

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, June 13, 2022. This meeting was held in the Dare County Board of Commissioners meeting room located at the Dare County Administrative Building, 954 Marshall C. Collins Drive, Manteo, NC.

CALL TO ORDER 6:00 pm

MEMBERS PRESENT John Finelli, Chairman
Beth Midgett David Hines
Terry Gore II

MEMBERS ABSENT Buddy Shelton John DeBoy
David Overton

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the May 9, 2022 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as submitted. Beth Midgett seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

Maynard Miller, a Brakewood Dr. resident, addressed the Board regarding Old North End subdivision. Mr. Miller remarked that housing was needed for those who live and work here but stated that doesn't happen because of the money. He additionally commented that more than fifty percent of those houses will end up as weekly rentals. He is also concerned the walking path has not been upgraded and asked why there is not a road from the Airport to the County Jail. He stated how can you put that many people in jeopardy with only one way in and out.

Barbara Sibunka, a Gareth Cir. resident, addressed the Board regarding Old North End subdivision. Ms. Sibunka asked where all of the impact studies are and stated they should be made public. She is also concerned about roof damage occurring from the removal of trees that act as wind buffers, the loss of the cooling effect provided by the trees, the devaluation of her property, stormwater and erosion, and the diminished charm of Roanoke Island due to major housing developments.

Joyce Hoppe, a Roanoke Trail resident, addressed the Board regarding Old North End subdivision. Ms. Hoppe commented that she just learned about the 56 houses going in

and is upset about it. She is also concerned about the quality of Airport Road, how long construction will take, impact studies, traffic, eagle nests, flooding, increased insurance, lack of notice of the subdivision, and the size of the lots. Ms. Hoppe also commented that the lack of sidewalks on Airport Road is dangerous.

Kathy Mitchell, a Gareth Cir. resident, agreed with the issues brought up by the previous speakers. Ms. Mitchell is also concerned about the negative impacts the Old North End development project could have on the existing North End community. Ms. Mitchell spoke about traffic and Airport Road being an older road that lacks capacity to handle the increase. She commented Airport Road will likely require major repairs and more frequently. She is also concerned there had been no involvement with NCDOT with a planning process of this size. She additionally noted the vegetative buffer is insufficient.

Elizabeth Granitzki, an Airport Rd. resident, addressed the Board regarding Evansville Tract. She told the Board she had videos of extensive flooding that occurred on Airport Road with the four new houses that were built this past year. She cited cars are throwing up to twelve foot of water. She noted there is only one entrance at Airport Road and voiced concern that fire trucks had blocked residents from accessing their homes for hours when there was a house fire at Kathryn Fagan's home. She also asked the board if these would be family homes, rentals, Airbnb's or will they cost over \$300,000, so a teacher may not be able to afford these homes. She is also concerned about flooding, traffic, destruction of trees from clear-cutting, and who will maintain the drains and culverts.

Katherine Fagan, an Airport Rd. resident, addressed the Board regarding Old North End subdivision. She stated this is not a done deal and there are grounds to revoke this approval. She said there are violations regarding notification and cited State Ordinance G.S.160D-602. She commented she was told there are eagles nesting and there is a federal mandate to do an environmental impact statement when eagles are nesting. Ms. Fagan recommended a special meeting be setup with the Board of Commissioners, Planning Board, and citizens directly impacted.

Patty Callum, a Roanoke Trail resident, is concerned about traffic on Airport Road, and the clear-cutting of trees. She stated clear-cutting has taken away the wind buffer the trees provided. She compared Staten Island to Martha's Vineyard, and remarked Roanoke Island is starting to feel like Staten Island. She told the board she did not understand why more had not been done to preserve the trees. She also asked the board to hold a special meeting, as Ms. Fagan had suggested, as the 56 new homes will highly impact Airport Road.

Nina Green, an Airport Road resident, voiced concern about speeding on Airport Road and commented one road in is not enough. She added there should have been long-range planning, and this was pushed through too quickly. She is also concerned about kids and pets on Airport Road, and stated she has trouble getting out of her driveway. She also noted she does not support clear-cutting trees.

Jennifer Brickhouse, a Brakewood Dr. resident, spoke about the wildlife in the Airport Rd. area, including eagles and the possible presence of the endangered spadefoot toad. She is concerned about traffic and asked if a second road would be built. Ms. Brickhouse commented that she tried to buy the lots behind her, and was told they would only be sold as a land/house combo for \$356,000.00. If she bought the land she would be required to build. She wanted to know why that was. She is also concerned about flooding, lack of doctors, and the condition and safety of Airport Road. She commented the County should have bought the property and preserved it.

Cathy Spencer, a Brakewood Dr. resident, addressed the Board regarding Old North End subdivision. She is concerned about new ponding they are having that they never had before. She said the wind is stronger than it used to be since the trees are gone. She is also concerned about how small the new lots are, how narrow the road is, and the ability to get fire trucks down the road.

Sheena Jones, a Brakewood Dr. resident, spoke to the board about the beauty of Roanoke Island. She is concerned about the dramatic change to the Airport Rd. area in the last six years. She commented rats have become a problem. She is also concerned about no other access to Airport Road being a safety issue, the lack of notification, and not being able to voice an opinion about the development.

George Harkness, a Brakewood Dr. resident, addressed the Board regarding the Old North End subdivision. Mr. Harkness said the board may have been presented with flawed data in which the Board had based their decision. He is concerned about the lack of notification, flooding, winds, and making all records public. He commented the County should look at buying the land for a conservancy.

Kris Fair, a Dare County resident, emailed the Planning Board and the Board of Commissioners comments regarding the high density on Airport Rd. A copy is on file with the Planning Board Clerk.

Public comment section closed at 6:51 pm.

Members of the Planning Board provided summary comments to address public comment.

Chairman Finelli commented that he moved here in 1981, and the Outer Banks he fell in love with had changed. He said he understood the emotional arguments of the speakers who provided public comment and noted we have all witnessed change. Chairman Finelli added that as a Board they cannot make emotional decisions, and the Planning Board bases its decisions strictly from a legal standpoint.

Chairman Finelli read a letter out loud that was written by County Manager / Attorney, Robert Outten, that was written in response to public comment received by Kris Fair. A copy of the County Attorney's letter is on file with the Planning Board Clerk.

David Hines said he appreciated how much the speakers who provided public comment cared about the area and remarked that he understood the Outer Banks had changed. He commented that every home on this beach and Roanoke Island had trees on it at some point. He added that it may have been awhile since the speakers had relocated here but future people had the right to move here as well, which required a home being built. Mr. Hines added that the property had been for sale for some time and it met all the requirements of the Subdivision Ordinance. He said the Planning Board approved the subdivision based on those facts.

Terry Gore said the Planning Board meets on the second Monday of every month at six o'clock in the Commissioners meeting room. He noted that anything that happens during the meeting is done in the public eye and is on public record. Mr. Gore commented he is a resident of Roanoke Island, and his children live part-time on Airport Road with his children's mother's family. He said he understands their concerns and encourages them to stay involved and to keep looking for alternatives to what they are looking for but the Planning Board is not where they will find those answers. Mr. Gore thanked the speakers for their involvement and opinions.

Beth Midgett thanked the speakers for coming in to tell the Board how they felt about the subdivision. She commented that she lives on Hatteras Island and they have seen a lot of change as well, and she understood the concern for single in and out roads, and seasonal pressures. Ms. Midgett said they are also noticing more flooding in Hatteras, and she encouraged everyone to get flood insurance even if they are in an X flood zone as preferred policies may apply.

OLD BUSINESS

-None-

NEW BUSINESS

Preliminary Plat Review, 2 Lot Subdivision, Joseph Kierkowski, 27415 NC 12 Hwy, Salvo, NC

Michael W. Strader, Jr., P.E., of Quible & Associates, P.C. was present on behalf of the property owner.

Noah Gillam, Planning Director, addressed the Board. He said the parcel is zoned S-1 Special District. The total site area is 3.89 acres and the smallest lot is 62,616 square feet. Mr. Gillam further explained that no new road improvements are needed to access the proposed lots. Lot A1 and Lot A2 will be accessed off NC 12 Highway. Mr. Gillam noted the size of tract exceeds the threshold for administrative approval.

Mr. Gillam explained there is an existing dwelling on proposed lot A1. Lot A2 is currently vacant. Mr. Gillam noted that an existing cemetery easement will be relocated from lot A2 onto the existing gravel driveway on lot A1 and this relocation will reflect the access point that has been actually used by the visitor of the cemetery. Mr. Gillam said a document will need to be recorded at the time of recordation of the plat that reflects this relocation.

Mr. Gillam commented that Note #10 on the plat needs to be revised to state "All lots shall be accessed from NC Hwy 12, no proposed streets." Mr. Gillam additionally stated that all minimum building setback lines need to be shown on the final plat.

Chairman Finelli asked Mr. Strader if moving access to Hwy 12 was acceptable. Mr. Strader responded they had struck Note# 10 from the preliminary plat. He explained their opinion was not to have the preliminary or final plat keep someone from Hattie Creek if they had the right to do so later on. Mr. Strader commented if the Board felt strongly he would make the change. Mr. Gillam added that access would be from Hwy 12 unless Hattie Creek Landing Court was adopted as a State Rd.

Chairman also asked Mr. Strader if the cemetery easement would be abandoned. Mr. Strader said it would be relocated in order to realign the access easement along the existing drive.

Terry Gore made a motion to approve the preliminary plat subject to the following conditions:

1. A new cemetery access easement will need to be recorded.
2. Note #10 shall be changed to reflect that all lots shall be accessed by NC Hwy 12 or Hattie Creek provided Hattie Creek Landing Court is brought in to the state highway system.

David Hines seconded the motion.

Vote: Ayes – Unanimous

Preliminary Plat Review, 2 Lot Subdivision, Sarah E. & Richard V. Scarborough, 370 Harbor Road, Wanchese, NC

Jay Baughman, of Coastal Engineering & Surveying, Inc., was present on behalf of the property owner.

Mr. Gillam addressed the Board. He said the parcel is zoned MC-2 district. The total site area is 4.689 acres and the smallest lot is 18,005 square feet. Mr. Gillam further explained that no new road improvements are needed to access the proposed lots. Lot 2R will be accessed off Harbor Rd and Lot 3 will be accessed by an easement off Mill Landing Rd. Mr. Gillam noted the size of tract exceeds the threshold for administrative approval.

Mr. Gillam explained there is an existing dwelling on proposed lot 2R that functions as a boat building shop. Lot 3 will be accessed by a 20 ft wide easement across the undeveloped Deanna D. Briggs property as shown on the preliminary plat. Mr. Gillam noted at time of final recordation of the plat, a deed document will need to be recorded granting the owner of lot 3 access to the property/easement.

Mr. Gillam commented that both lots are located the in the Coastal Area Management Act (CAMA) area and have the required 30 ft buffer shown on the plat. Mr. Gillam noted that minimum building setback lines will need to be shown on the final plat.

David Hines made a motion to approve the preliminary plat. Terry Gore seconded the motion.

Vote: Ayes – Unanimous

OTHER BUSINESS

-None-

ADJOURNMENT

There being no further business before the Dare County Planning Board, a motion to adjourn was made by Terry Gore and seconded by Beth Midgett.

Vote: Ayes – Unanimous

The meeting adjourned at 7:15 p.m.

Respectfully Submitted,



Andrea DiLenge
Planning Board Clerk

APPROVED: July 11, 2022



John Finelli
Chairman, Dare County Planning Board