

**ZONING BOARD OF ADJUSTMENT
MINUTES
MARCH 19, 2014**

A meeting of the Conway Zoning Board of Adjustment was held on Wednesday, March 19, 2014 at the Conway Town Office in Center Conway, NH, beginning at 5:19 pm. Those present were: Chair, Phyllis Sherman; Vice Chair, John Colbath; Andrew Chalmers; Dana Hylan; Luigi Bartolomeo; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

MOTION FOR REHEARING

A public meeting was opened at 5:19 pm to consider a **MOTION FOR REHEARING** requested by **BELLEVUE PROPERTIES** in regard to § 147.14.1.2 of the Conway Zoning Ordinance **to change a non-conforming use, a racquet ball club, lounge/restaurant and fitness center, to another non-conforming use, a hotel**, at 110 Barnes Road, North Conway (PID 235-82).

John Sokul of Hinckley Allen representing Bellevue Properties; Derek Lick of Sulloway & Hollis representing Barnes Development; Mark Lucy of White Mountain Survey and Engineering; and Roger Williams, Construction Manager for Barnes Development, were in attendance.

Mr. Bartolomeo stated there are some compelling arguments that would merit this case to be reheard. Mr. Bartolomeo stated the last time we heard this he was disconcerted that they could write an open letter in a vague attempt to keep a non-conforming building that was gone for a long time. Mr. Bartolomeo stated that actions need to be taken to back up the letter; it is a vague assertion and we might have made an error.

Ms. Sherman stated an error in our decision does not play into this that is for the court to decide. Ms. Sherman stated that the Board can grant a Motion for Rehearing based on two reasons only; there was a technical error or there is information available that was not available at the first hearing.

Mr. Colbath stated that he would agree with Mr. Bartolomeo, but not liking the decision is not a reason for a rehearing. Mr. Colbath stated that the Court can decide if the Board made an error, but he sees no technical error or new additional information that we didn't know at the time. Mr. Chalmers stated he agrees with Mr. Colbath. Mr. Hylan stated that he did not attend the hearing that this application was discussed.

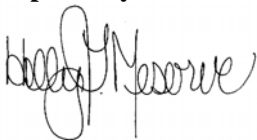
The Board determined that there was neither a technical error nor new information available that was not available at the time of the first hearing. **Mr. Colbath made a motion, seconded by Mr. Chalmers, to grant the rehearing for Bellevue Properties in regard to Barnes Development. Motion defeated with Mr. Bartolomeo voting in the affirmative, Mr. Chalmers, Mr. Colbath and Ms. Sherman voting in the negative and Mr. Hylan abstaining from voting.**

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Colbath made a motion, seconded by Mr. Chalmers, to approve the Minutes of February 19, 2014 as written. Motion unanimously carried.

Meeting adjourned at 5:30 pm.

Respectfully Submitted,



Holly L. Meserve, Recording Secretary