

**CONWAY ZONING BOARD
OF ADJUSTMENT**

MINUTES

NOVEMBER 16, 2005

A meeting of the Conway Zoning Board of Adjustment was held on Wednesday, November 16, 2005 beginning at 8:04 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Phyllis Sherman; Luigi Bartolomeo; Andrew Chalmers; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

PUBLIC HEARINGS

A public hearing was opened at 8:04 p.m. to consider a **SPECIAL EXCEPTION** requested by **ANITA COLBY** in regard to Article 147.13.8.2.5.1 of the Conway Zoning Ordinance to allow a second residential unit in the existing building at 2906 White Mountain Highway, North Conway (PID 215-23). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on November 9, 2005.

Anita Colby appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Ms. Sherman stated that only three-members were present and the applicant is entitled to a five-member Board. Ms. Sherman asked if the applicant would like to proceed with three-members or continue the hearing until the next meeting. Ms. Colby agreed to proceed with three-members.

Mr. Irving asked if the dormer to be constructed on the back of the house would be similar to the one on the front of the house. Ms. Colby answered in the affirmative. Mr. Bartolomeo asked if the dormer would be the same length of the house. Ms. Colby stated that it would be a foot shorter on each side. There was no one in the audience.

Ms. Sherman read item 1. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that substantially all of the structure is at least fifty (50) years old.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 2. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that the modification of the interior does not exceed four (4) units.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 3. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that no significant changes to the exterior lines or architectural detail are made, which would diminish the historical or architectural heritage of the structure.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

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Ms. Sherman read item 4. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that adequate area is available for parking and sewage disposal.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 5. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers that there is not an accessory structure so this section is not applicable to this application.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that based on the forgoing findings of fact, the Special Exception pursuant to §147.13.8.2.5.1 of the Town of Conway Zoning Ordinance to allow a second residential unit in the existing building be granted. Motion unanimously carried.

A public hearing was opened at 8:10 p.m. to consider a **SPECIAL EXCEPTION** requested by **MT. CRANMORE SKI RESORT/RCC ATLANTIC D/B/A UNICEL** in regard to Article 147.13.12.12.12 of the Conway Zoning Ordinance to allow a 55-foot wireless communication facility and associated equipment at 239 Skimobile Road, North Conway (PID 214-84). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on November 9, 2005.

Ben Wilcox of Mt. Cranmore Ski Resort and Peter DeMarco of RCC Atlantic, Inc. appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Ms. Sherman stated that only three-members were present and the applicant is entitled to a five-member Board. Ms. Sherman asked if the applicant would like to proceed with three members or continue the hearing until the next meeting. Mr. DeMarco agreed to proceed with three-members.

Mr. DeMarco stated that the ZBA granted a special exception last year for a unit in the parking lot, which is to be a temporary site. Mr. DeMarco stated that they would prefer to put their equipment on the existing tower, but it just doesn't work for them. Mr. DeMarco stated after reviewing the area, the stealth flagpole is the best option for all parties involved. Mr. DeMarco stated that the new pole would have two carriers on it and not any more because then it becomes necessary to put antennas on it to accommodate more than two carriers. Mr. DeMarco stated that they have tried to make this pole as visually unobtrusive as possible.

Mr. DeMarco stated that the pole can function as a flagpole, but it is not its primary function. Mr. DeMarco stated that Mt. Cranmore would like to use it as a flagpole. Mr. Chalmers asked the width of the pole. Mr. DeMarco answered three feet wide. Mr. Bartolomeo asked why they couldn't go on the existing tower. Mr. DeMarco stated that you have to be 10-feet from another carrier on the pole; we being the fourth carrier would have to be 40-feet down the tower.

Ms. Sherman asked if it would be visible from Bartlett. Mr. DeMarco stated that you would be able to see it, but it won't be obtrusive. There was no one in the audience.

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Ms. Sherman read item 1. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that since the visual impact of wireless communication facilities can transcend town lines; communities that may be visually affected shall be formally notified of applications for such proposed facilities as projects having regional impact.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 2. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that the applicant demonstrated that every reasonable effort has been made to cause the facility to have the least possible visual impact on the town at large, including demonstration of realistic analysis of multiple sites, the need for the proposed height, and any impact on significant roadside view points.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 3. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that any wireless communication facility shall be designed to accommodate multiple providers of communication services and will only be approved under the condition that the primary developer of the facility will make the facility available upon reasonable terms by lease or other legal instruments to other wireless communication services.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 4. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that item 4 is not applicable.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 5. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that a major site plan approval must be obtained from the Planning Board.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that, based on the forgoing findings of fact, the Special Exception to §147.13.12.12 of the Town of Conway Zoning Ordinance to allow a 55-foot wireless communication facility and associated equipment be granted. Motion unanimously carried.

Review and Acceptance of Minutes: Mr. Chalmers made a motion, seconded by Mr. Bartolomeo, to approve the Minutes October 26, 2005 as written. Motion unanimously carried.

Meeting adjourned at 8:28 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary