

## ZONING BOARD OF ADJUSTMENT

### MINUTES

OCTOBER 19, 2022

A meeting of the Conway Zoning Board of Adjustment was held on Wednesday, October 19, 2022 at the Conway Town Office, 23 Main Street, in Conway, NH, beginning at 7:00 pm. Those present were: Chair, John Colbath; Vice Chair, Andrew Chalmers; Luigi Bartolomeo; Richard Pierce; Jonathan Hebert; Planning Director, Jamel Torres; and Planning Assistant, Holly Whitelaw.

#### PUBLIC HEARINGS

A public hearing was opened at 7:00 pm to consider a **SPECIAL EXCEPTION** requested by **MICHAEL SIMONI** [FILE #22-28] in regards to §190-13.B(4)(b) of the Conway Zoning Ordinance **to allow an accessory dwelling unit** at 267 Thompson Road, North Conway (PID 219-300). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, October 7, 2022.

Mike Simoni appeared before the Board. Mr. Colbath read the application and the applicable section of the ordinance. Mr. Simoni stated he would like to add an apartment to the downstairs of his house.

Mr. Colbath asked for Board comment; Mr. Hebert asked if the footprint or the architecture would change. Mr. Simoni stated there will be no changes to the exterior. Mr. Hebert asked how many parking spaces are there. Mr. Simoni stated there is a 32' x 52' parking area; there is plenty of parking. Mr. Hebert asked if this would be a year-round rental and not a short-term rental. Mr. Simoni answered in the affirmative. Mr. Colbath asked for public comment; there was none.

Mr. Colbath read item 1. **Mr. Chalmers made a motion, seconded by Mr. Hebert, that the accessory dwelling unit is no less than 300 square feet and no greater than 800 square feet.** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Colbath read item 2. **Mr. Chalmers made a motion, seconded by Mr. Hebert, that the accessory dwelling unit is architecturally compatible with the neighborhood.** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Colbath read item 3. **Mr. Chalmers made a motion, seconded by Mr. Hebert, that sufficient parking is located on site.** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Colbath read item 4. **Mr. Chalmers made a motion, seconded by Mr. Hebert, that both the primary single-family dwelling and the accessory dwelling unit shall be used for long-term residency, and short-term transient occupancy of either dwelling unit is prohibited.** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

**Mr. Chalmers made a motion, seconded by Mr. Hebert, that, based on the forgoing findings of fact, the Special Exception pursuant to §190-13.B.(4)(b) of the Town of Conway Zoning Ordinance for an accessory dwelling unit be granted. Motion carried unanimously.**

\*\*\*\*\*

A public hearing was opened at 7:13 pm to consider a **SPECIAL EXCEPTION** requested by **TEENA KULAKOWSKI AND RUSSELL MALLEY** [FILE #22-29] in regards to §190-13.B(4)(b) of the Conway Zoning Ordinance **to allow an accessory dwelling unit** at 2820 East Conway Road, Center Conway (PID 240-12). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, October 7, 2022.

Teena Kulakowski and Russell Malley appeared before the Board. Mr. Colbath read the application and the applicable section of the ordinance. Ms. Kulakowski stated they would like to construct a cabin looking structure on the back of the property.

Mr. Colbath asked for Board comment; Mr. Bartolomeo asked if this property was connected to municipal water and sewer. Ms. Kulakowski stated it will have a septic system and be connected to Fryeburg Water.

Mr. Hebert asked about parking. Mr. Malley stated there would be two parking spaces for the cabin. Mr. Hebert asked if this would be a year-round rental and not a short-term rental. Ms. Kulakowski answered in the affirmative.

Mr. Colbath asked for public comment; there was no public in attendance.

Mr. Colbath read item 1. **Mr. Chalmers made a motion, seconded by Mr. Hebert, that the accessory dwelling unit is no less than 300 square feet and no greater than 800 square feet.** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Colbath read item 2. **Mr. Chalmers made a motion, seconded by Mr. Hebert, that the accessory dwelling unit is architecturally compatible with the neighborhood.** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Colbath read item 3. **Mr. Chalmers made a motion, seconded by Mr. Hebert, that sufficient parking is located on site.** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Colbath read item 4. **Mr. Chalmers made a motion, seconded by Mr. Hebert, that both the primary single-family dwelling and the accessory dwelling unit shall be used for long-term residency, and short-term transient occupancy of either dwelling unit is prohibited.** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

**Mr. Chalmers made a motion, seconded by Mr. Hebert, that, based on the forgoing findings of fact, the Special Exception pursuant to §190-13.B.(4)(b) of the Town of Conway Zoning Ordinance for an accessory dwelling unit be granted. Motion carried unanimously.**

**REVIEW AND ACCEPTANCE OF MINUTES**

**Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, to approve the Minutes of September 21, 2022 as written. Motion carried with Mr. Hebert abstaining from voting.**

**2023 ZBA DATES AND SUBMITTAL DEADLINES**

**Mr. Chalmers made a motion, seconded by Mr. Hebert, to approve the 2023 ZBA Dates and Submittal Deadlines as presented. Motion carried unanimously.**

Meeting adjourned at 7:40 p.m.

Respectfully Submitted,

Holly L. Whitelaw  
Planning Assistant