

## ZONING BOARD OF ADJUSTMENT

### MINUTES

APRIL 15, 2015

A meeting of the Conway Zoning Board of Adjustment was held on Wednesday, April 15, 2015 at the Conway Town Office in Center Conway, NH, beginning at 7:01 pm. Those present were: Chair, Phyllis Sherman; Luigi Bartolomeo; Andrew Chalmers; Dana Hylen; and Director, Thomas Irving; and Recording Secretary, Holly Meserve.

#### PUBLIC HEARINGS

A public hearing was opened at 7:01 pm to consider a **SPECIAL EXCEPTION** requested by **NORTH CONWAY AMUSEMENTS LLC/UBERBLAST LLC** in regards to §147.14.1.2 of the Conway Zoning Ordinance **to change one non-conforming use, a waterslide, to another non-conforming use, a sports park/play area with inflatable and non-inflatable structures** at 2129 White Mountain Highway, North Conway (PID 230-107). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, April 3, 2015.

Maria Schandor appeared before the Board. Ms. Sherman stated only four members were present and the applicant is entitled to a five-member Board. Ms. Sherman asked if the applicant would like to proceed with four members or continue the hearing for a five-member Board. Ms. Schandor agreed to proceed with four members.

There was a brief discussion that this might not be a different nonconforming use. **Mr. Bartolomeo made a motion, seconded by Mr. Hylen, that this is not a different nonconforming use and an application for a special exception is not necessary.** It was then determined that a few Board members were thinking this was a different site, therefore, **Mr. Bartolomeo withdrew his motion and Mr. Hylen withdrew his second.**

Ms. Schandor stated there will be partially inflatable sports units; such as tether ball, a play cube, an obstacle course, and a volleyball and basketball inflatable course, which are about 10-feet tall. Mr. Chalmers asked if they are deflated every night. Mrs. Schandor answered in the affirmative. Ms. Sherman asked the material of the play cube. Ms. Schandor answered PVC pipe. Ms. Sherman asked about the dome. Ms. Schandor stated that they will not be using the dome.

Ms. Sherman asked if the maze is a ground maze or a structure. Ms. Schandor answered a structure. Ms. Sherman asked the height of the maze. Ms. Schandor answered about 8-feet high. Mr. Chalmers asked if the hours of operation are the same as now. Ms. Schandor answered in the affirmative. Mr. Irving asked if they are proposing any changes to the lighting. Ms. Schandor answered in the negative.

Adopted: May 20, 2015 – As Amended

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Mr. Chalmers asked if the Town will be inspecting. Ms. Schandor stated it will be inspected by the State. Mr. Bartolomeo stated the waterslide is gone, but the mini golf is still there. Ms. Schandor answered in the affirmative. Mr. Bartolomeo asked if these will be located in the same area as the waterslide. Mrs. Schandor answered in the affirmative and stated it will take half the space as the waterslide and won't be as tall. *There was no public in attendance.*

Ms. Sherman read item 1. **Mr. Chalmers made a motion, seconded by Mr. Hylen, that the proposed use is confined to the same lot to which the original nonconforming use would be confined.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 2. **Mr. Chalmers made a motion, seconded by Mr. Hylen, that the proposed use has the same or lesser impact on the neighborhood relative to public health, safety and/or welfare.** Ms. Sherman asked for Board comment; Ms. Sherman stated the safety issue is a lot less than that of a waterslide. **Motion unanimously carried.**

Ms. Sherman read item 3. **Mr. Chalmers made a motion, seconded by Mr. Hylen, that the proposed use has the same or lesser impact on the neighborhood relative to impact on property values of adjacent properties.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 4. **Mr. Hylen made a motion, seconded by Mr. Chalmers, that the proposed use has the same or lesser impact on the neighborhood relative to traffic.** Ms. Sherman asked for Board comment; Mr. Bartolomeo asked if there is parking on site. Ms. Schandor answered in the affirmative. **Motion unanimously carried.**

Ms. Sherman read item 5. **Mr. Bartolomeo made a motion, seconded by Mr. Hylen, that the proposed use has the same or lesser impact on the neighborhood relative to nuisance to neighbors.** Ms. Sherman asked for Board comment; Mr. Chalmers stated it would be the same or less given the height of the waterslide. **Motion unanimously carried.**

Ms. Sherman read item 6. **Mr. Chalmers made a motion, seconded by Mr. Hylen, that the proposed use has the same or lesser impact on the neighborhood relative to noise.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 7. **Mr. Chalmers made a motion, seconded by Mr. Hylen, that the proposed use has the same or lesser impact on the neighborhood relative to nighttime lighting.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

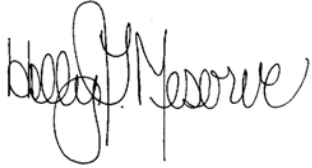
**Mr. Chalmers made a motion, seconded by Mr. Bartolomeo, that, based on the forgoing findings of fact, the Special Exception pursuant to §147.14.1.2 of the Town of Conway Zoning Ordinance to change one non-conforming use, a waterslide, to a different non-conforming use, a sports park/play area with inflatable and non-inflatable structures be granted. Motion unanimously carried.** Mr. Irving stated due to NH RSA674:33, I-a, this special exception will expire two years from the date it was granted.

**REVIEW AND APPROVAL OF MINUTES**

Mr. Chalmers made a motion, seconded by Mr. Hylen, to approve the Minutes of March 18, 2015 as written. Motion carried with Ms. Sherman abstaining from voting.

Meeting adjourned at 7:40 pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Holly L. Meserve". The signature is written in a cursive style with a large, looped initial "H".

**Holly L. Meserve**  
**Recording Secretary**