

The meeting was called to order at 7:35 p.m. Those attending were: Mike Iafolla, Chairman, Mark Johnson, Vice Chair, Russell Jeppesen, Dick Wollmar, Bob Field and Tina Kinsman, Recording Secretary.

The first order of business was to approve the minutes of November 15 and November 27. A motion to do this was made by Bob Field, seconded by Russell Jeppesen, motion carried.

Case 2000:23 – Dave Freitas, 28 Ocean Boulevard, requests a variance to Article V, Section 501.2 for the addition of a 26' x 28'6", 2-car garage and a second floor sunroom and sun deck, reference Little Boar's Head ZBA Case #87-3, September 3, 1987.

There was discussion among Board members, and the Chairman told the applicant that he had given him the wrong advice, that he had applied for the wrong thing, and told Mr. Freitas that the Board would readvertise, at their expense, for setback from wetlands for the February meeting. The applicant then withdrew his application from this meeting.

Case 2001:01 – Lou Datilio, 67 Winnicut Road, for Appeal of Administrative Decision based on letter of December 5, 2000.

Mr. Datilio spoke for the petition and said that this was a home occupation and that he was running the business under the Special Exception granted in 1990. He stated that he needed clarification on some of the points in the letter written by the Building Inspector. The Chairman went over the list with both parties and asked Paul Charron if he had been able to resolve any of the issues with Mr. Datilio before they had come to this meeting. Paul said no. After discussion, in order to come into compliance Mr. Datilio must:

1. employ no more than two (2) people unrelated to the family
2. cease all activities not wholly within the structures
3. restore the residential character of the property
4. cease all objectionable noise & disturbances
5. cease selling all articles not produced on premises
6. adhere strictly to the approved hours of operation
7. do not operate on Sundays

John McEachern, of Shaines & McEachern, representing Peter & Lisa Tutinas, passed out a written presentation. He stated that Mr. Datilio was in violation of all the conditions granted in 1990 and asked the Board to revoke the Special Exception or they would go to Superior Court for relief. Bob Noble also spoke and stated that over the last 10 years, that they have expanded the intensity of the use at this location. Bob Copp agreed with this statement and that the Board should uphold the Building Inspector where children are involved.

Attorney Charles Griffin, representing Park Avenue Development, stated that Mr. Demogenes will be investing a substantial amount of money in his subdivision and wants to make sure that Mr. Datilio is in compliance.

Danielle (Mr. Datilio's daughter) and Lou then spoke for the petition in rebuttal. They stated that the operation has actually gotten smaller since 1995 when Danielle moved back to the Seacoast to help her father run the business.

Those speaking against in rebuttal, Mr. Tutinas of Winnicut Road, an abutter. He stated that Mr. Datilio has not been trying to work with the neighbors and that he had actually been threatened by

Mr. Datilio. Attorney McEachern also presented pictures that he said showed that this was no longer a single family use.

The Board then went into deliberation. The Board discussed the matter and stated that the petitioner needs to satisfy all conditions. If he doesn't, the special exception may be suspended for a specific period of time and find absolute solutions or the exception will be revoked. Russell Jeppesen made the motion to uphold the Building Inspector's decision, seconded by Dick Wollmar, motion passed.

Bob Field made the motion to have the Building Inspector report back to the board at the March meeting with a report of the status and recommendation to the Board with regard to the Special Exception, seconded by Russell Jeppesen. Mr. Field then amended his motion, to ask for Town Counsel's opinion regarding the options for the Special Exception, motion carried. The Board was asking for advice on how the Board could enforce the Cease & Desist if Mr. Datilio didn't come into compliance.

Case 2001:02 – W/S Properties, Factory Outlet for variance to Section 409.9 less than required setbacks to wetlands

Bernie Pelech, representing the applicant, spoke for the petition. He explained that they were applying for the variance so that they would comply with the 100 foot buffer for wetlands or wait and delay their case until March. Bernie then proved the five findings of fact. The Board discussed the petition and stated that under the present law, they didn't even need a variance. Russell Jeppesen made the motion to grant the variance, seconded by Mark Johnson, vote was 3-1, Mr. Field voting no because he felt that there was no protection for wetlands, the Chairman stated that the Planning Board will consider this.

Case 2001:03 – Yesterday's Wings Aero Museum, Hampton Airfield, Pea Patch Properties

Mike Hart spoke for the petition and stated for the record that the height poses no hazard for aviation. The building is a Quonset hut and the height at the top of the curve is 44 feet and this is why they need the variance. It is not taller than the tallest trees surrounding the field. The building will not be heated and therefore, not used in the winter. Bob Field made the motion to approve the variance, seconded by Mark Johnson, motion carries.

Case 2001:04 – 4 Old Locke Road, Uhl/Collins, for a variance to Section 501.2 expansion of a nonconforming use, where a structure exists within 50' of wetlands and it is proposed to be enlarged.

Rich Corell, of Corell Associates, spoke for the petition and stated that the house is staying in the same footprint and the only thing changing is a second story over the garage. Bob Field made the motion to approve the variance as an expansion of nonconforming use with the condition that the additional space not be used for bedrooms, seconded by Dick Wollmar, motion carried.

Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Tina Kinsman
Recording Secretary