
**Town of Nags Head
Planning Board
May 21, 2024**

The Planning Board of the Town of Nags Head met on Tuesday, May 21, 2024, in the Board Room at the Nags Head Municipal Complex.

Chair Vaughan called the meeting to order at 9:00 a.m. as a quorum was present.

Members Present

Megan Vaughan, Molly Harrison, David Elder, Gary Ferguson, Kristi Wright, David Thompson

Members Absent

Meade Gwinn

Others Present

Kelly Wyatt, Joe Costello, Lily Nieberding

Approval of Agenda

David Elder moved to approve the agenda as presented. David Thompson 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 April 16, 2024, meeting with some editing corrections. David Elder moved to approve the minutes as corrected; Molly Harrison seconded, and the motion passed unanimously.

Action Items

None

Report on Board of Commissioners Actions – April 3, 2024

Ms. Wyatt gave an update on the Board of Commissioner Actions, of note: There were two items on the Consent Agenda (which was approved): Request for Public Hearing to consider text amendment to prohibit driving or parking on residential septic systems and a request for Public Hearing to consider text amendment submitted by Jordan Harrell of Jernigan Oil Company, Inc. to allow LED, digital displays for Fueling Stations; Comr. Brinkley gave an update on the Septic Health Advisory Committee: six loans, 90 inspections, and 98 water credits have been issued to date with the program; Comr. Brinkley also gave an update on the Town Multi-Family Ordinance Working Group which will meet again May 24th prior to a report to the Board in June (Ms. Wyatt noted she would

give the Planning Board a brief update later on in the meeting); Town Manager Garman noted that the Board had approved the request for a Public Services Dept Sanitation Equipment Operator and for a part-time/seasonal Planning and Development position to assist with Dowdy Park; Mayor Pro Tem Siers acknowledged the good work being done by the Town's Multi-Family Ordinance Working Group and the Town's Planning Dept, as he has heard from the community.

Mr. Elder pointed out two recent fires in Nags Head and raised concerns about the increasing risk of fires due to buildings being constructed very close to each other. He questioned whether this issue should become part of future planning considerations, especially given the trend towards maximizing the use of space. He observed that the current approach of filling out spaces as much as possible, combined with additional structures like fences, swimming pools, and outdoor cooking areas, creates a crowded environment. This situation potentially impacts the safety of inhabitants. Ms. Wyatt acknowledged Mr. Elder's concern and stated that staff could provide a presentation on current setback requirements for principal and accessory structures, and allowable encroachments and to what extent. Chair Vaughan noted that any changes they recommend would only apply to new development as well as redevelopment.

Town Updates

None

Discussion Items

Update on Lighting associated with LED, digital displays for fueling stations.

Ms. Wyatt gave a PowerPoint presentation that she put together with regards to Digital Sign Lighting noting that her presentation references a document from the Outdoor Advertising Association of America (OAAA) which she had sent to the Board via email the day before. Ms. Wyatt noted that this would be an addendum to the text amendment which the Planning Board recommended approval of at their last meeting.

Ms. Wyatt explained that most jurisdictions measure the brightness of LED digital signs using either footcandles or nits. A footcandle measures the amount of light falling onto a surface from one foot away, equal to one lumen per square foot. A nit measures the brightness emitted from a surface, equivalent to one candle per square meter, and is used scientifically to measure light from internally illuminated signs.

An LED sign's luminance is measured in nits, but the human eye perceives illuminance at a distance, affected by ambient light, measured in footcandles. Footcandles account for varying ambient light conditions, while nits measure brightness without considering ambient light, only setting maximum and minimum levels for different times of day. The footcandle standard is generally more restrictive and preferred by regulatory agencies. The OAAA recommends digital signs not exceed 0.3 footcandles above ambient lighting as a standard.

Ms. Wyatt confirmed for Chair Vaughan that the Town currently does not own a Nit gun (for measuring nits) only a light meter that measures footcandles.

Many localities use specific language to regulate digital billboards and electronic messaging centers, with some also applying these standards to smaller digital signage. Ms. Wyatt noted that if the Planning Board is inclined to recommend this, Planning Staff would need to coordinate with fueling station staff to measure illuminance at set times during the day and night with the digital display off

to establish a baseline of ambient light. When the display is on, staff would have to conduct the same measurements under similar conditions to ensure illuminance levels do not exceed 0.3 footcandles above the baseline.

Ms. Wyatt noted that this may be a bit time consuming in that it depended on timing and weather conditions but it would certainly be doable.

Ms. Harrison inquired if the purpose of this would be to get the property owner to turn the lights down if they are too bright. Ms. Wyatt confirmed, noting that there are industry standards that are going to give minimums for safety and visibility. This would be above and beyond that.

Ms. Wyatt reminded the Board that the Town does regulate lighting for fueling stations and proceeded to review some additional lighting considerations noting that Section 10.37 of the UDO specifies parking lot lighting standards based on usage. Fueling stations, classified as "high level" activity areas, must maintain lighting between 0.7 and 10.0 footcandles.

In addition, Section 10.37.2 of the UDO sets standards for open canopies over gas pumps:

- Only the area under the canopy may be illuminated, with levels between 2 and 15 footcandles.
- Light fixtures are restricted to under the canopy, with no illumination on the canopy sides.
- Parking spaces outside the canopy must follow standard parking area lighting requirements. Fueling stations must comply with these lighting standards regardless of digital sign components.

Ms. Wyatt presented the proposed amended language for the Board's consideration. This new language would be added to 7.20.7 Signage for Fueling Stations.

Ms. Wyatt confirmed for Chair Vaughn that without going out there at different times of day they have no idea what .3 even looks like.

Mr. Thompson inquired if staff could go to another town that already has these lights in use and measure there. Ms. Wyatt noted that Staff had done a quick inventory of gas stations along US 158 and found that Kill Devil Hills had no digital LED signage but there a few in Kitty Hawk (most use scrollers). Ms. Wyatt noted that staff could however, it would require a business owner being willing to turn their signage off at various intervals for us to get a ambient light reading.

Mr. Ferguson reiterated that he did not support these types of signs period.

David Elder noted that he did not think adding a standard was a bad idea and moved to amend the recommendation to include the .3 limitation. David Thompson seconded, and the motion passed unanimously.

Presentation on Community Rating System (CRS) Program

Deputy Planning Director Joe Costello gave a PowerPoint presentation to provide a brief overview of the Town's efforts to participate in and administer the Community Rating System (CRS) program.

Mr. Costello explained that the National Flood Insurance Program (NFIP) is administered by FEMA, which collaborates with over 85 insurance companies to offer flood insurance to homeowners, renters, and business owners. For a community to join the NFIP, it must adopt a floodplain

management ordinance and utilize flood maps, such as Flood Hazard Boundary Maps. This adoption is crucial because without it, the community cannot receive FEMA grants or post-disaster assistance.

Key terms associated with floodplain management include NFIP (National Flood Insurance Program), SFHA (Special Flood Hazard Area), and BFE (Base Flood Elevation). On flood maps, AE and V Zones indicate areas with a 1% annual chance of flooding, commonly referred to as 100-year flood zones. The shaded X Zone represents 500-year flood zones, while the unshaded X Zone indicates areas with even lower flood risk.

The Town (of Nags Head) saw significant changes with the adoption of the 2020 flood maps, which reduced the designated flood hazard areas. Approximately one-third of the Town's land and buildings were previously within flood zones.

The CRS is a voluntary incentive program that encourages communities to implement floodplain management practices exceeding the minimum NFIP requirements. Nationwide, over 1,500 communities participate in the CRS. Participating communities benefit from reduced flood insurance premiums, reflecting the reduced flood risk due to their proactive efforts.

The CRS program aims to achieve three primary goals: reduce flood damage to properties, strengthen and support the insurance aspects of the NFIP, and promote a comprehensive approach to floodplain management. The program's class structure determines the level of discount on flood insurance premiums. The Town is currently classified as Class 5, providing a 25% discount for properties in the Special Flood Hazard Area (SFHA).

CRS activities are broken down into specific tasks, each with a predetermined amount of credit associated with its implementation. These activities are further divided into elements, which are discrete parts of the overall floodplain management program.

Mr. Costello gave an example of the comprehensive elements that the Town gets credit for such as Outreach/Flooding Educational projects, floodplain management mapping aspect and open space preservation (ex. Nags Head woods and Jockey's Ridge). The Town's more restrictive freeboard standard also gives the Town points. Mr. Costello then discussed the Town's repetitive loss analysis and outreach mailer which is also part of the CRS program.

Mr. Costello stated that they had a verification visit scheduled, but it was recently cancelled, and Staff is awaiting a new date for the visit. Mr. Costello noted that as of 2018, only eighteen other communities with a smaller population than 5000 people were Class 5 or higher. For a small community, the Town is maxing out what it can do in the CRS program to get a discount.

Mr. Costello confirmed for Mr. Ferguson that while the Town does not get points for beach nourishment per se, the beach does count as open space preservation, which does give the Town points.

Mr. Costello discussed the CRS Cycle Visits and confirmed for Chair Vaughan that they used to be every five years, but they are now trying to do it every three years.

Mr. Costello and Mr. Ferguson discussed the Town's efforts with outreach and educating the public with regards to insurance premium savings (25% savings in the special flood hazard areas and 10% everywhere else) as well as other topics related to flooding.

April 26th, 2024, Director's Report

Ms. Wyatt briefly discussed her Director's Report with the Board which included various activities involving staff. Notable meetings included TRC, BOC, and the Committee for Arts and Culture. The Board of Adjustment did not meet in April. Key events included the Winter Market at Dowdy Park and the submission of a CAMA Grant Pre-Application.

Additional updates include the Septic Health Advisory Committee discussing the revised proposed ordinance amendment and staff efforts to buy a GPS unit for septic system mapping. The Estuarine Shoreline Management Plan saw staff preparing grant proposals for the National Coastal Resilience Fund. The EV Action Plan is progressing with staff identifying feasible locations for Level 2 EV Chargers at Town Hall.

The Dune Management Cost Share Program has allocated \$361,000 to 124 applicants, and the sand relocation program is nearing completion with final inspections underway. A grant pre-application for was submitted for renovations to the June Street Beach Access. The Outer Banks Regional Hazard Mitigation Plan Update involves a collaborative effort with Dare County and community reps, focusing on the timeline for updating the HMP. Lastly, the Arts & Culture Committee has selected vendors for the 2024 Dowdy Park Farmers Market, scheduled summer concerts, fitness events, and storytelling sessions, while also receiving new art panels for the Art Mast Project, soon to be installed by Public Services.

Ms. Wyatt also gave the Board an update on the Multi-Family Housing Working Group which has met three times. Ms. Wyatt noted that a lot of the discussion has centered on some changes to how they calculate density in the large family category and establishing a Floor Area Ration (FAR) using a large residential dwelling as kind of the baseline.

Planning Board Members' Agenda

None

Planning Board Chairman's Agenda

None

Adjournment

A motion to adjourn was made by David Elder. The time was 10:05 AM.

Respectfully submitted,
Lily Campos Nieberding