

CONWAY ZONING BOARD OF ADJUSTMENT

MINUTES

MARCH 22, 2006

A meeting of the Conway Zoning Board of Adjustment was held on Wednesday, March 22, 2006 beginning at 7:30 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Phyllis Sherman; Luigi Bartolomeo; Andrew Chalmers; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

PUBLIC HEARINGS

A public hearing was opened at 7:30 p.m. in regard to a **SPECIAL EXCEPTION** requested by **LEBACH REALTY TRUST** in regard to §147.13.16.10.7 of the Conway Zoning Ordinance to allow the construction of a road to town specifications through the Wetland and Watershed Protection Overlay District at 496 Davis Hill Road, Center Conway (PID 272-52). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on March 15, 2006.

Bob Tafuto of Ammonoosuc Survey Company appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Ms. Sherman stated there were only three-members present and the applicant is entitled to a five-member Board. Ms. Sherman asked if the applicant would like to proceed with three-members or continue until there is a five-member Board. Mr. Tafuto agreed to proceed with three-members.

Mr. Bartolomeo asked if there is a culvert. Mr. Tafuto stated there is an 18-inch culvert. Mr. Irving stated that Barry Keith has submitted a NHDES Dredge and Fill application. Ms. Sherman asked for Board comment; there was none. Ms. Sherman asked for public comment; Tom Earle stated that he is representing Faraway Realty Trust and asked if Henderson Road would be upgraded and if so, how could it be since it is a Town class VI road. Mr. Tafuto stated that the Town has requested the road be upgraded. Mr. Irving stated if they want to create lots abutting this road they would have to upgrade the road. Mr. Earle asked if they plan to create lots at the back of the property. Mr. Tafuto answered in the negative and stated that there is a rather large wetland at the back of the property.

Ms. Sherman read item 1. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that the use is essential to the productive use of land not in the District.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 2. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers that the use is so located and constructed as to minimize the detrimental impact upon the wetlands.** Ms. Sherman asked for Board comment; Mr. Bartolomeo stated that they have clearly located the crossing at the narrowest part of the wetland. **Motion unanimously carried.**

Ms. Sherman read item 3. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that there is no better feasible alternative, in keeping with State and Federal standards for the**

Adopted: April 26, 2006 – As written

ZONING BOARD OF ADJUSTMENT – MARCH 22, 2006

issuance of development permits in 404 jurisdictional wetlands. Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 4. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that a site plan review approval is not applicable prior to construction.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that, based on the forgoing findings of fact, the Special Exception pursuant to §147.13.16.10.7 of the Town of Conway Zoning Ordinance to allow the construction of a road to town specifications within the Wetland and Watershed Protection Overlay District be granted. Motion unanimously carried.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, to approve the Minutes of February 22, 2005 as written. Motion unanimously carried.

PUBLIC HEARINGS CONTINUED

A public hearing was opened at 7:45 pm to consider **VARIANCES** requested by **THE ROCK DEVELOPMENT, LLC** in regard to §147.13.8.6.1 of the Conway Zoning Ordinance to permit a two freestanding signs on one lot, §147.13.8.6.2 of the Conway Zoning Ordinance to permit four wall signs (two more than the ordinance permits) on a single building, and §147.13.8.6.2.3 of the Conway Zoning Ordinance to permit the primary wall sign to be 194.66 square feet, the second permitted wall sign to exceed 20 square feet and to permit two additional wall signs to exceed 20 square feet at 19 & 53 Barnes Road, North Conway (PID 235-78 & 78.01). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on March 15, 2006.

Dot Seybold of OVP Management appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Ms. Sherman stated there were only three-members present and the applicant is entitled to a five-member Board. Ms. Sherman asked if the applicant would like to proceed with three-members or continue until there is a five-member Board. Ms. Seybold stated that they would like to continue the hearing until there is a full Board.

Mr. Chalmers made a motion, seconded by Mr. Bartolomeo, to continue the variance requests for §147.13.8.6.1, §147.13.8.6.2.3 and §147.13.8.6.2.3 requested by Rock Development, LLC until April 26 at 7:30 p.m. Motion unanimously carried.

Meeting adjourned at 7:50 pm.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary