



# Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

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[www.southernshores-nc.gov](http://www.southernshores-nc.gov)

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## 9 MEETING MINUTES

10 PLANNING BOARD MEETING-SEPTEMBER 18, 2023, 5:00 P.M.

11 LOCATION: PITTS CENTER-5377 N VIRGINIA DARE TRAIL, SOUTHERN SHORES, NC 27949

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## 14 CALL TO ORDER:

15 Chairperson Ward called the meeting to order at 5:00 pm. Planning Board Members Ed Lawler,  
16 Robert McClendon, Jan Collins, Michael Zehner, Tony DiBernardo (Vice Chairperson), Andy Ward  
17 (Chairperson) and Deputy Town Manager/Planning Director Wes Haskett were present. Attorney  
18 Lauren Arizaga-Womble was also present by Zoom.

19

## 20 PLEDGE OF ALLEGIANCE:

21 Chairperson Ward led the Pledge of Allegiance.

22

## 23 APPROVAL OF AGENDA:

24 Chairperson Ward suggested amending the agenda to consider New Business Item B. Rules of  
25 Procedure before Public Comment.

26 **Motion** made by Planning Board Member Collins to approve the agenda with amendment, Seconded  
27 by Planning Board Vice Chairperson DiBernardo. The motion passed unanimously.

28

## 29 ELECTION OF OFFICERS

30 Vice Chairperson DiBernardo nominated Andy Ward as Chairperson, seconded by Planning Board  
31 Member Lawler. Unanimous vote to elect Andy Ward Chairperson.

32

33 Chairperson Ward nominated Tony DiBernardo as Vice Chairperson, seconded by Planning Board  
34 Member Lawler. Unanimous vote to elect Tony DiBernardo Vice Chairperson.

35

## 36 APPROVAL OF MINUTES-AUGUST 9, 2023

37 **Motion** made by Vice Chairperson DiBernardo to approve the August 9, 2023, Planning Board  
38 minutes, Seconded by Planning Board Member Lawler. The motion passed unanimously.

39

## 40 APPROVAL OF VA-23-01-ORDER DENYING VARIANCE

41 The Board of Adjustment of the Town of Southern Shores held a Public Hearing on July 17, 2023 to  
42 consider a variance application submitted by Lindsey Lupino seeking to vary Town Code Section 36-  
43 165(8) Table C and Section 36-165(2)b on the parcel of property located at 5500 N. Croatan Hwy. The  
44 Board, having heard all of the evidence, voted to deny the variance.

45

46 **Motion** made by Chairperson Ward to accept the Order Denying Variance 23-01 with the amendment  
47 correcting the word “*granted*” to “*denied*” found on page 2, Seconded by Planning Board Member  
48 Lawler. The motion passed unanimously.

49  
50 Vice Chairperson DiBernardo explained the variance request came from the store Five Below  
51 requesting a very large sign, beyond what the ordinance allows.

52  
53 **RULES OF PROCEDURE AMENDMENTS**

54 Chairperson Ward stated beside some minor changes, the amendment addresses absences of  
55 members, this also would apply to alternate members.

56  
57 Planning Board Member Zehner recommended keeping things clear by adding under section one  
58 Applicability Policy a statement under the end of the paragraph that says, ***the policy applies to regular***  
59 ***and alternate members.*** All Planning Board members agreed by consensus.

60  
61 **Motion** made by Chairperson Ward to approve the Planning Board’s Rules of Procedure as amended  
62 to include Planning Board Member Zehner’s recommendation, Seconded by Planning Board Member  
63 Lawler. The motion passed unanimously.

64  
65 **PUBLIC COMMENT**

66 Chairperson Ward opened public comment and the following citizens all offered comment on the  
67 new business agenda item SUP-23-01, a Special Use Permit application on behalf of Ginguite, LLC for  
68 a mixed-use group development of commercial and residential buildings at 6195 N. Croatan Hwy.

69  
70 Richard Filling-131 Crooked Back Loop-need to ensure the proper water approval is received from  
71 Federal and State agencies.

72  
73 Dixie Kirby-321 N. Dogwood Trail-opposed to the development of the commercial parcel. Surprised  
74 by the extent of the proposed plans, goes against Frank Stick’s vision and spirit.

75  
76 Matthew Huband-110 Landing Trail-pleased the staff report has a 50 ft. setback as a condition. Please  
77 look carefully at the entry and exit near Landing Trail and ensure there is a long-range plan for the  
78 maintenance and viability of the wastewater treatment plant.

79  
80 Lynn Usher-121 Ocean Blvd.-121 Ocean Blvd. [distributed the attached letter] the development will  
81 intrude on ministries in our outdoor sanctuary.

82  
83 Arleen Arnold-All Saints Episcopal Church-gifted the playground to the Episcopal Church and had it  
84 dedicated to her granddaughter who passed away in the Sandy Hook tragedy. Development is going  
85 to disturb the land and create water and mosquito issues.

86  
87 Willow Nash-28 Duck Woods Drive- concerned about the safety of children and animals, taking away  
88 from the residential area.

89

90 Tim Nash-28 Duck Woods Drive-opposed, no more building. Development will contribute to the  
91 excessive traffic, more strain on the Police Department (not enough manpower to handle increase in  
92 density) destruction of the wetlands.

93  
94 Caroline Rhoads- opposed to the development of the parcel.

95  
96 Elizabeth Ryan-19 Spindrift Trail-great love and pride for the community, development if approved  
97 will be detrimental. Environmental impact, increased traffic (will need traffic assessment), boat  
98 traffic.

99  
100 Audra Krieg-174 Duck Woods Drive-need to consider impact on the environment, how can the  
101 proposed development fit on the marsh land-overbuilding. This community was built on family.

102  
103 Tim Baker-501 Martins Point Road-need a traffic study, residents of development will use the light at  
104 Martin's Point, pedestrian traffic worries, a community marina cannot be developed in that area,  
105 boating needs to be restricted.

106  
107 Mike Magnum-8 Foxwood Circle-Town needs to restrict the development, traffic study needs to be  
108 done, no left onto Landing drive from development, 50 ft. setback should be required.

109  
110 Bob Healy-5205 Barlow Lane, Kitty Hawk-opposed to development, need to be extremely careful  
111 about not only this development but future development as well.

112  
113 Ann McDowell-5025 Martin's Point Rd.-primary fish nursery, concerned about marina, what will be  
114 the impact on the marshes and the water.

115  
116 Bill Wiese-6069 Martin's Point Rd.-don't give an inch, this developer will take it.

117  
118 Chairperson Ward closed public comment.

119  
120 **NEW BUSINESS**

121 **SUP-23-01, a Special Use Permit application submitted by Cathleen M. Saunders, P.E. on behalf of**  
122 **Ginguite, LLC for a mixed-use group development of commercial and residential buildings at 6195 N.**  
123 **Croatan Hwy.**

124  
125 Planning Director Wes Haskett presented the staff report which read as, the applicant seeks a Special  
126 Use Permit for a mixed use group development of commercial and residential buildings at 6195 N.  
127 Croatan Hwy. The proposed development consists of one residential building (east building) and one  
128 building with residential units, retail area, office space, and a restaurant (west building). The total  
129 number of proposed residential units is 36. Parking areas include the use of permeable pavement in  
130 order to be eligible for a maximum gross lot coverage of 67% instead of 60%. Currently, the proposed  
131 gross lot coverage is 64.2%. The proposed net lot coverage for the residential buildings and parking  
132 spaces is 27.4%. A 20 ft. vegetative buffer is shown along the northern property line adjacent to the  
133 All Saints' Episcopal Church property. A vegetative buffer consisting of one understory tree and one  
134 shrub alternated 10 ft. on center is proposed along a portion of the eastern property line adjacent to  
135 Southern Shores Landing.

136  
137 A 5 ft. vegetative buffer is proposed along the southern property line adjacent to the Hwy. 158 right-  
138 of-way which has been modified so that it does not come within 50 ft. of existing Dominion power  
139 poles. Proposed signage for the development includes two monument/freestanding signs and six  
140 "Commercial Parking Only" signs. There are 200 proposed parking spaces (including credit for 3  
141 spaces for 3 bicycle racks), with 42 of them being permeable, and 199 spaces are required. Sanitary  
142 sewer for the development is to be collected via a gravity sewer network. The system will collect to  
143 an off-site lift station that will pump sewage to an existing wastewater treatment plant that currently  
144 serves Southern Shores Landing. A lighting plan and specifications have also been provided and the  
145 lighting plan shows that the proposed lighting does not exceed one footcandle of light at the property  
146 lines.

147  
148 **RECOMMENDATION**

149 The Town's Land Use Plan identifies the subject property as Commercial in the C, General  
150 Commercial zoning district which is consistent with the improvements proposed in the application.  
151 However, the subject property is adjacent to properties that are identified in the Land Use Plan as  
152 Residential. The Town's Land Use Plan contains the following Goal, Policies and Action Items that are  
153 applicable to the application:

- 154 • **Goal 2:** Protect, enhance and support land uses that are compatible with surrounding land  
155 uses and maintain the existing character of Southern Shores.

156  
157 **Policy 2:** The community values and the Town will continue to comply with the founder's original  
158 vision for Southern Shores: a low-density residential community comprised of single-family dwellings  
159 on large lots (served by a small commercial district for convenience shopping and services located at  
160 the southern end of the Town). This blueprint for land use naturally protects environmental  
161 resources and fragile areas by limiting development and growth. **Action Item 2-b:** The Town shall  
162 encourage the use of low impact development techniques and sound environmental preservation  
163 practices for all new development, remodeling and redevelopment within Southern Shores.

164  
165 **Policy 7:** Support stormwater management programs that reduce flooding and improve coastal water  
166 quality. **Action Item 7-b:** Encourage the use of Low Impact Development (LID), vegetative buffers to  
167 filter stormwater, impervious surface limits, and innovative stormwater management alternatives to  
168 reduce runoff and to improve water quality.

169  
170 **Policy 26:** Promote open space, tree protection, and natural vegetation diversity. **Action Item 26-b:**  
171 Encourage lot preparation methods that preserve natural vegetation and minimize clear cutting.

172  
173 Town Code Section 36-207(c) establishes that Special Use Permits shall be subject to conditions and  
174 modifications relating to impacts on adjacent properties, transportation and transportation systems,  
175 transportation interconnectivity, stormwater, utilities and telecommunications facilities (including  
176 capacity), vegetation and other elements of the natural environment, noise, hours of operation, and  
177 other factors that the Town Council finds applicable; and additional regulations and requirements  
178 imposed by the Town Council, as provided in Article X of the Zoning Ordinance. Town Staff  
179 recommends that the Board recommend conditional approval of the application to the Town Council  
180 with the following conditions:

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1. The following approvals shall be issued prior to submittal of a Building Permit application:
    - a. Soil Erosion Sedimentation Control Plan Permit for land disturbance over 1 acre from the NCDEQ;
    - b. Stormwater Management Permit from the NCDEQ;
    - c. NCDOT driveway permit and/or encroachment application for work in a State right-of-way;
    - d. Modification to Permit No. WQ0017224 from the NCDEQ (tentative wastewater approval received);
    - e. CAMA Permit from the NCDEQ;
    - f. Review and approval of potable water distribution system modifications or extensions by the Dare County Water Dept. (tentative approval received);
    - g. Receipts for payment of water connection fee from the Dare County Water Department;
    - h. Water Main Extension Permit from the NCDEQ.
    - i. Lot Disturbance/Stormwater Management Permit from the Town; and
    - j. Approval from the Dominion Energy Transmission Group.
  2. Prior to submittal of construction drawings, an updated fire hydrant flow test must be conducted and witnessed by Town Staff.
  3. Construction drawings shall demonstrate compliance with Needed Fire Flow requirements, and all other applicable Fire Code requirements.
  4. The site plan identifies a "Marina." The "Marina" is a series of docks and piers which are not permitted in the C, General Commercial zoning district (see interpretation letter dated August 14, 2023) and as a result, the proposed "Marina," proposed dock/picnic area/kayak storage, and proposed dock that extends into Ginguite Creek cannot be approved as a part of the application.
  5. If NCDOT requires a traffic impact assessment or traffic study, the requirements in the traffic impact assessment or traffic study must be satisfied prior to submittal of a Building Permit application.
  6. Maintain a 50 ft. setback from the eastern property line adjacent to Southern Shores Landing (applicable to buildings and other facilities such as parking spaces, incinerators, trash collection areas, etc.) and preserve the existing natural vegetative buffer.
  7. Maintain a 50 ft. setback from the northern property line adjacent to All Saints' Episcopal Church (applicable to buildings and other facilities such as parking spaces, incinerators, trash collection areas, etc.) and preserve the existing natural vegetative buffer.
  8. The applicant must strictly abide by all requirements of the Town Code and must also strictly comply with all other applicable local, State, and Federal requirements.

229 Summit Gupta, Ginguite LLC (the Applicant) addressed the board. Mr. Gupta stated he valued the  
230 comments heard and agreed with some. He has worked closely with staff and has followed the  
231 ordinance to a "T" and is not asking for anything that does not meet the ordinance. He believes multi-  
232 family units are needed and this property has been approved before for development. All the  
233 conditions staff has listed have been met, except for the 50 ft. buffer. The site plan currently has a 34  
234 ft buffer from Landing Drive. They have spent \$900,000 on improvements to the sewer plant and are  
235 working with the state.

236  
237 Michael Strader with Quible and Associates (the Applicant's Representative) stated he could address  
238 the technical aspects. He stated there are no wetland impacts proposed. An engineered stormwater  
239 system is proposed, there are currently no stormwater measures on the property now. The plan does  
240 not propose a community boat rental or a left turn through Landing Drive. They are open to further  
241 traffic measures and will honor the NCDOT process.

242  
243 Chairperson Ward read a letter submitted by ETJ Planning Board Member John Finelli who could not  
244 be present for the meeting.

245

246 *ETJ Representative John Finelli SUP-23-01*  
247 *Comments*

248

249 **MARTIN'S POINT CONCERNS**

250

251 ***Traffic** – Without a traffic light, it will be nearly impossible to make a left had turn out of*  
252 *this property. As a result, much of the traffic will end up making a right-hand turn, then*  
253 *turning into the Service Road at Martin's Point and using the Martin's Point commercial*  
254 *properties as a turn- around. This Service Road was never designed or intended for this*  
255 *use. This area is already congested, and the added traffic will create delays and safety*  
256 *issues, as well as being an*

257 *imposition on the Martin's Point commercial property owners. It is reasonable to require*  
258 *the Applicant to conduct a Traffic Study as part of the SUP review. The Dare County*  
259 *Commissioners have required traffic studies under similar circumstances, the most recent*  
260 *being the SUP application for cluster homes in Wanchese. **As part of the traffic study, the***  
261 ***Applicant should seek approval for a traffic light**, whether that light is paid for by NCDOT or*  
262 *the Applicant. There are already quite a few traffic lights in this area, but this will not*  
263 *impede traffic if they are coordinated. A traffic light at an entrance to this property could*  
264 *be placed such that it would be 900 feet from the nearest light. Such short distances*  
265 *already exist at other locations on Hwy 158, including lights in Hamburger Alley in KDH*  
266 *that are only 450 feet apart.*

267 ***Marina** – Under no circumstances should the Applicant be allowed to construct a*  
268 *commercial marina or conduct any type of commercial water-based activities. Jean Guite*  
269 *Creek is a valuable resource for recreational activities for the residents of Southern Shores*  
270 *and Martin's Point. It is often congested, particularly on summer weekends. A*  
271 *commercial marina has the potential to ruin this area for the residents, and there is*  
272 *nothing more dangerous than a tourist renting a boat or jet ski. Having said that, I believe*  
273 *that the residents of the SAGA condominiums should have access to the water and be able*  
274 *to enjoy the area as I have. As such, any boat slips should be assigned and deeded to the*  
275 *individual condo owners, with no more than one slip for each property. Boat slips shall not*

276 *be rented or leased. Boat and jet ski rentals should be prohibited. Commercial boat*  
277 *operations, including cruises, sight-seeing, parasailing, and other, should be prohibited. If*  
278 *kayak rentals are allowed, I think they should be confined to Jean Guite Creek, not Jean*  
279 *Guite Bay. Most of the kayak rentals from Kitty Hawk Kites, on the other side of Hwy 158,*  
280 *remain in the narrow creek. Those who venture into Jean Guite Bay are a menace to*  
281 *boaters and a danger to themselves. They are just trying to have a good time, but many*  
282 *don't know how to paddle and are clueless as to water safety, particularly around other*  
283 *boats.*

284 ***During Construction*** – *No vehicles involved in construction shall turn on to the Service Road*  
285 *at Martin's Point.*

286 **QUASI-JUDICIAL HEARING**

287  
288 *As ETJ Representative, I believe I have Standing and should be allowed to testify at the*  
289 *Hearing on matters involving Jean Guite Creek and Jean Guite Bay, as these waters are in*  
290 *the ETJ. I also believe that a representative of the Martin's Point Homeowners Association*  
291 *(President Tim Baker or other) has Standing and should be allowed to testify since the*  
292 *proposed development borders Martin's Point and has an impact on our residents, with*  
293 *regards to noise and lighting, and on traffic that may turn into our entry.*

294  
295 Chairperson Ward started the S.U.P. review with the site narrative and felt going page by page would  
296 be the most thorough way to review.

297  
298 Chairperson Ward started with the overview section and asked for the explanation to the 6.96 acres,  
299 as Dare GIS has it as 5.02 acres. Michael Strader, Quible & Assoc. stated the applicant does have deed  
300 to the bottom of the Ginguite Creek Boat Basin and with the northern area of the parcel it totals the  
301 6.96 acres, he clarified that the parcel area not including surface water is 5.19 acres. The net acreage  
302 of the lot is approximately 4.55 acres, which does not include any areas covered by waterways,  
303 wetlands, or marshes.

304  
305 Vice Chairperson DiBernardo asked what the gross coverage of 64.2% is based off of. Mr. Strader  
306 answered it excludes the surface water body and the coastal wetlands and that is the 4.55 Acres.

307  
308 Planning Board Member Lawler asked if the Corps. of Engineers definitively did say this is not  
309 wetlands and asked for documentation to such. Michael Strader stated all that predated Quible being  
310 involved but George Wood had worked it out with the Corps. back when the bulkheading was  
311 conducted. There was also a more recent CAMA permit that the Corps. and CAMA confirmed what  
312 was there.

313  
314 Chairperson Ward asked about the gross lot coverage within Zone C of 249,796 .5 square feet, what  
315 does that pertain to? Michael Strader stated Mr. Haskett had mentioned in the planning staff report  
316 that there are two zones for the subject parcel. If you follow the northern boundary where the  
317 subject parcel is adjacent to the church parcel and head directly west (basically splitting the boat  
318 basin) all the area to the south of that is the commercial zone property. Then everything north of that  
319 is in the R1 zone. To demonstrate compliance with the town's ordinance with respect to lot coverage  
320 we needed to show you the lot coverage only within the commercial zoning district, so we've only  
321 captured the area within the commercial zone but then we also excluded the surface water body  
322 from that area. The net acreage is being used.

323

324 Chairperson Ward stated that the lot coverage will come from that net amount of 198,177.73. Mr.  
325 Strader confirmed that number.  
326  
327 Chairperson Ward read the proposed use of the eastern and western building and asked the board  
328 for any general comment about the explanation.  
329  
330 Planning Board Member Zehner asked if any of the commercial offices would be associated with the  
331 residential use, such as rental management, sales, or housekeeping. He stated most likely some of  
332 these will be rentals and in that type of density you would want some onsite management. The  
333 applicant, Mr. Gupta, stated he has not given consideration to that, but it could be. He stated they  
334 have not made a decision to have an onsite office at this time.  
335  
336 Planning Board Member McClendon stated he had some questions about the residential use. He  
337 inquired if these were all condominiums, or an apartment complex. The applicant, Mr. Gupta stated  
338 they are technically 36 multifamily units, they could be condominiums which is a more public offering  
339 kind of document you have to do but the town code does not separate them; they could be long term  
340 rentals, vacation rentals, or condominiums. No decision has been made but as of now they are  
341 looking at 36 condominiums that range from 2 bedrooms to 4 bedrooms.  
342  
343 Planning Board Member McClendon asked how garbage and recycling would be managed for the  
344 occupants. Michael Strader, Quible and Assoc., stated there are two different refuse areas, one at the  
345 end of the proposed loading space on the furthest Western extents of the western building and the  
346 other is close to the shared entrance on the eastern building.  
347  
348 Planning Board Member McClendon was not in favor of the eastern buildings' dumpster location as it  
349 was next to an adjacent house. He also inquired if there would be an HOA. Mr. Gupta stated there  
350 would probably be two different association fees, one for residential and the other commercial.  
351  
352 Planning Board Member McClendon felt 9200 sq feet of commercial office space was a lot and  
353 inquired about the need. Mr. Gupta stated the commercial space will be a mix of offices, retail, and  
354 restaurants and will adjust with the exact tenant mix and as the market conditions change.  
355  
356 Planning Board Member Zehner asked a related question, if the applicant would feel comfortable if  
357 there was a condition that limited the square feet to the proposed uses or did they intend to do  
358 something different from what is proposed. Mr. Gupta did not have any plans to change the  
359 proposed plan but knowing it would have to come back for board approval if set as a condition, was  
360 not ideal. He clarified that the mix could fluctuate (different shop/restaurant sizes) but to show  
361 proper parking they needed to allocate a square footage of commercial space.  
362  
363 Michael Strader, Quible and Associates, felt it was key to have some flexibility for the survival of a  
364 commercial space. Planning Board Member Zehner felt it was hard to pin down the impacts if there's  
365 a lot of variability.  
366  
367 Chairperson Ward inquired about the 36 condominium units. Mr. Gupta stated there are 36  
368 multifamily units, as of now they would be proposed as condominiums for sale but that could change  
369 along with market conditions, but for review purposes they are 36 multifamily units.  
370  
371 Chairperson Ward inquired about the total number of bedrooms within the 36 unit as it would factor  
372 into the wastewater number. Michael Strader, Quible and Assoc. stated note 12 has the wastewater  
373 computations listed, which include bedrooms and commercial restaurant seating numbers.  
374



375 Vice Chairperson DiBernardo inquired about the residential units in the west building. Mr. Gupta  
376 stated there are six units in that building, but they are included in the 36 total number, units can be  
377 condo minimized too. Plans for now are thirty 2–3-bedroom units in the eastern building and six  
378 larger units consisting of 3-4 bedrooms in the western building.

379  
380 Chairperson Ward asked what the difference is between condo-minimized and apartment. Mr. Gupta  
381 stated you build a condo to certain building code standards, and you can deed that unit, which  
382 typically has a public offering statement stating what they own and the rules within the complex.  
383 Multifamily does not allow you to sell individually. Condos will give the ability to sell individually but  
384 that will be decided and what makes sense when the time comes.

385  
386 Planning Board Member Zehner stated the board cannot regulate ownership and that is why Mr.  
387 Gupta keeps referring to it as multifamily units.

388  
389 Moving on, Chairperson Ward read the existing site section of the narrative. He asked where the  
390 10.25 above sea level was at. Michael Strader, Quible and Assoc., replied that it was by US 158.

391  
392 Chairperson Ward asked if the applicant had an elevation at the building corners that the board can  
393 document before any lot disturbance occurs. Michael Strader stated the existing elevations are  
394 documented on the drainage sheet in the plan.

395  
396 Planning Director Haskett clarified; Chairperson Ward is looking for the average of the existing grades  
397 of the corners. Chairperson Ward asked Mr. Strader to provide the average existing grades at the  
398 proposed building footprint (not immediately but to get that information to the board).

399  
400 Chairperson Ward read about the power easement in the narrative and asked the applicant about the  
401 status on the 70-foot power easement formal application and statement.

402  
403 *A 70' power easement runs along the southern property line. The 70' power easement is*  
404 *located interior to both the property and the US 158 180' right-of-way. Three separate*  
405 *easements are located in the northeast corner of the property. A 5' ingress/egress easement, a*  
406 *kayak storage-picnic area & ingress/egress easement, and a joint-use fit center easement. An*  
407 *existing abandoned recreation center is located within the joint-use fit center easement. In the*  
408 *southeastern corner of the lot there is an access easement. Directly adjacent to the*  
409 *southeastern access easement is a perpetual easement for sewage treatment.*

410  
411 Michael Strader, Quible and Assoc., stated they knew the two lengthiest regulatory reviews would be  
412 NCDOT and Dominion Energy and initiated those two permit applications or those encroachment  
413 agreements early on in the process. There has been a lot of dialogue with Dominion Energy because  
414 of trying to determine what can be done within their power easement. Typically, they don't allow  
415 structures in general, but they do allow parking and they will allow some extensive grading but no  
416 structures unless it is needed for public health and safety (fire hydrants). We have made a  
417 determination that Dominion Energy has seen the plan, and they were amenable, but they also are  
418 awaiting the town review process.

419  
420 Chairperson Ward referenced the concerns listed in the letter from Planning Board Member ETJ  
421 Finelli and asked what the applicant would do if Dominion Energy does not allow vehicles under the  
422 70 ft wide easement. Michael Strader, Quible and Assoc., stated if there were any state regulatory  
423 agency permits that were not attainable then those building permits couldn't occur and the site plan  
424 would not work the way it is shown right now.

425

426 Chairperson Ward asked Mr. Strader how long ago the applicant submitted an application to  
427 Dominion Energy and was he aware of Dominion Energy not allowing parking under their easement.  
428 Mr. Strader answered that the application to Dominion Energy was submitted approximately three  
429 months earlier and although they do have the power to deny parking under their easement, he has  
430 not had this occurred under his experience.

431  
432 Planning Board Member McClendon stated the joint fitness recreation easement is an incredible  
433 amenity for the residents of Southern Shores Landing, as well as the residents of the proposed  
434 buildings. He is disappointed at the site plan that places a storm water box, a hole in the ground, right  
435 in the middle of this incredible outdoor amenity. The church also has a Stations of the Cross path that  
436 is along there, and a huge opportunity has been missed to create a better stormwater product.  
437 Michael Strader, Quible and Assoc., stated those are dry infiltration basins, it is not constructed  
438 wetlands or it's not wet retention basins, it is designed to be dry to promote infiltration.

439  
440 Applicant Summit Gupta stated the plans will have nice landscaping and look much better than it  
441 does now. He also committed, if the church agrees, to expand the boardwalk over the corner of the  
442 abutting properties (marsh) to connect the walkways. He is aware that CAMA will require a joint  
443 application.

444  
445 Planning Board Member Lawler inquired about the stormwater overflow into the church's property.  
446 Michael Strader, Quible and Assoc., stated nothing is being proposed off property and that is an  
447 existing swale on the subject property.

448  
449 Chairperson Ward added that the church is genuinely concerned about spillage going their way.

450  
451 Michael Strader, Quible and Assoc., stated as far as the infiltration basin, the State only requires an  
452 inch and a half to be captured, but we know we are experiencing more events than just the inch and  
453 a half. This basin has over two feet from the bottom to the storage elevation, then nearly a foot of  
454 freeboard over top of that and greater than two feet of separation to seasonal high. All the basins are  
455 also interconnected, they're going to handle a much greater volume than what the State requires it  
456 to handle. We are trying to capture the water and prevent it from leaving the subject parcel.

457  
458 Planning Board Member Zehner asked what the 50 ft stormwater buffer is listed on the plan. Michael  
459 Strader, Quible and Assoc., stated you can manage stormwater within that 50 ft buffer, but you must  
460 discharge outside of the 50 ft. buffer.

461  
462 Planning Board Member McClendon stated that the plan shows the eastern boundary going from the  
463 same elevation as the storm drain down to the adjacent residences. Michael Strader, Quible and  
464 Assoc., stated they are trying to preserve as much of that existing vegetation on the eastern buffer as  
465 possible, but also limit the disturbance of the grading by tying into existing grades as far away from  
466 that boundary as possible. He also noted that 100% of that runoff from any impervious surfaces is  
467 being captured.

468  
469 Planning Board Member Zehner inquired if the current aerial view depicted the current vegetative  
470 buffer on the eastern boundary. It would be helpful to have a landscape architect do the landscape  
471 plan because it bleeds into other plans. The plan does not clarify what is being removed and what is  
472 being retained.

473  
474 Chairperson Ward, when reviewing the list of easements, questioned the easement of the lift station  
475 on Southern Shores Landing common property. He stated the common property is owned by the  
476 Vornadore family and asked Planning Director Haskett if he had had any contact with them. Planning

477 Director Haskett stated whenever certified mail is sent to the Vornadore's with the address provided  
478 by county records it comes back as unreceived.

479  
480 Michael Strader, Quible and Assoc., stated the applicant is the owner of the utility, the utility owner  
481 has rights to that easement, so they could tie into that lift station.

482  
483 Planning Board Member Lawler stated new sewer lines will need to be added and tied into the pump  
484 station, how do you do that without getting an easement. Michael Strader, Quible and Assoc., stated  
485 the easement is already in place. The plant already has permitted capacity, and the proposed sewer  
486 usage is within that plant capacity. The applicant will still have to apply to DEQ for the wastewater  
487 line extension, but the capacity is there.

488  
489 Chairperson Ward stated the board has not seen an easement for that stub of Landing Drive that  
490 goes from US 158 into Southern Shores Landing. Michael Strader, Quible and Assoc., stated the  
491 shared access easement for Ingress egress was in the packet, they are also recorded with Dare  
492 County Register of Deeds.

493  
494 Michael Strader, Quible and Assoc., stated these types of questions should have occurred before this  
495 meeting, they have been provided to staff as the applicant is obligated to provide this type of  
496 information with the permit. Chairperson Ward stated you provided us with a narrative and the  
497 board intends to question everything that is on there, as they have a right to do so as long as  
498 reasonable progress is made.

499  
500 Chairperson Ward stated the board will continue its review of SUP-23-01 in October as it will not be  
501 completed in one meeting.

502  
503 **PUBLIC COMMENT**

504 Nellie Healy-5205 Barlow Lane-tipping point where no more building is needed. The planned 36 units are not  
505 needed and should be left as a green space. Residents should buy the land and leave it alone.

506  
507 Katie Foster-156 Chicahauk Trail-just found out about this and will bring more people to the next meeting.  
508 This is our heaven, and it needs to be protected.

509  
510 Emily Ausband-owns property across the street (Islander Flags) expressed concern about the traffic.  
511 Have asked for several years for a stop light and it is hard to imagine how much worse the traffic will  
512 get. The area is extremely dark at night and trying to navigate it at night would be difficult. Would like  
513 traffic light shared with her entrance if permit granted.

514  
515 Dan Healy-5205 Barlow Lane-grew up with Ginguite Creek wildlife, beautiful, kayaking. Dynamic  
516 space would be a logistical nightmare if developed. Opposed to development, urge caution.

517  
518 Tim Baker-asked Planning Director Haskett about the marina.

519  
520 Planning Director Haskett stated the ordinance doesn't allow marinas, piers, or docks so we cannot  
521 approve it as part of the site plan.

522

523 Ann Sjoerdsma-232 N Dogwood Trail-The Planning Board is asking excellent questions and thanked all  
524 the citizens for coming out, she reminded the audience of the election that will be taking place in  
525 November and the candidate forum October 2<sup>nd</sup>.

526  
527 Chairperson Ward closed public comment.

528  
529 **PLANNING BOARD MEMBER COMMENTS**

530 Chairperson Ward thanked the board members for digging in hard and spending extra time working  
531 with Planning Director Haskett. The board is going to take their time with this review. He stated this is  
532 our Town and we're going to get it right; it may not be what everybody wants but we're going to  
533 make a real hard effort to hold the applicant accountable and try to dial down a little bit of the  
534 grandiose proposal that we have in front of us.

535  
536 **ANNOUNCEMENTS**

537 Planning Director Wes Haskett stated the next meeting will be October 16<sup>th</sup> and the board will  
538 continue review of SUP-23-01

539  
540 **ADJOURN**

541 Hearing no further business, **motion** made by Vice Chairperson DiBernardo, Seconded by Planning  
542 Board Member Collins. The motion passed unanimously. The time was 7:34 p.m.

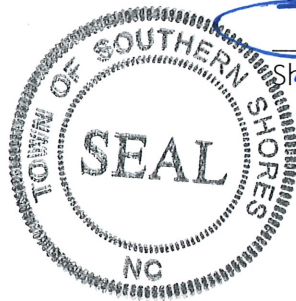
543  
544

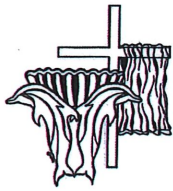
545  
546 ATTEST:

547   
548 \_\_\_\_\_  
Andy Ward, Chairperson

Respectfully submitted,

547   
548 \_\_\_\_\_  
Sheila Kane, Town Clerk





# All Saints Episcopal Church

An open-hearted, open-minded congregation seeking to be good neighbors and to welcome new neighbors.

## Our roles in the community . . .

- *Promoting the spiritual well-being of our parishioners*
- *Reaching out broadly and serving our community*
- *Addressing educational and developmental needs of preschoolers and their families*



1

## Our work in the community . . .

### ❖ *Promoting the spiritual well-being of parishioners:*

- Weekly worship services, adult education
- Special services during Holy Week, the Advent Season and Christmas
- Provide spaces for prayer and quiet reflection in the Outdoor Sanctuary



### ❖ *Reaching out broadly and serving our community:*

- Holly Days Bazaar & Arts Festival
- After Dark at All Saints
- Support for Pridefest
- Performance site for the Don and Catharine Bryan Cultural Series

*After Dark at All Saints has generated more than \$115,812 over nine seasons to support community service organizations, including more than \$14,000 this year among Beach Food Pantry, Community Care Clinic of Dare, Children & Youth Partnership, Food For Thought, Interfaith Community Outreach, Outer Banks Relief Foundation, Room In The Inn and the Outer Banks Dementia Friendly Coalition.*



### ❖ *Addressing educational and developmental needs of preschoolers*

The All Saints School (TASS) Montessori preschool



2

## Welcoming new neighbors

We respect the right of Ginguite LLC to develop its property within the legal parameters set forth in zoning and development policies of the Town of Southern Shores, Dare County, and agencies of the State of North Carolina. At the same time, we expect them to be sensitive to the impact of their development on parishioners' lives and the effectiveness of our work in the community. This pertains to:

**BUILDING HEIGHT.** Rows of buildings reaching a height of 43' MSL (see building elevations in SUP-23-01) would tower over the tranquil setting of our long-established Outdoor Sanctuary. Such tall structures would loom over this sacred space and compromise the solemnity of the Columbarium, Labyrinth, and Stations of the Cross as places for introspection and quiet reflection. The use of fill on the site will further elevate the buildings and exacerbate the development's negative impact on the church and surrounding community. We strongly recommend that ground floors be set to existing elevations.

**NEIGHBORHOOD CONNECTIONS:** All Saints seeks to preserve and enhance our connection to the adjoining neighborhood of Southern Shores Landing and to encourage connections with newcomers who will reside in the new development. The attached updated plat shows that the trail connection with Southern Shores Landing is severed by a basin surrounded by a 6' embankment that includes an overflow weir that would channel floodwater directly to All Saints property. The updated plan also eliminates an existing access easement that overlays a trail from the church to the Ginguite parcel. This would severely restrict pedestrian access to the church for prospective parishioners who purchase homes in the development. Rather than destroying them, these connecting trails should be restored and enhanced, and the overflow basin and its embankments relocated.

3

## Welcoming new neighbors (cont'd.)

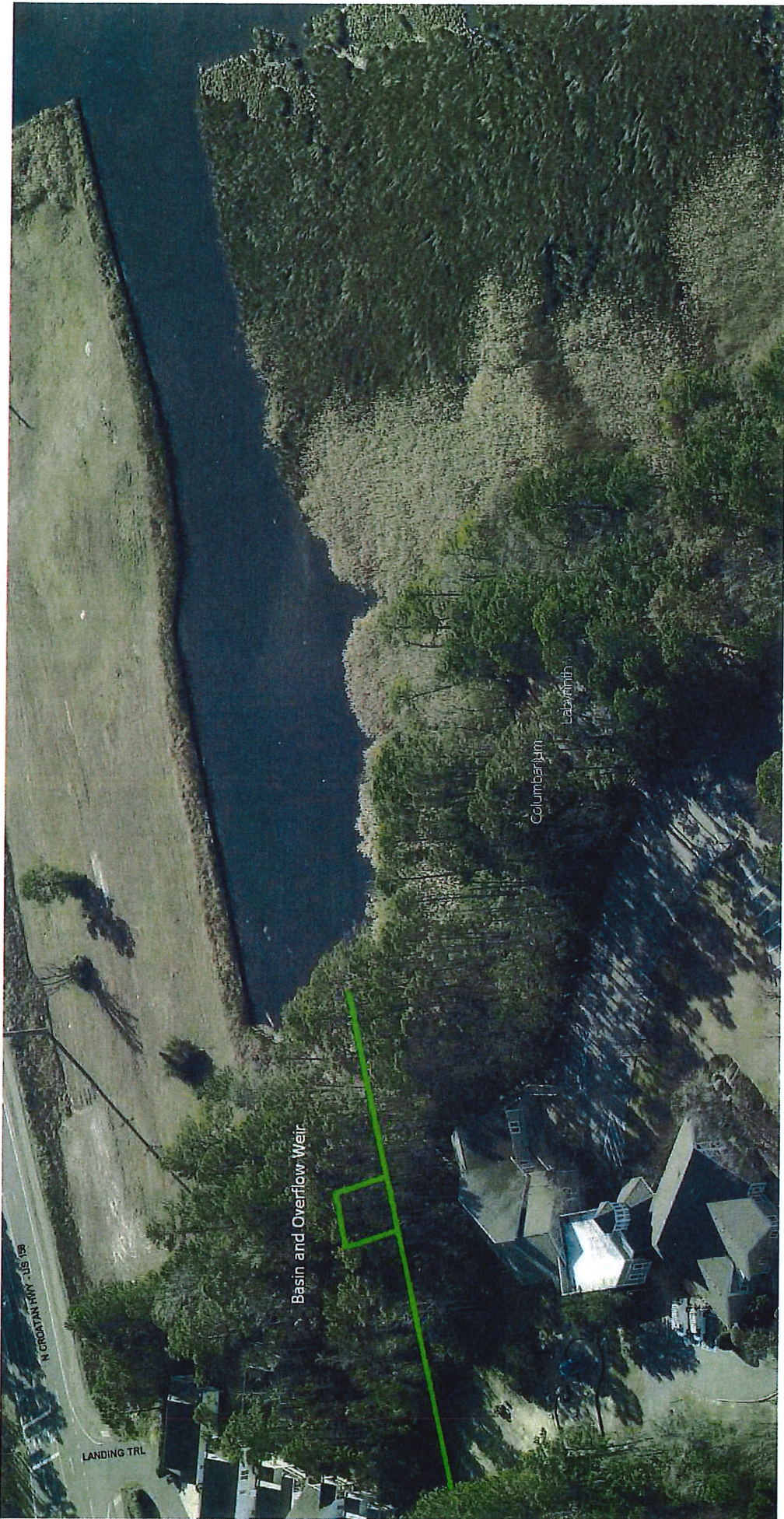
**DRAINAGE:** In the event of a hurricane or flooding rain, the drainage plan for the proposed development will have serious consequences for church property and restrict access to the church and school. Overflow from the proposed basin on the northeast segment of the property will be channeled from an overflow weir directly to church property around and under the Education wing that houses TASS classrooms and nursery spaces. The proposed basin is not deep enough nor sufficiently armored to prevent this overflow. Consistent with current drainage patterns, the drainage basin should be relocated, and overflow floodwater should be directed to the Ginguite Creek basin.

**BUFFERING:** The current plan provides no visual green buffers to the towering three- or four-story homes proposed for the development. Other than a few existing trees outside the proposed basin and embankment and a buffer that will limit interactions with residents of Southern Shores Landing, no large trees are planned for the area between the proposed buildings and church property. The 75' CAMA AEC is largely developed with no large trees. Therefore, we request that the developer show the percentage cover of the 75' CAMA AEC and urge officials of the Town and Division of Coastal Management (DCM) to ensure that building-coverage requirements are not exceeded. We also request additional buffering, possibly including the relocation of buildings from the shoreline, meeting the 30% CAMA AEC coverage, and adding large trees as screening between the proposed buildings and the shoreline.

**STRUCTURE SETBACK:** The updated plan now places the proposed kayak storage facility outside of the area defined by the 50' MBSL, increasing the space between this facility and the border with All Saints property. The dimensions and characteristics of this facility are not provided. What type of building is it? Does it include the construction of docks, boat lifts, or launching areas? Will it comply with CAMA regulations and has an application for a CAMA permit for a pier or dock been submitted? Such information should be provided prior to approving the application.

4





Basin and Overflow Weir

Columbarium

Lab. 10/11/11

N CROOKTAN HWY - US 158

LANDING TRL



LINE TABLE	
LINE#	DIRECTION
L2	S 70° 01' 50" W

MF  
 DIOCESE OF EAST CAROLINA  
 ALL SAINTS EPISCOPAL CHURCH  
 D.B. 1212, P.G. 883  
 P.G. E. 51, 229  
 ZONE RI

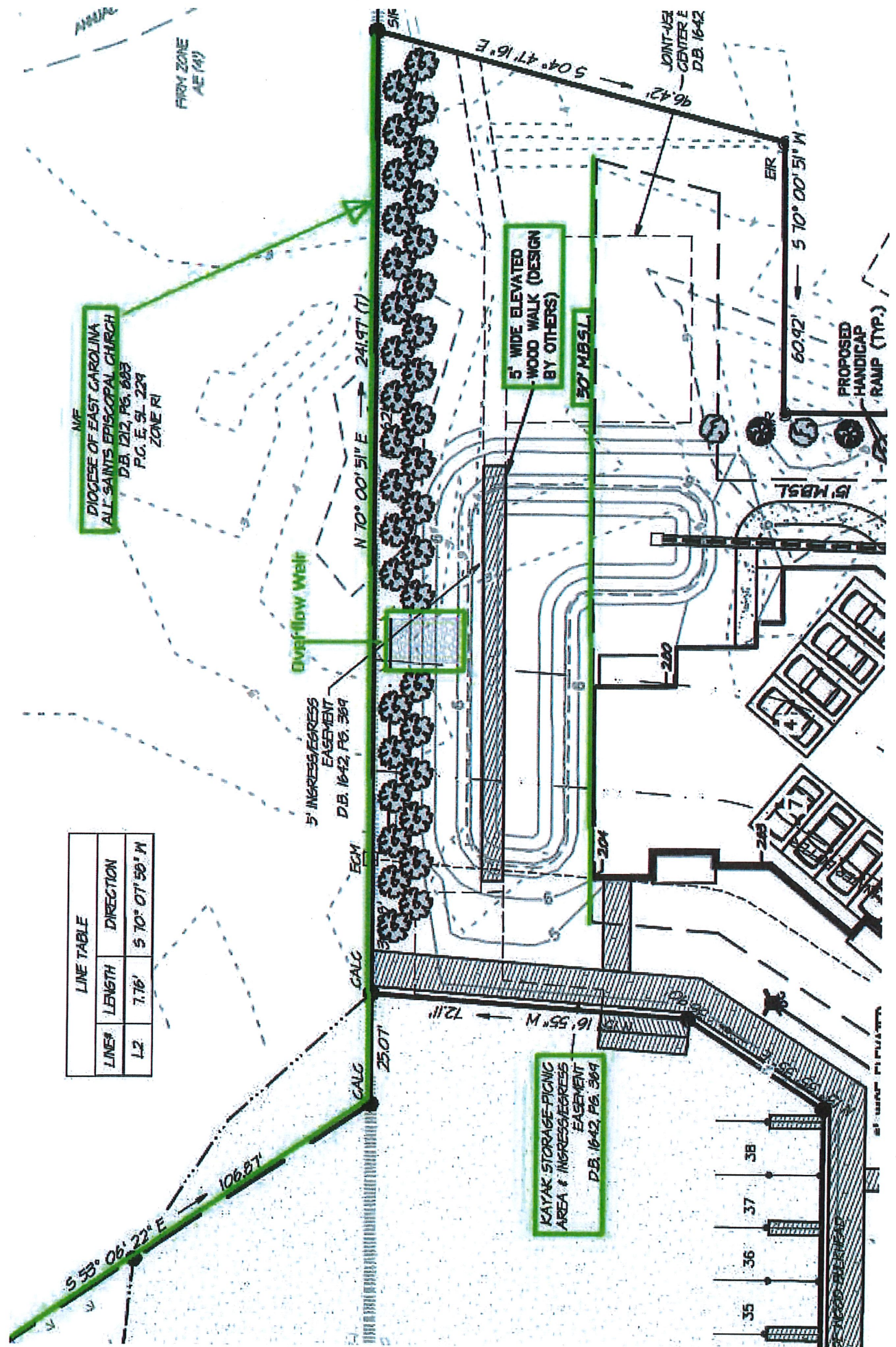
5' WIDE ELEVATED  
 WOOD WALK (DESIGN  
 BY OTHERS)

KAYAK STORAGE-PICNIC  
 AREA & INGRESS/EGRESS  
 EASEMENT  
 D.B. 1642, P.G. 369

Overflow Well

5' INGRESS/EGRESS  
 EASEMENT  
 D.B. 1642, P.G. 369

PROPOSED  
 HANDICAP  
 RAMP (TYP.)



35  
 36  
 37  
 38

WOOD DECK

ST. MARK'S PARISH

-200

-204

-200

-204

5' M.B.S.L.

5' M.B.S.L.

ER

5 70° 00' 51" W

JOINT-USE  
 CENTER E  
 D.B. 1642

5 04° 47' 16" E

516

241.97' (T)

EGM

CALC

CALC

25.07'

16' 55" W

12.11'

ANNUAL

FIRM ZONE  
 AE (M)