for product also. Gori stated that opening in a sea coast town is vital to what they do as a business. He stated that Duck meets those criteria. He mentioned that he appreciates the requirement of a special use permit because the company tends to avoid shopping centers or environments where there is a plethora of national chains. He established that the company is still small, operates in small communities that expand in population with tourists in the summer like Duck. He explained that the company would like to become part of the community not only as a business but to be

green in principle and practice in all they do, not only do they create jobs but they provide support in the community. The importance of fitting in and blending into a community is who they are, it's in their DNA. Mr. Gori thanked members of the Board and staff.

Chair Cofield asks Mr. Gori if they have shops in Bar Harbor, Boothbay and Camden, and how long.

Mr. Gori responded that the company has had a shop in Camden for 6 years. Bar Harbor and Boothbay for 3 years.

Chair Cofield asked if there were any other questions or comments. There were none.

Member Blakaitas asked if there would be any effect of the parking for this special use permit.

Director Heard stated there are no improvements necessary or proposed.

Chair Cofield asked again if there are any further comments or questions.

Member Murray stated it was a good presentation. He stated he is satisfied that it is consistent with the other uses and what is going on in the shops.

Member Blakaitas made a motion to recommend approval as presented by Director Heard and finding the application is consistent with the comprehensive land use plan.

Member Murray seconded the motion.

Motion carried 4-0.

OLD BUSINESS

Ordinance 23-01 proposes to amend the definition of *Lot Coverage* found in Section 156.002 of the Zoning Ordinance to permit alternative ground cover materials such as pervious pavers, artificial turf, and other surfaces. If certified for permeability by an N.C. licensed engineer or installed according to the manufacturer's specifications for the base and surface, these surfaces would be considered entirely pervious and would not be included in lot coverage calculations. Proper maintenance would be required to ensure permeability in the future.

Chair Cofield brought to discussion *ORD 23-01: Text amendment to the definition of Lot Coverage found in Section 156.002 of the Zoning Ordinance to permit alternative ground cover materials such as pervious pavers, artificial turf, and other surfaces.*

Director Heard proposed to amend the definition of *Lot Coverage* found in Section 156.002 of the Zoning Ordinance. He stated that one issue to discuss was peat systems and wastewater. Heard outlined the ordinance to permit alternative ground cover materials such as pervious pavers, artificial turf, and other surfaces. If certified for permeability by an N.C. licensed engineer or

installed according to the manufacturer's specifications for the base and surface, these surfaces would be considered entirely pervious and would not be included in lot coverage calculations. Proper maintenance would be required to ensure permeability in the future.

Member Murray commented it might be better to strike peat and just use the word innovative wastewater systems so impervious components of innovative wastewater systems because that would just cover more above grade tanks and modules.

Director Heard agreed with Member Murray's suggestion.

Chair Cofield inquired if other towns and counties have similar language and requirements.

Director Heard mentioned Currituck County requires engineer certification and that the Town of Duck is requiring installation per manufacturer's specifications; you would not have to pay an engineer to certify.

Chair Cofield questioned who would make sure it follows manufacturer's certification.

Director Heard indicated those specifications would be provided to us as well as documentation that installation was done according to specifications.

Senior Planner Cross stated a couple of examples as to how the Town could obtain documentation from applicants or contractors including photos of work done or invoices with listed materials.

Member McKeithan raised the concern that with various types of products and their standards, it doesn't seem like there is much ability to verify and that the town would have to take the word of the applicant for verification. He also questioned whether the town would be going back to verify that it was done correctly.

Senior Planner Cross explained that the town would either inspect in person or get photographs of installation.

Director Heard mentioned that there is also a provision included for maintenance. He stated that we would not be going back on applicants' properties to look at maintenance, but if an issue arose, the ordinance requires the applicant maintain according to those specifications. If they have not, we have the authority to enforce that. He went on to say that he would not envision that would be done proactively.

McKeithan questioned if the ordinance needed to state that the town has the authority to go inspect.

Director Heard stated we don't. He explained we cannot give ourselves authority legally because we are not invited onto the property. Director Heard stated we can ask, but if we are not invited onto the property, we cannot just enter.

McKeithan stated that seemed like a big difference between having a licensed engineer certifying and the property owner saying I have done it.

Director Heard explained that the ordinance says they have to provide sufficient documentation that the installation was conducted. He also mentioned that we are going to ask them for documentation.

Chair Cofield stated that instead of providing documentation, why don't we require certification from somebody, even if it's no one other than the homeowner.

Member Murray stated that generally the building inspector is inspecting buildings to see that they meet code, and he inspects that when he can see it and we call in a structural engineer when we want to do something that the code doesn't deal with. Murray explained the structural engineer would make individual calculations for that individual case. He stated this is consistent with that in the sense that if someone installs it per the manufacturer's instructions and documents that, then it meets what the manufacturer's had the product tested to perform to that standard, whether it be 100 percent permeability or in a lot of cases with pavers. Murray stated that they're a percentage of the permeability if installed correctly and that can be documented. He added that it's a good situation since the option is left to use an engineer when the instructions for installation won't do because various components need to come together to create a stormwater installation. Murray stated there has been a process documenting these things even though the standard hasn't been clear in the ordinance; there have been courtesy inspections and it hasn't been a problem to date. Murray offered a clarification from practice that when installing it by the book the certification is pretty easy to document for any lay person or building inspector. He stated when you deviate from the instructions because you're combining components to do something, that is when the help of a design professional is needed.

Chair Cofield asked if in the absence of a design professional, don't we want certification by someone even if it's the homeowner.

Director Heard stated he would not accept certification from a homeowner as a reasonable approach to compliance.

Chair Cofield suggested to change certification from a compliance statement. He seemed to recall perhaps Nags Head requires this.

Senior Planner Cross clarified that it is Currituck County that requires an engineer certification. She stated that the suggestion is the applicant provide documentation or have an engineer certification. Senior Planner Cross added that if the documentation provided is insufficient, staff can require the applicant go back and get engineering.

Chair Cofield questioned if an exemption was being afforded from existing lot coverage because of this.

Senior Planner Cross explained the whole point of this amendment is to provide clarity to a procedure which is not currently documented. She stated that we don't want to be a community that doesn't have any detail as to how to address these situations because the situations are becoming more prevalent. She explained more people are putting in artificial turf and pavers and there are no clear standards in our ordinance to follow.

Member Murray state it is a good place to start and if staff sees abuses moving forward, or has problems, we can always come back and require the engineer to document it. Murray stated that since we don't have any clarification in the ordinance now, we haven't seen to my knowledge, instances where it doesn't appear to be performing the way it is intended.

Senior Planner Cross stated that if done properly you would expect that you're going to have more storage capacity, but it is not known because we don't know what is going underneath these products on a regular basis. She stated if you meet the standard, you're good. She stated the goal is to have some consistent level and standard to ensure proper installation, so they are meeting the specifications for which they were designed. Senior Planner Cross agreed with Member Marc that if the ordinance is not clear, it can always be modified in the future.

McKeithan asked if there are any guidelines, if not maintained properly in short period of time, they become useless as far as being permeable. He asked if there would be some sort of verification from the property owner annually regarding maintenance.

Director Heard stated this was not part of this proposal but is an interesting comment. He stated that requiring annual verification would require another layer of responsibility and cost for the owner, but it would allow the town to document compliance as far as maintenance goes.

Senior Planer Cross explained her expectation would be that, aside from permeable concrete, by the time properly installed permeable pavement or artificial turf begins to become impervious, it will be failing. She stated there is a life span on these products and over the years sediment would saturate the product making it impermeable and at some point, they will fail.

Member Murray stated in his experience pavers and turf, which is what we are comparing zero lot coverage to are like clean sand. So, the only thing getting into pavers and turf substrate would be sand and we haven't seen a negative effect on its permeability. He noted he could not speak to the permeable concrete.

Senior Planner Cross stated that if the surface of permeable pavement is not vacuumed, it's going to fail. Member Murray stated the surface can be impacted with sand infiltration. He questioned how the Town handles the maintenance of their permeable concrete.

Senior Planner Cross stated the town has, in the last two years, started vacuuming it twice a year and can noticeably see a difference in the permeable pavement that was installed back in 2010 vs. what has been recently installed. She indicated that all are being maintained at the same level now, but the permeable pavement installed many years ago wasn't being maintained to the level we are now. She explained the likelihood that it will have to be replaced sooner than the others is probable as a result of the lack of maintenance. She stated that her viewpoint is without some sort of maintenance plan for permeable concrete, there would be issues.

Member McKeithan asked if there should be a maintenance standard put in the proposal now for those types of products that would be required to be maintained regarding their permeability.

Director Heard stated it requires a maintenance standard for manufacturer specifications. He explained the Town lacked that staff to go around to document this. He stated he didn't think the

answer was putting this on staff to follow up with owners on an annual basis, but rather put the burden of that on the property owner.

Chair Cofield stated that the property owner is requesting an exception from the lot maintenance provisions and it seems that there should be some type of statement from someone, if not an engineer or design professional. He stated the homeowner, who is saying what you're bringing forward because otherwise it leaves burden on the town and staff to go out 3 years later when a neighbor is having stormwater problems and the town says, well we looked at some photographs and invoices. He states it's in the interest of the town to take a step beyond that to obtain a statement of compliance from the homeowner. He states that's the minimum step as opposed to having an engineer certification or design professional certification.

Member Murray states there are two things, initial install, and annual maintenance.

Member McKeithan stated the issue discussed at last meeting is requiring some kind of maintenance requirement where the property owner in some way, has got to verify that they're maintaining that product on an ongoing basis. He explains without overburdening the staff, but annually or biannually send in a document or certification that the maintenance has been done and could have that on file. McKeithan explains that if it is not required, it's going to be a lot less likely that the property owner will maintain according to specifications.

Chair Cofield indicated some years ago, there was a requirement when he installed a burglar system in his home an alarm permit was needed. He stated it was required to provide the town documentation annually and there was a follow up required. He explained that the person likely to suffer most, is the next-door neighbor if we are not doing what we are supposed to be doing by granting this exception. He stated that this is a small requirement to have the property owner provide a statement, certification, or something and that he is going to maintain it consistent with the manufacturer's specifications.

Member Murray asked if certification form the property owner would be acceptable for both things, including documentation of annually maintenance performed.

Member McKeithan stated that, although it's not perfect, it's step in the right direction and that he would accept that. He stated that it is an attempt to have property owners maintain the product that the exception is being made for.

Member Murray inquired as to adding the maintenance requirement to number 6 and in two places. He questioned if it should be one for the initial certification and one for certification of maintenance.

Chair Cofield asked for comments.

Director Heard questioned if Murray's comments related to having actual certification, not just documentation the owner certifies and that they intend to maintain it according to the manufacturer's specifications.

Chair Cofield concurred.

Senior Planner Cross inquired if certification would entail a signature of the property owner for future maintenance, but perhaps if they're using a landscaper to install the product a signature from the installer as well.

Chair Cofield stated that would not be part of my suggestion and it would be up to the property owner to do that.

Member Murray asked if an affidavit would be needed.

Chair Cofield explained some statement of certification would suffice and not necessarily an affidavit.

Director Heard stated the property owner would provide sufficient documentation and certify installation and maintenance consistent with manufacturer standards.

Chair Cofield stated that would satisfy his concerns.

McKeithan stated that maintenance should be stated according to manufacturer specifications due to the variety of products used.

Member Murray agreed with McKeithan's addition.

Chair Cofield asked the Town Council's view.

Council Member Sandy Whitman stated to make sure they're followed up on.

Chair Cofield stated if the ordinance is passed tonight, he would say yes. He asked for comments from audience.

David Klebitz stepped forward to state his role as a practicing engineer. Mr. Klebitz described how Currituck County puts a certification on the site plan that the owner signs saying that they are going to install and maintain the stormwater improvement per this approved plan. He stated doing such is preemptive before the installation ever happens. He stated the way Duck is proposing to have the property owner attest that they have installed this per the manufacturer recommendation and are going to maintain it in accordance with the manufacturer's specifications construction at the CO stage is better.

Chair Cofield stated that the exception should be something that the town and his neighbors feel comfortable with regarding stormwater runoff.

Member Murray asked if the definition of lot coverage will apply even when the property owner isn't asking for exception.

Senior Planner Cross explained that there would be items added in the permit conditions to prevent surprises and issues at the CO stage. She stated that she liked Currituck County's procedure for adding it up front and thinks it would be best to have these documents on the front and back end.

Member Murray asked if it should be put in the second part of the ordinance that is dealing only with the credit for lot coverage over 30 percent as opposed to in the definitions.

Chair Cofield stated that it should appear for where they're asking for exception also.

Member Murray stated the language Senior Planner Cross is talking about enumerates how we document it would go in the ordinance 23-02.

Member McKeithan stated that in cases where they're getting this exception to stay under the 30 percent it should be noted in lot coverage.

Senior Planner Cross noted that it may or may not have anything to do with 30 percent.

Member McKeithan thought Member Murray was suggesting we put it in if it is over 30 percent.

Member Murray asked if the change should be added to the 23-02 or would it go in another section of the ordinance that is not being discussed tonight.

Chair Cofield agreed with Murray. He stated the point that someone is asking for a waiver or exception from the lot coverage requirements, they will understand what the town wants from them.

Director Heard stated that it doesn't need to go there and that his preference would be we act on one of these and talk about the other, rather than confusing that issue. He stated that we can see if there is a value in adding it in there too.

Senior Planner Cross stated that it did not need to be in 23-02 because a standard in lot coverage is being created and applies regardless of whether you're apply for a 5% credit or not.

Member Murray asked if the language should be finalized.

Chair Cofield agreed yes if done quickly.

Senior Planner Cross stated that Director Heard's comments would be pulled together, and staff would circulate for final approval before taking it to Town Council.

Senior Planner Cross noted that 23-02 lists subsurface drainage systems and you could certainly use the gravel below pavers and turf and consider those to be subsurface drainage systems. Staff explained they felt comfortable that this noting this was covered in Ordinance 23-02 already.

Chair Cofield asked if should try to finish this tonight.

Senior Planner Cross stated there is a recording of Director Heard's suggested language that can be quoted to add complete the certification piece and circulate around. Senior Planner Cross suggested a motion to recommend approval with amendments discussed tonight pending final circulation and approval.

Member McKeithan asked if when property owners are asked to certify that it can be clear to certify that it is to install and maintain the surface according to manufacturer's specifications because each product is different.

Senior Planner Cross stated the expectation would be to attach product specifications and certifications so there is no question.

Member Murray moved to approve text amendment 23-01 subject to final revisions to be furnished by staff prior to presentation to Town Council.

Member McKeithan seconded the motion.

Chair Cofield stated motion approved 4-0.

ORD 23-02: Text amendment to Subsections 156.030(D)(6), 156.031(D)(6), and 156.032(D)(6) of the Zoning Ordinance to specify that engineers can use the storage capacity of swimming pools as part of the stormwater management calculations.

Ordinance 23-02 proposes to amend Subsections 156.030(D)(6), 156.031(D)(6), and 156.032(D)(6) of the Zoning Ordinance to specify that the surface area of swimming pools would not be counted as part of the stormwater management calculations to obtain a 5% additional lot coverage allowance.

Director Heard stated the general concept is giving people 5% extra and that Member. Murray had proposed pools be excluded from this calculation if an engineer certifies that the pool would not overflow. Director Heard stated that the Town of Duck considers pools to be lot coverage. He added that even though pools hold water, and that water it is not released to dissipate, pulling these out of the stormwater management calculations, and giving the extra 5%, is a contradiction to that standard. He stated presently we don't allow that to be pulled out for general lot coverage. Director Heard added that it may give the perception that we are allowing increased development intensity by allowing this. He expressed it may be worthy of further discussion by the Board.

Chair Cofield stated that there would be 5 to 6 to 8 inches of additional inches of water that has to be contained before the pool overflows and becomes an issue.

Member Murray stated that he brought it to attention because of CAMA's consideration of pool water and other municipalities but doesn't care deeply about the topic. He stated that because an engineer would be certifying, it would be another tool in the toolbox.

Member McKeithan questioned Murray by asking if allowing this would permit going greater than 35% or if this is used for calculations in creating a stormwater management plan.

Murray stated that he didn't think one would use pools as a place to put stormwater, but his point was that if it's not going to overflow then by definition it's not behaving like lot coverage does. He stated lot coverage causes runoff.

McKeithan questioned if it's 500 square feet and if you eliminated that, would that allow the homeowner to go over 35 % lot coverage.

Chair Cofield stated the practical effect is yes.

Murray stated that it would not be lot coverage if the engineer certifies that it wasn't and would be space that is usable for something else. He added that however in the instance that space is usable

for something else, a design professional is certifying that a 1.5” design storm event will not cause any stormwater runoff on that property.

Senior Planner Cross questioned whether we are regulating because of the intensity of development or is it driven by stormwater. She warned that adding this clause could result in the perception of allowing increased development intensity.

Murray stated that if you have 30% lot coverage and you’re on a hill, runoff goes to your neighbor’s property anyway. He explained that if you are in a situation with a compliant 30% lot coverage development, you would have no need for stormwater infiltration best management practice installations. Your stormwater goes where it goes. You’re at 30 % and the Town doesn’t have anything to say about it. When you engage an engineer, the ordinance is allowing someone a 5% credit which is not that significant of a credit when compared to other municipalities for their guarantee that when it rains 1.5 inches no stormwater will leave their property. So, if a pool is 400 square feet, they may get 400 square feet more of coverage, but the Town gets a dividend with the stormwater retention that they would get from a lot otherwise.

Senior Planner Cross again asks whether the purpose of our regulation has to do with intensity of development vs. stormwater development.

Murray stated if it has been certified, it won’t create a stormwater problem.

Cofield stated it impacts both.

Murray stated it’s not important to him.

Cofield suggested that the issue be tabled.

Senior Planner Cross stated modifications regarding pool water will be brought back at the next meeting.

Murray motioned to table the item 4B.

McKeithan seconded the motion.

Motion carried 4-0.

APPROVAL OF MINUTES

Minutes from the November 8, 2022 Meeting

Member Murray moved to approve the minutes as presented. Member McKeithan seconded.

Motion carried 4-0.

STAFF COMMENTS

Summary of February 1, 2023 Regular Town Council Meeting

Senior Planner Cross noted there were no items relative to the Planning Board at the February Council meeting.

PROJECT UPDATES

Director Heard stated that there would be a more detailed report by VHB engineering offered at the annual retreat on February 15th at 10:30am as well at the latest on the BRIC project.

Senior Planner Cross mentioned that a new Special Use Permit had been received that would come to the Board at the March 8th meeting.

BOARD COMMENTS

Chair Cofield mentioned his regret that Member McKeithan is not standing for reappointment as he has made a valuable contribution to the Board.

ADJOURNMENT

Member Murray motioned to adjourn. Member McKeithan seconded the motion to adjourn. Chair Cofield adjourned the meeting.

The time was 8:02 p.m.

Approved: _____
/s/ James Cofield, Chairman