

**TOWN OF DUCK  
BOARD OF ADJUSTMENT MEETING  
THURSDAY, FEBRUARY 2, 2017  
MINUTES**

The Board of Adjustment for the Town of Duck convened at the Paul F. Keller Meeting Hall at 3:00 p.m. on Thursday, February 2, 2017.

BOARD OF ADJUSTMENT MEMBERS PRESENT: Chair Olin Finch, Vice Chair Sandy Whitman, Carol Powell, Ed Sadler, Kent Zimmerman, and Alternate Bill Guillaume. Staff present: Director of Community Development Joseph Heard and Board of Adjustment Clerk Sandy Cross.

MEMBERS ABSENT: Allan Starr.

OTHERS PRESENT: Planning Board Chair Joe Blakaitis and Planning Board Member James Cofield.

**CALL TO ORDER**

Chair Finch called the meeting to order at 3:03 p.m.

**MINUTES FROM THE MARCH 3, 2016, MEETING**

Chair Finch opened the approval of minutes from the March 3, 2016 meeting. He directed the Board to review the minutes from the March 3, 2016 meeting for changes.

Member Powell moved to approve the minutes as presented. Member Sadler seconded. Motion carried 5-0.

**BOARD COMMENTS**

None.

**STAFF COMMENTS**

None.

**PUBLIC HEARING**

**Appeal BOV 2016-001: Subsection 156.037(D)(5) of the Town Code Identifies the Filling of Wetlands as a Prohibited Activity in the Ocean and Sound Overlay Zoning District. Property Owners Robert Webb and Gail Plucker are Seeking a Variance to Permit the Addition of a Significant Amount of Fill Material in an Existing Area of Wetlands Associated with the Construction of a Soundfront Bulkhead at 1166 Duck Road**

Director of Community Development Joe Heard was recognized to speak. Director Heard stated this project had two concurrent applications associated with it – a special exception that was being reviewed through the Planning Board and Town Council and the variance application, which was a separate, distinct application to be reviewed by the Board of Adjustment. He explained that the way things happened was that the Town Council public hearing for the special exception was held on February 1, 2017 and at that meeting, the applicants and Council had over two hours of discussion relating to the case, discussing ideas and alternatives. At the end of the hearing, the Council decided to deny the proposed application, which is the same proposal that the Board members have in their packets.

Director Heard stated that Council asked that the applicants evaluate a number of different alternatives and come back with a revised design which will be considered as a new special exception application in the future. He stated that after the decision was made, there was a short recess and the applicants, Town Attorney Robert Hobbs and Attorney Ben Gallop discussed that the design being presented to the Board of Adjustment will no longer be the final design for the project. He added that there is no point in proceeding with the variance with the present design since it will be revised. Such revision would nullify the variance. Director Heard stated that he received a letter from the applicant's representative requesting a deferral of the matter pending a redesign and resubmission. He noted that the Board of Adjustment still needed to meet since it is their decision to grant deferral the application, and not the applicant's.

Member Powell moved to defer the application. Member Zimmerman seconded.

Motion carried 5-0.

Member Sadler asked what the discussion was at the Council meeting. Director Heard cautioned that he has to be careful not to discuss specific ideas or concerns in order not to influence the Board's future consideration of this matter. He stated that there was a conversation regarding alternatives with four different alternatives discussed between the applicant's engineer and the Town's engineer. He stated that there was conversation regarding potential impacts that led to some discussion about possible ways to mitigate these impacts.

### **OTHER BUSINESS**

None.

### **ADJOURNMENT**

Vice Chair Whitman moved to adjourn the meeting. Member Guillaume seconded.

Motion carried 5-0.

The time was 3:11 p.m.

Approved: \_\_\_\_\_  
/s/ Secretary