

The meeting was called to order at 7:05 p.m. Those attending were: Mike Iafolla, Chairman, Mark Johnson, Vice-Chair, Dick Wollmar, Craig Kelleher, Bob Field, Sam Checkovich.

The first order of business was the minutes for the January meeting. Paul Charron, Building Inspector, had a question concerning Lou Datilio and the section of the minutes that asked for Town Counsel's opinion regarding the options for the Special Exception. Paul asked the Board for clarification and the consensus of the Board was that the Board was asking for advice on how the Board could enforce the Cease & Desist if Mr. Datilio didn't come into compliance. Bob Field made the motion to amend the minutes with these changes, seconded by Craig Kelleher, vote unanimous. Motion made by Sam Checkovich to approve minutes, seconded by Dick Wollmar, vote unanimous.

Bob Field asked why the applicants were applying for the 100' setback to wetlands; he stated that it would be easier if they waited until after the election to see if the Citizens' Petition was passed. Mike Iafolla stated that he would leave it up to the discretion of the applicant; he would explain it to them, and they could make the determination.

Case 2001:06 – Judy Johnson, 91 Post Road, variance to Article IV, Section 409.9 (and the Citizens' Petition as it applied) for a septic system less than 75' to wetlands

The Chairman stated that Case 2001:06 would be heard first because Mark Johnson would be stepping down to present the case, Craig Kelleher would be taking his place and then would be leaving the meeting. Mike asked Mark if he understood the request for the 100' setback; he stated that he understood that the requirements would be more stringent, he would go ahead. Bob Field stated that he felt that Mark should not present the case for his mother; Mike stated that he could make the decision with the understanding that someone could appeal the decision. Mark stated that the system that services the two homes and barn (apartment) was in failure and needed to be replaced. The plan that has been designed by Stockton Services has already received State approval, he furnished the approved copy. The property has been owned by Mark's family since 1945 and the new system would be farther away from the wetlands and the design would be combining two systems into one. A motion was made by Craig Kelleher to approve, seconded by Sam Checkovich, vote was unanimous.

Case 2000:23 – Dave Freitas, 28 Ocean Boulevard, requests a variance to Article IV, Sections 409.9 for 75' setback to wetlands, and 406 less than 35' frontage, Citizens Petition for 100' setback to wetlands, Article V, Section 501.2 for nonconforming use, for construction of an addition.

Dick Beck and Dave Freitas made the presentation for the property. They had copies of the approval issued from Little Boar's Head Zoning Board. Chuck Gordon spoke for Little Boar's Head Zoning Board and stated that the Board is extremely reluctant to approve impervious surfaces near wetlands, but since they would not be adding any (impervious surface) and they agreed to remove the rest of the hardtop and also remove the commercial use in a residential area, they agreed to give their approval. He also stated that the five following criteria have been met:

- 1. You hereby irrevocable relinquish and abandon, and you will not seek to establish or reestablish, any commercial or other uses at said structure and its location not specifically allowed by the Little Boar's Head Zoning Ordinance in the residential zoning district within which said structure is located;**
- 2. You will remove all impervious pavement currently in place;**
- 3. You will cut down the pine tree in back of the northwesterly side of the proposed addition;**

4. **The proposed addition will be constructed in accordance with the revised plans therefore that you presented at the Board's November 14, 2000 meeting, such construction to commence within one year thereafter, and**
5. **You hereby waive any rights under or arising from the action of the Little Boar's Head Zoning Board of Adjustment in Case No. 87-3, dated September 3, 1987.**

Bob Field made the motion that their request be granted based on the finding of the Little Boar's Head Zoning Board of Adjustment letter dated 11/17/01 which was also signed by the applicants, the conditions are listed above, seconded by Sam Checkovich, vote was unanimous.

Case 2001:05 – Renie & Don Carpenter, & Peter Swanson, 12 Ocean Boulevard, for variance to Article IV, Section 409.9 requiring 75' to wetlands and Citizens Petition, 100' setback to wetlands, for a roofed porch.

Renie Carpenter spoke for the petition and stated that the property has always been in her family; it is now owned by her father. She showed a picture of the house approximately 100 years ago which showed the original porch which she wants to have added to the house. This has also been approved by Little Boar's Head Zoning Board of Adjustment. Mark Johnson made the motion to approve, seconded by Bob Field, vote was unanimous.

Respectfully submitted,

Tina Kinsman
Recording Secretary