

**ZONING BOARD OF ADJUSTMENT**

**MINUTES**

**SEPTEMBER 19, 2018**

A meeting of the Conway Zoning Board of Adjustment was held on Wednesday, September 19, 2018 at the Conway Town Office in Center Conway, NH, beginning at 7:00 pm. Those present were: Chair, Phyllis Sherman; Vice Chair, John Colbath; Luigi Bartolomeo; Andrew Chalmers; Steven Steiner; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

**CONDOLENCES**

Ms. Sherman stated that Board member Mr. Steiner has the Board’s condolences on the loss of his family member.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, to approve the Minutes of August 15, 2018 as written. Motion carried unanimously.**

**2019 ZBA DATES AND SUBMITTAL DEADLINES**

**Mr. Colbath made a motion, seconded by Mr. Chalmers, to approve the 2019 ZBA Dates and Submittal Deadlines as presented. Motion carried unanimously.**

**PUBLIC HEARINGS**

A public hearing was opened at 7:02 pm to consider a **SPECIAL EXCEPTION** requested by **PETER AND KATHY NOURSE** in regards to §190-13.B.(4)(b) of the Conway Zoning Ordinance **to allow an accessory apartment** at 31 Mason Road, North Conway (PID 215-90). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, August 3, 2018. This hearing was continued from August 15, 2018.

Mr. Irving stated that the application has been withdrawn.

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A public hearing was opened at 7:05 pm to consider a **SPECIAL EXCEPTION** requested by **SHAWN G. BERGERON REVOCABLE TRUST** in regards to §190-20.F.(3)(C)[2] of the Conway Zoning Ordinance **to allow an additional wall** at 290 East Side Road, Conway (PID 265-151.004). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, September 7, 2018.

Shawn Bergeron appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance.

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Mr. Bergeron reviewed photos of the building with the signage [in file]. Mr. Bergeron stated the sign is less than 4 square feet and it identifies the businesses within the building. Ms. Sherman asked for Board comment; Mr. Bartolomeo asked what are the businesses. Mr. Bergeron answered Ski NH, Awesome Massage and his two businesses. Ms. Sherman asked for public comment; there was none.

Ms. Sherman read item 1. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the sign shall be used only to identify and locate the businesses within.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 2. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the message area shall not exceed 12 square feet.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 3. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the sign shall be located immediately adjacent to the common entrance.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 4. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the additional freestanding sign permitted by special exception under subsection F(2)(f)[1] has not been used.** Ms. Sherman asked for Board comment; Mr. Bartolomeo asked if this section was used. Mr. Bergeron answered in the negative. **Motion carried unanimously.**

**Mr. Colbath made a motion, seconded by Mr. Steiner, that, based on the forgoing findings of fact, the Special Exception pursuant to §190-20.F.(3)(c)[2] of the Town of Conway Zoning Ordinance to allow an additional wall sign be granted. Motion carried unanimously.**

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A public hearing was opened at 7:12 pm to consider a **VARIANCE** requested by **LILLIAN KNOWLES** in regards to §190-30.B(2)(e) of the Conway Zoning Ordinance **to allow the raising of the existing structure to obtain a first floor elevation above the 100-year floodplain elevation** at 36 E Road, North Conway (PID 250-82). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, September 7, 2018.

Jeff Knowles, Lillian Knowles' son, appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Mr. Sherman asked for Board comment; Mr. Bartolomeo asked if there would be a new foundation. Mr. Knowles stated it would not be on a foundation, but stilts or whatever is recommended.

Mr. Knowles stated this is a camp, not a dwelling. Mr. Colbath asked how is it being used now. Mr. Knowles stated it is used in the summer. Mr. Bartolomeo asked if this would allow the water to flow under it. Mr. Knowles answered in the affirmative.

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Mr. Knowles stated they would like to do a handicap ramp as well. Mr. Irving stated that would require another application, and they might have to come back. Mr. Colbath stated there are metal ramps that are removable. Mr. Irving stated that they should inquire with the building inspector.

Mr. Chalmers asked if you want to be 2-feet above the floodplain elevation how much higher will it make that structure. Mr. Knowles answered approximately 4 or 5 feet. Ms. Sherman asked if they had an elevation survey. Mr. Knowles answered in the negative. After a brief discussion, the Board decided to continue the application.

**Mr. Colbath made a motion, seconded by Mr. Steiner, to continue the hearing for Lillian Knowles until October 17, 2018 at 7:00 pm. Motion carried unanimously.**

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A public hearing was opened at 7:35 pm to consider a **VARIANCE** requested by **RIVER RUN COMPANY/KJK WIRELESS, LLC** in regards to §190-19.E.(1) of the Conway Zoning Ordinance to permit a false chimney to enclose antennas with a proposed total height of 73'7" that exceeds the 30-foot maximum structure height at 2760 White Mountain Highway, North Conway (PID 218-51). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, September 7, 2018.

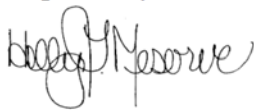
Peter Marchant of KJK Wireless, LLC appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Mr. Irving stated that they are seeking a continuance to give them the opportunity to submit their justifications. Mr. Marchant stated that the Radio Frequency Report was not completed in time.

Ms. Sherman asked for public comment; Harry Gulati asked to review the plans.

**Mr. Colbath moved, seconded by Mr. Steiner, to continue the hearing for River Run Company/KJK wireless, LLC until October 17, 2018 at 7:05 pm. Motion carried unanimously.**

Meeting adjourned at 7:45 pm.

Respectfully Submitted,



Holly L. Meserve  
Recording Secretary