

ZONING BOARD OF ADJUSTMENT

MINUTES

OCTOBER 20, 2021

A meeting of the Conway Zoning Board of Adjustment was held on Wednesday, October 20, 2021 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; Steven Steiner; Planning Director, Jamel Torres; Town Engineer, Paul DegliAngeli; and Planning Assistant, Holly Whitelaw. Alternates, Jonathan Hebert, Jac Cuddy and Phyllis Sherman were in attendance. Town Counsel, Peter Malia was in attendance.

APPOINTMENT OF ALTERNATE MEMBER

Mr. Colbath appointed Mr. Hebert as a voting member.

PUBLIC HEARINGS

A public hearing was opened at 7:00 pm to consider a **SPECIAL EXCEPTION** requested by **NORMAN AND DARCI GERVAIS** [FILE #21-33] in regards to §190-15.B.(4)(b) of the Conway Zoning Ordinance **to allow an accessory dwelling unit** at 117 East Main Street, Conway (PID 265-21). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, October 8, 2021.

There being no one present to represent the application, **Mr. Hebert made a motion, seconded by Mr. Steiner, to continue the application for Norman and Darci Gervais until November 17, 2021 at 7:00 pm. Motion carried unanimously.**

APPOINTMENT OF ALTERNATE MEMBER

Mr. Hebert stepped down at this time. Mr. Colbath appointed Mr. Cuddy as a voting member.

MOTIONS FOR REHEARING

A public meeting was opened at 7:05 pm to consider a **MOTION FOR REHEARING** requested by **DAVID WALKER REGARDING STEVEN B. AND ANITA S. CHENEY REVOCABLE TRUSTS** [FILE #21-34] in regard to §190-13.B.(3) of the Conway Zoning Ordinance **to allow the construction of a multi-unit storage building on an undersized lot** at 77 Old West Side Road, North Conway (PID 216-13). David Walker was in attendance.

A public meeting was opened 7:05 pm to consider a **MOTION FOR REHEARING** requested by **NANCY STEWART REGARDING STEVEN B. AND ANITA S. CHENEY REVOCABLE TRUSTS** [FILE #21-35] in regard to §190-13.B.(3) of the Conway Zoning Ordinance **to allow the construction of a multi-unit storage building on an undersized lot** at 77 Old West Side Road, North Conway (PID 216-13). Nancy Stewart was in attendance.

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Steven Cheney, owner, and Andrew Fisher of Ammonoosuc Survey Company were in attendance.

Mr. Chalmers stated he does not see any new information or information that we haven't heard, or a technical error. Mr. Bartolomeo stated it was .37 of an acre short out of six acres; that means it is 6% short which means he is 94% there. Mr. Bartolomeo stated if you received a 94 on a test that is an A mark. Mr. Colbath stated that is more than 6% of one acre. Mr. Bartolomeo stated it is 6.1% of the whole six acres. Mr. Colbath stated we are only dealing with the one acre for this unit.

Mr. Chalmers asked if that is new information. Mr. Bartolomeo answered in the negative. Mr. Colbath stated Mr. Walker's request states that they did not prove hardship in this case, but according to our worksheet the Board did say there was hardship. Mr. Colbath stated hardship is inherit in the land, not hardship to the applicant. Mr. Chalmers stated that is not new information, or information that was not available or presented.

Mr. Chalmers stated he doesn't see any new information that couldn't be presented at the last hearing nor does he see a technical error. Mr. Bartolomeo stated he read both letters and he came to the same conclusion; he didn't see anything new nor did he see a technical error.

Mr. Malia read the rehearing process from the ZBA handbook. Mr. Malia stated a rehearing can be granted based on a technical error or new evidence that was not available; if the Board feels that neither one of these motions for rehearing cause the Board to feel like they made a technical error that you wish to discuss some more or produces new evidence that wasn't available the first time around then the Board would deny them.

Mr. Chalmers made a motion, seconded by Mr. Bartolomeo, to grant the Motion for Rehearing requested by David Walker. Motion defeated with Mr. Steiner, Mr. Chalmers and Mr. Bartolomeo voting in the negative and Mr. Cuddy and Mr. Colbath voting in the affirmative.

Mr. Chalmers made a motion, seconded by Mr. Steiner, to grant the Motion for Rehearing requested by Nancy Stewart. Motion defeated with Mr. Steiner, Mr. Chalmers and Mr. Bartolomeo voting in the negative and Mr. Cuddy and Mr. Colbath voting in the affirmative.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Bartolomeo made a motion, seconded by Mr. Colbath, to approve the Minutes of September 15, 2021 as written. Motion carried with Mr. Steiner abstaining from voting.

2022 ZBA DATES AND SUBMITTAL DEADLINES

Mr. Chalmers made a motion, seconded by Mr. Bartolomeo, to approve the 2022 ZBA Dates and Submittal Deadlines as presented. Motion carried unanimously.

CONSULTATION WITH LEGAL COUNSEL

The Board was going to have a consultation with legal counsel after the meeting adjourned.

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Meeting adjourned at 7:21 p.m.

Respectfully Submitted,

Holly L. Whitelaw
Planning Assistant