

**CONWAY ZONING BOARD
OF ADJUSTMENT**

MINUTES

NOVEMBER 17, 2004

A meeting of the Conway Zoning Board of Adjustment was held on Wednesday, November 17, 2004 beginning at 7:30 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Phyllis Sherman; Vice Chair, John Colbath; Luigi Bartolomeo; Andrew Chalmers; Planning Director, Thomas Irving and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of September 22 should be amended as follows: page 2, paragraph 7, line two, should read, "...all purposes, however, it..."; and page 3, paragraph 6, line 2, should read, "...involve counsel, as...". **Mr. Colbath made a motion, seconded by Mr. Bartolomeo, to approve the Minutes of September 22, 2004 as amended. Motion unanimously carried.**

Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, to approve the Minutes of October 27, 2004 as written. Motion unanimously carried.

PUBLIC HEARINGS

A public hearing was opened at 7:30 p.m. to consider an **APPEAL FROM ADMINISTRATIVE DECISION** requested by **NORTHERN BUILDING SUPPLY** in regard to Article 147.13.8.6.1 of the Conway Zoning Ordinance to allow an additional freestanding sign less than 12 square feet for tenant, The Glass Cottage, at 2451 White Mountain Highway, North Conway (PID 219-228). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on August 17, 2004. This hearing was continued from September 22, 2004.

Mr. Irving stated that the applicant has withdrawn the application. **Mr. Colbath made a motion, seconded by Mr. Chalmers, to accept the withdrawal of the application. Motion unanimously carried.**

A public hearing was opened at 7:35 p.m. to consider an **APPEAL FROM ADMINISTRATIVE DECISION** requested by **CMF DEVELOPMENT, LLC** in regard to Article 147.14 of the Conway Zoning Ordinance to allow the construction of building 5, Units A – J, at the Village of North Conway on Village Way, North Conway, NH (PID 235-51.033 thru 51.042). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on November 10, 2004 and November 12, 2004.

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Mr. Irving stated that both parties have agreed that this is not the arena in which this item needs to be resolved; therefore, the applicant has withdrawn the application. **Mr. Colbath made a motion, seconded by Mr. Bartolomeo, to accept the withdrawal of the application. Motion unanimously carried.**

A public hearing was opened at 7:40 p.m. to consider a **SPECIAL EXCEPTION** requested by **KEVIN F. FLANAGAN** in regard to Article 147.13.7.2.5.3 of the Conway Zoning Ordinance to increase the number of apartments from three to five at 80 Mechanic Street, North Conway, NH (PID 247-88). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on November 10, 2004.

Kevin Flanagan appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Ms. Sherman stated there are only four-members present and the applicant is entitled to a five-member Board. Ms. Sherman asked if Mr. Flanagan would like to continue the hearing until five-members are present or proceed with four-members. Mr. Flanagan stated he would proceed with four-members. Mr. Bartolomeo asked which units are the rentals. Mr. Flanagan answered units A & B on the bottom floor and unit C on the second floor.

Mr. Flanagan stated there would be two units on the first floor, two units on the second floor and the fifth unit to be in the attic in the future. Jory Savin of Swett Street asked if the separate building on the property would be used as a unit. Mr. Flanagan answered in the negative. Ms. Savin stated that she is not here to object, but to be informed. Mr. Bartolomeo asked if the architecture of the building would change. Mr. Flanagan answered in the negative.

Ms. Sherman read item 1. **Mr. Colbath made a motion, seconded by Mr. Bartolomeo, that each structure must contain at least three dwelling units. Motion unanimously carried.**

Ms. Sherman read item 2. **Mr. Colbath made a motion, seconded by Mr. Chalmers, that no less than 25% of all dwelling units shall be designated as full time rental apartments. At the time of the Planning Board approval, the units designated as full time rental apartments must be shown on the plan with a condition that they are leased for twenty years from the date of the Planning Board approval by the developer and a deed restriction shall be recorded in the Registry of Deeds as evidence of the same. Motion unanimously carried.**

Ms. Sherman read item 3. **Mr. Colbath made a motion, seconded by Mr. Chalmers, that all lots must be serviced by municipal water and sewerage. Motion unanimously carried.**

Ms. Sherman read item 4. **Mr. Colbath made a motion, seconded by Mr., Chalmers that rental/deed restricted units shall be a maximum of 1,000 square feet and a minimum of 300 square feet. Motion unanimously carried.**

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Ms. Sherman read item 5. **Mr. Colbath made a motion, seconded by Mr. Chalmers, that the architectural design plans must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with the zoning regulations. Motion unanimously carried.**

Mr. Colbath made a motion, seconded by Mr. Chalmers, that based on the foregoing finding of facts, the Special Exception pursuant to §147.13.7.2.5.3 of the Town of Conway Zoning Ordinance be granted with the condition that at the time of the Planning Board approval, the units designated as full time rental apartments must be shown on the plan with a condition that they are leased for twenty years from the date of the Planning Board approval by the developer and a deed restriction shall be recorded in the Registry of Deeds as evidence of the same.. Motion unanimously carried.

Meeting adjourned at 8:00 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary