
**Town of Nags Head
Planning Board
February 15, 2022**

The Planning Board of the Town of Nags Head met on Tuesday, February 15, 2022, in the Board Room at the Nags Head Municipal Complex.

Planning Chair Megan Vaughan called the meeting to order at 9:10 a.m. as a quorum was present.

Members Present

Megan Vaughan, Kristi Wright, Molly Harrison, Meade Gwinn, David Elder, Gary Ferguson, Megan Lambert

Members Absent

None

Others Present

Kelly Wyatt, Holly White, Lily Nieberding, Andy Garman, Kylie Shephard

Approval of Agenda

David Elder moved to approve the agenda. Meade Gwinn seconded, and the motion passed by unanimous vote.

Public Comment/Audience Response

None

Approval of Minutes

Chair Vaughan asked for a motion to approve the minutes of the January 18, 2021, meeting. David Elder moved to approve the minutes as presented; Kristi Wright seconded, and the motion passed unanimously.

Action Items

Presentation and Discussion of Draft Decentralized Wastewater Management Plan

In March 2021 Planning and Development staff began working with consultants, Tetra Tech Engineering, PC on the development of an updated Decentralized Wastewater Management Plan. Prior to selection of the consultant, the Board of Commissioners appointed an Advisory Committee consisting of four Town residents to provide guidance and feedback to both staff and the consultant during the development of the updated Plan.

The Planning Board was provided a copy of the draft Decentralized Wastewater Treatment Plan on February 4th, in advance of their meeting, in hopes that members would have an opportunity to review the document and provide comments, suggestions, feedback

and/or ask any questions that arise.

In anticipation of finalizing the plan and submitting it to the Board of Commissioners for review and adoption, Holly Miller, Project Manager with Tetra Tech provided a presentation via Zoom and facilitated a discussion on the draft document with the Planning Board.

Important highlights included:

- Memorandum dedication to Todd D. Krafft
- Updated Plan Layout
- Stakeholder and Community Engagement, includes idea of a Voluntary Septic System Subscription Service
- Mission, Vision, Goals & Objectives
- Relationship with other Town Services, Plans & Programs
- Programmatic SMART Goals

Ms. Miller then introduced Bob Muller, Advisory Committee member. Mr. Muller recognized another Advisory Committee member, Bill Simmons, who was in the audience. Mr. Muller gave a brief overview of the town's Septic Health Initiative then discussed the SMART Goals in greater detail noting that the Voluntary Septic System Subscription service could be offered to other Towns or serve as a model for other Towns to initiate their own Septic Health Initiative Program.

Mr. Gwinn asked about the loan program and inquired about the cost to replace a failing system. Environmental Planner Kylie Shepard explained that there are many variables when replacing a system and noted that the cost is increasing because of the amount of fill being required. The price for a full system replacement is about \$12,000.

Ms. Miller continued her presentation on the highlights of the Plan including:

- Groundwater & Subsurface Water Quality Data Analysis
 - o Groundwater Monitoring results
- Locations for sampling & recommendation for additional sites
- Future Conditions/Recommendations
- Availability of Grants and Loans – FEMA, FMA, NC DEQ, NC DOJ, etc.

Finally, Ms. Miller gave a summary on objectives to be completed within the next year, within the next two years and within the next five years as well as some possible future actions.

Ms. Harrison wondered if at some point it may need to become more of a required participation rather than a voluntary one. Mr. Muller explained that the Town does not have the legislative authority to regulate septic systems; the State (of North Carolina) tasked the County to do so. What the Town can do is offer more opportunities and incentives. Mr. Muller would encourage the Planning Board to review the chapters of the plan on future conditions and alternative models and small centralized systems.

Ms. Miller agreed noting that Appendix C speaks to alternatives.

Ms. Miller confirmed for Mr. Elder that the system used at the Village at Nags Head is not an alternate model but rather a permitted wastewater management system/a wastewater treatment plan. Ms. Miller and Mr. Elder discussed plantings and other Stormwater measures around ditches and near drainfields to keep Stormwater away.

Mr. Muller confirmed for Mr. Gwinn that other than a few homes in Nags Head Woods all other homes in Town are serviced by public water, not by private wells.

Ms. Miller confirmed for Chair Vaughan that less than 50% of tanks that are inspected end up requiring pump outs.

Mr. Muller confirmed for Mr. Ferguson that all potable water comes from deep aquifers and noted that inter-aquifer transfer does have an impact on groundwater levels especially in the summertime.

Mr. Elder discussed that the Town needs to be cognizant of how one property owner's actions (fill, development, maintenance, etc.) can affect neighboring lots and keep this in mind when looking at future impacts and policies.

Ms. Miller thanked the Board for their time and requested that Board members provide her with any comments by February 18th.

Consideration of rezoning the property located at 2110 S. Pond Avenue (Nags Head Water Plant) from SED-80, Special Environmental District, to C-3, Commercial Services in advance of the design process for the Public Works Master Plan.

Planning Director Kelly Wyatt explained that at their January 18th meeting, Planning Staff requested that the Planning Board consider initiating the zoning map amendment process for the property located at 2110 S. Pond Avenue, this is the location of the Town of Nags Head Water Plant. The requested map amendment would rezone this property from SED-80, Special Environmental District to C-3, Commercial Services. At that meeting, the Board voted unanimously to initiate the map amendment request.

Ms. Wyatt presented an aerial view of the property and explained that the Town is in the process of developing a facilities master plan for the Public Works Department which involves conducting a facility needs assessment for the department, reviewing the existing buildings and facilities, and developing a capital planning tool for the department for future budgeting purposes. This would consider physical improvements that would better serve existing and future staff needs, allow for improved services to the public, and provide acceptable facilities for the storage and maintenance of equipment assets.

The Public Works department uses several contiguous sites located along S. Lark and S. Pond Avenue as well other sites throughout the town. Many of these buildings are aging and may be reaching the end of their useful life within the next 10 to 30 years. Additionally, some of the existing facilities may not be adequate to support current operations. This project would provide guidance for future capital planning decisions when considering building/facility replacement/renovations in light of current and future needs.

The consultant selected for this project, Oakley Collier, is now beginning to work on the schematic plan design for the proposed Public Works Facility redevelopment project. In review of the various properties to be encompassed in this design process, it was noted that the Water Department, located at 2110 S. Pond Avenue is zoned SED-80, Special Environmental District, while the remaining Public Works facilities are located within the C-3, Commercial Services District.

Ms. Wyatt noted that in their Agenda Packet she had included the intent of both the giving and receiving zoning classification and explained that the historical and current use of this property as the Water Department facility is consistent and compatible with the C-3, Commercial Services District.

Ms. Wyatt did note that should the rezoning be approved, the intensity of the use of the property as a town facility, would not be increased and according to Public Works Director Eric Claussen, the intensity has actually decreased. As noted at the Board's January meeting, given that Fresh Pond no longer functions as the Town's potable water supply, the water plant facility currently operates as a distribution facility and monitoring site for the water levels of the Town's water tanks.

If approved, the C-3, Commercial Services zoning designation would result in consistency in the zoning designation among the Town's municipal facilities located on S. Lark and S. Pond Avenue as well as consistency with the application of dimensional requirements such as setbacks and lot coverage for these municipal service facilities and sites. As such, the re-zoning would reduce the property's non-conforming status.

Based upon the evaluation of the intent of each district and the policies noted in the 2017 Comprehensive Plan Staff recommends approval of the proposed zoning map amendment as presented.

Ms. Wyatt confirmed for Mr. Ferguson that this property is still part of the Fresh Pond AEC and any re-development would require a CAMA permit.

Mr. Ferguson stated he was concerned about Fresh Pond, regardless of how it is currently being used. Ms. Wyatt noted that the Planning Board would have the opportunity to review the Master Plan/proposed site plan before any re-development were to take place.

Mr. Gwinn agreed with Mr. Ferguson noting that any proposed uses need to be such that they will be far enough away so as to preserve the Fresh Pond water as potable water. Mr. Elder discussed improving the buffer to ensure Fresh Pond is further protected.

Town Manager Andrew Garman discussed Fresh Pond and noted that the water plant was in existence before the creation of the SED-80.

Ms. Wyatt confirmed for Ms. Harrison that the water plant use would still be allowed if the property remains SED-80; however, it would have to meet setback and lot coverage requirements of the SED-80.

David Elder moved to recommend approval of the rezoning as presented. Meade Gwinn seconded, and the motion passed by unanimous vote.

Report on Board of Commissioners Actions – February 2, 2022

Ms. Wyatt gave an update on the Board of Commissioner Actions, of note: On the Consent Agenda was the Request for Public Hearing to consider text amendment to the Flood Damage Prevention Ordinance; a Public Hearing was held to consider the Residential Stormwater Ordinance - The Board adopted the Ordinance (with reference to the Low Impact Development Manual incorporated) as presented; the Board reviewed and approved the Blue Moon Five site plan, as amended (includes the change to the Commercial Transitional Protective Yard in the rear of the site); The Board held a preliminary discussion to review conceptual designs for the Whalebone Park project - Board members spoke in favor of the project and made comments; The Board reviewed the Town Hall Rain Garden Project

- Dare County Soil and Water Community Conservation Assistance - Board members spoke favorably of the proposed Garden and it was Board consensus to agree to the longer-lasting copper gutters; funds for the garden were confirmed by Finance Director Amy Miller – The Planning Board requested to be notified when installation is taking place so that they can observe the process.

Town Updates

None

Discussion Items

Update on Resilient Coastal Communities Program

Candice Andre, Senior Project Manager with VHB, gave an update on the RCCP project via a Zoom presentation. Ms. Andre's presentation included a brief summary of the program, the process timeline (Phases 1-4) and Program Vision and Goals. Ms. Andre also reviewed some of the information they have gathered so far from existing Town projects (VCAPS, Town's Comprehensive Plan, Hazard Mitigation Plan, Electric Vehicle Plan & ETIPP) including Town Goals – Common Themes. Ms. Andre asked the Board for provide feedback on the vision (based off the definition of resilience) and common themes pulled from adopted local plans and previous feedback. Chair Vaughan noted there was no immediate feedback. Finally, Ms. Andre reviewed Next Steps (identify & prioritize projects and Community outreach) and also requested feedback on any additional critical assets.

Update on EV Action Plan

At their January 2022 meeting, Duke University - Master of Environmental Management (MEM) Program students presented a status update of the project and held discussion with the Planning Board on their perspectives on Electric Vehicles (EV).

Since that meeting, (MEM) Program students have prepared a follow up survey for Planning Board Members. Principal Planner Holly White shared the link for the survey in her staff memorandum which stated that the survey will be open through March 1, 2022. Planning Board members are encouraged to share their perspectives on EV through this survey as it will help provide insight from both their personal and professional perspectives.

Additionally, MEM program students shared several important milestone dates that are associated with the workplan:

- Revised Outline- February 11th
- First Draft of EV Plan due to Duke Program (Internal deadline for MEM students)- February 18th
- Final EV Plan due to Duke Program (Internal deadline for MEM students)- April 22nd

MEM Program students provided staff with a revised draft outline for the EV Plan, and this was also shared with the Board as part of their agenda packet. Staff and the Planning Board will have the opportunity to review the draft and final plans. As staff receives these documents, staff will forward to the Planning Board for review and discussion on the agenda for the March and April 2022 Planning Board meetings.

January 26th, 2022, Director's Report

Ms. Wyatt briefly discussed her Director's Report to the Board.

Discussion and acceptance of 2022 Submittal Calendar

Ms. Wyatt presented the Draft 2022 Submittal Calendar. Ms. Wyatt noted that the only change was that she bumped up the December Planning Board meeting a week so as not to interfere with Holiday travel.

Meade Gwinn moved to approve the Submittal Calendar as presented. Molly Harrison seconded and the motion passed unanimously.

Planning Board Members' Agenda

None

Planning Board Chairman's Agenda

None

Adjournment

A motion to adjourn was made by David Elder. The time was 11:21 AM.

Respectfully submitted,
Lily Campos Nieberding