

**Environmental Advisory Committee Minutes**  
**February 16, 2023**

**Attending: David Sonnenfeld, David Merkle, Allen Dearry, Lee Maxwell, Carolina Candelaria, Chris Riegert, Margaret Johnson, Maureen Burns**

**Staff: Brady Golden, Rick Patterson, Eric Falkenberg, Heather O'Brien**

**Absent: Pam Johnson**

**Guests: Edward Lovett, Wendy Morris, Phil Dudley, Derek Williams**

**Lee Maxwell made a motion to accept the agenda, Chris Riegert seconded and the agenda was approved.**

**David Merkle made a motion to accept the January minutes, Chris Riegert seconded and the January minutes were approved.**

**Staff Reports:**

Eric Falkenberg, program supervisor for the rec department, shared a short presentation on the Oak Island Earth Day festival. The date is April 14, 2023. Schools will be out for spring break which usually leads to increased attendance. Last year there were over 1000 visitors. The event has a festival atmosphere for all ages. There are no sales at the event, only free environmental swag. Any groups interested in participating should contact Eric at the rec center.

Brady shared that Matt participated in the US Forestry grant webinar and will apply for the grant.

Brady shared a brief presentation on the permitting process. He displayed a permit application and sample site plan. A typical lot in Oak Island is approximately 6000 square ft. The site plan includes the location of trees to be kept or added. The current formula is two trees for every 1450 ft.<sup>2</sup>. Carolina inquired if the site plan includes size and species. Brady confirmed, 2 to 4 inches in diameter receives one credit. Every additional 2 inches receives one credit. David Merkle asked about site preparation. Brady shared that a zoning enforcement officer goes to the site to find trees. Sometimes trees are damaged during the construction process and clearing process. If things change, developers are required to update the site plan. Brady's office does not look at stormwater requirements.

Derek Williams asked how the planning office works with stormwater, i.e., do they make suggestions. Derek also read from the current ordinance that alludes to Oak Island making allowances to protect trees. He asked if the department has ever denied or made changes. Rick said they have relocated stormwater plans to protect trees/vegetation.

David Merkle commented he has been seeing more pervious concrete. He also asked about a specific site where there were big side and rear yard drywells. Rick said, yes and those

calculations are based on a 1.5 inch rain event. They have always been required but there are other options available, however, styrofoam is not permitted anymore, only certain materials. They have had to relocate stormwater plans for natural vegetation or hitting water. Rick said he does make recommendations. Developers follow his recommendations about 50% of the time.

Chris asked about non-compliance. Brady said they would fail inspection. He also shared there is nothing in the UDO that backs requiring property owners to save trees. For now they follow the current ordinance. Rick added that a builder cited for noncompliance receives a courtesy violation form and they have 3 to 5 days to correct. If the site is not brought into compliance there is a \$100/day fine. David M asked if fines have been collected. Rick said builders usually comply but approximately \$1000 in fines were collected during the last year. Brady added the message during the permitting process is that Oak Island is trying to save trees but the property owner/developer is not required to. In answer to Carolina's inquiry, he shared that the site plan is not a tree inventory.

The question was raised: how to update the UDO. It would be with a text amendment to Chapter 32. Derek asked if these changes are being addressed. Rick said it is a slow, ongoing process. He commented he has worked for towns that purchase property and put into easements. He reminded the group that a tree working group met for six weeks, 2+ hours per session. He had hoped to present those improvements at the December 22nd Planning Board meeting. Since then he has been unable to get on the Planning Board agenda. Tree ordinance revisions are currently in discussion with staff and there is no date for presentation to the Planning Board. Allen asked if Rick knew the planning board was waiting for the EAC input. Allen also inquired why Rick did not want to meet with the EAC tree subcommittee. Allen added the EAC has ideas and does not consider the current draft adequate. Allen realizes it is complex but he would like the town to look at Southport's ordinances. Rick said he was aware the tree sub group had continued to meet and that if they would like him to attend he would be happy to. Chris added that in the past, the EAC committee has made recommendations which often come back changed without explanation. Rick commented there are laws that need to be followed and the town does not have a strong enough UDO for significant change. He recommends taking the current format and making improvements. Carolina suggested a working group with Brady to address this. David Merkle pointed out the changes that the current working group agreed on in Fall 2022 came back with changes in the enforcement section. Chris inquired who reviews the recommendations. Rick said all the department heads sign off, so the committee would know who disagrees. At the end of the day, the town manager or state statute has the final decision. Rick shared that the original draft approved by the working group has not changed. Margaret asked that the tree sub group continue meeting to codify improvements/changes to present to Brady/Matt/Rick for review.

#### **Smart Yards: David Merkle**

David Merkle shared that another yard has received the Smart Yards certification, the Dudley property. Phil said he was grateful for the certification and learned a lot through the process.

#### **Tree City:**

Margret shared that Oak Island received the Tree City designation for the 26th year.

#### **Arbor Day/Earth Day: Carolina**

Carolina shared Tree Peace has donated two large Live Oak trees. On February 23rd one tree will be planted in front of the Oak Island Animal Hospital in honor of the late Dr. King. The second tree will be planted at Veterans Park in honor of Wendy Morris' husband. This planting will hopefully be coordinated with the NCCF oyster training on March 17, 2023. There was discussion on how to increase participation for this event. Suggestions included notifying the Beautification Club and BPSI. Edward Lovett offered to promote through Davis Canal Cleaners. Margaret also suggested AAH coordination.

**David Merkle made a motion to approve EAC participation the NCCF living shoreline maintenance event. Chris seconded and the motion was approved.**

Carolina shared the South Brunswick Middle School Honor Society is available on April 28, 2023 for tree planting. She will discuss with Rick his availability and location.

**Carolina made a motion to sponsor an Arbor Day event on April 28,2023 with details to follow. David Merkle seconded and the motion was passed.**

#### **Lecture:**

Margaret commented she was pleased with the recent lecture. Maureen shared she received positive feedback.

Maureen suggested Pam submit an email update with details for the April lecture.

#### **Website: Davis Sonnenfeld, Allen Dearry**

Allen announced that due to technical difficulties this morning they were unable to share the website at the meeting. He also shared that as of the most recent meeting with town staff they are unable to develop the website the way they would like because town management doesn't want it. It will be limited to one page and no radial buttons but accordion widgets. David Merkle asked if the committee could build their own website independently. David Sonnenfeld said they are going to take a step back but this is still a positive presence on the town website. The website is currently set to private.

Margaret thanked David S and Allen for picking up the pieces and making the website still possible.

#### **Skip the Straw: Lee**

Lee is still waiting on town staff to approve his materials.

#### **New Business**

#### **Zoning Overlay: David Merkle**

David Merkle reviewed zoning overlays and the possible benefits for Oak Island. He shared a draft of potential overlay district for tree preservation by email:

*The "Zoning Overlay" to be requested is that of 'preserving the character of beach community with respect to the preserving of oak and other native trees that make our island unique' and to foster measures that respect our waterways, assist in storm water management, protect our tree canopy, and assist in management of erosion. If, enacted; it would facilitate other local ordinances by giving them a legal basis to create various support measures.*

He described an overlay example in Wilmington. Brady shared that he recently reviewed an overlay in Surf City.

Margaret requested David M gather more information for presentation to the committee.

**Meeting was adjourned at 10:10AM**