

ZONING BOARD OF ADJUSTMENT

MINUTES

NOVEMBER 14, 2018

A meeting of the Conway Zoning Board of Adjustment was held on Wednesday, November 14, 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; Alternate, Richard Pierce; Code Enforcement Officer, James Yeager; and Recording Secretary, Holly Meserve.

PUBLIC HEARINGS

A public hearing was opened at 7:00 pm to consider a **SPECIAL EXCEPTION** requested by **LAURA DENIS AND AUSTIN ORTH** in regards to §190-19.B.(5)(b) of the Conway Zoning Ordinance **to allow an accessory apartment** at 115 Pine Street, North Conway (PID 218-72). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, November 2, 2018.

Laura Denis appeared before the Board. Austin Orth was in attendance. Ms. Sherman read the application and the applicable section of the ordinance. Mr. Bartolomeo asked if this would be owner-occupied. Ms. Denis answered in the affirmative and stated that she would be living in the house. Mr. Bartolomeo asked if the accessory apartment would be over the garage. Ms. Denis answered in the affirmative.

Ms. Sherman asked if the garage exists. Ms. Denis answered in the affirmative. Mr. Chalmers stated nothing changes to the exterior, it is all internal. Ms. Denis agreed. Mr. Colbath asked about parking. Ms. Denis stated there are four parking spaces. Mr. Steiner asked if this would be for short-term rentals. Ms. Denis answered in the negative and stated that the accessory apartment would be a long-term rental. Ms. Sherman asked for public comment; there was none.

Ms. Sherman read item 1. **Mr. Colbath made a motion, seconded by Mr. Chalmers, that the apartment is accessory to an owner-occupied single-family dwelling.** 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. Chalmers that the apartment is no less than 300 square feet and no greater than 800 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 apartment is architecturally compatible with the neighborhood.** 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 sufficient parking is located on site.** Ms. Sherman asked for Board comment; there was none. **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 §190-19.B.(5)(b) of the Town of Conway Zoning Ordinance to allow an accessory apartment be granted. Mr. Chalmers asked if the Board should put in the motion that this is not for short-term rentals. Mr. Colbath stated he does not think they should as the applicant testified that it would not be used for short-term rentals. Mr. Bartolomeo stated it is in the section of the ordinance that Ms. Sherman read that it is for year-round rentals. **Motion carried unanimously.**

A public hearing was opened at 7:09 pm to consider a **SPECIAL EXCEPTION** requested by **GARY AND ALANE BAMBERGER/DANIEL AND MATTHEW LOUNSBURY** in regards to §190-20.B.(5)(c) of the Conway Zoning Ordinance **to allow up to 8 dwelling units** at 407 White Mountain Highway, North Conway (PID 262-95). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, November 2, 2018.

Daniel and Matthew Lounsbury appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Mr. Matt Lounsbury stated they would like to take an existing building and create multi-residential units. Mr. Colbath stated this is currently the Conway Veterinary Hospital. Mr. Matt Lounsbury answered in the affirmative. Mr. Colbath asked if there is enough space in the existing building for eight units. Mr. Matt Lounsbury answered in the affirmative. Mr. Bartolomeo asked if the ground floor is the basement level. Mr. Matt Lounsbury answered in the affirmative.

Ms. Sherman stated the intent of the zoning ordinance is to have two of the units deed restricted. Mr. Matt Lounsbury stated all eight units will be long-term rentals, but two will be deed restricted. Mr. Bartolomeo asked if they plan to make a condominium out of the units. Mr. Lounsbury answered in the negative. Mr. Bartolomeo asked if they all the units would be rentals. Mr. Matt Lounsbury answered in the affirmative.

Mr. Colbath asked about parking. Mr. Matt Lounsbury stated a parking plan was submitted to the Board. Mr. Colbath stated that the parking spaces would be behind the house. Mr. Dan Lounsbury stated that is correct. Mr. Dan Lounsbury stated there is a parking alternative standard that would require 1.5 parking spaces per unit. Ms. Sherman asked if the parking could be expanded if necessary. Andy Fisher stated he did not conduct a field survey, but did provide a parking sketch. Mr. Fisher stated there is more space available if additional parking were deemed necessary.

Ms. Meserve stated that this particular special exception does not address parking; parking would be addressed through the Planning Board process. Ms. Sherman stated her only concern is with parking. Mr. Matt Lounsbury stated more parking could be added if necessary. Mr. Chalmers stated two parking spaces per unit seems reasonable.

Mr. Bartolomeo asked Mr. Fisher as a surveyor if there is enough area for 16 parking spaces. Mr. Fisher answered in the affirmative and stated they could fit them in. Mr. Fisher stated he is not sure if they should be required to construct them, but there is sufficient space.

Adopted: January 16, 2019 – As Written

CONWAY ZONING BOARD OF ADJUSTMENT – NOVEMBER 14, 2018

Mr. Bartolomeo asked if the top floor would be the two workforce units. Mr. Matt Lounsbury answered in the affirmative. Mr. Bartolomeo asked if that is because that would be the less desirable units. Mr. Matt Lounsbury stated they picked the attic for the two workforce units so the first two floors could be used commercially, if necessary, in the future. Ms. Sherman asked for public comment; there was none.

Ms. Sherman read item 1. **Mr. Colbath made a motion, seconded by Mr. Steiner, that each structure must contain at least three dwelling units.** 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 not less than 25% of all dwelling units shall be designated as full-time rental apartments. At the time of 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 Planning Board approval by the developer and a deed restriction shall be recorded in the Registry of Deeds as evidence of the same.** 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 all lots must be serviced by municipal water and sewerage.** 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 rental/deed restricted units shall be a maximum of 1,000 square feet and a minimum of 300 square feet.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 5. **Mr. Colbath made a motion, seconded by Mr. Steiner, that architectural design plans must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with the zoning regulations.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Colbath made a motion, seconded by Mr. Bartolomeo, that, based on the forgoing findings of fact, the Special Exception pursuant to §190-20.B.(5)(c) of the Town of Conway Zoning Ordinance to allow up to 8 dwelling units be granted. Motion carried unanimously.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, to approve the Minutes of October 17, 2018 as written. Motion carried unanimously.

Meeting adjourned at 7:30 pm.

Respectfully Submitted,



Holly L. Meserve, Recording Secretary