

## ZONING BOARD OF ADJUSTMENT

### MINUTES

APRIL 17, 2024

A meeting of the Conway Zoning Board of Adjustment was held on Wednesday, April 17, 2024, at the Conway Town Office, 23 Main Street, in Conway, NH, beginning at 7:00 p.m. Those present were: Chair, John Colbath; Vice Chair, Andrew Chalmers; Jonathan Hebert; Jac Cuddy; Town Planner, Ryan O'Connor; Assistant Planner, Holly Whitelaw; Zoning Officer, Nicholas DeVito; and Assistant Building Inspector, James Hounsell.

#### **PUBLIC MEETING**

A public meeting was opened at 7:00 p.m. to consider a **MOTION FOR REHEARING** requested by **JAMES LIGHTMAN** [FILE #24-11] in regards to §190-8, §190-13, §190-27 and §190-31 of the Conway Zoning Ordinance; Env-Wq 1004.09(b) of the New Hampshire Code of Administrative Rules; and RSA 483-B of the New Hampshire Revised Statutes **to appeal the Building Inspector's issuance of a building permit to Michael and Catherine Hayes** at 432A Brownfield Road, Center Conway (PID 273-21). Notice was published in the Conway Daily Sun.

Attorney Mike Lewis of Rath Young Pignatelli, James Lightman, abutting property owner, and Michael Hayes, property owner, were in attendance.

Chair Colbath read the application and the applicable sections of the ordinances.

Mr. Colbath asked the applicant if they would like the meeting to proceed with four members or continue the public meeting until there is a five-member Board. Mr. Lightman agreed to proceed with four members.

The Board discussed the materials that were submitted in support of this motion and felt there was no new information relevant to the appeal. In response to the assertion that the building does not meet setback requirements, the Board did not remember addressing the setback of the building at the prior hearing. They agreed the real estate question of value was not germane to the issuance of the November building permit.

Mr. O'Connor said the placement of the building was an issue of the original building permit, so it cannot be revisited. He noted the side setbacks were properly indicated on the original permit.

The Board agreed no technical errors were made on behalf of the Board during the hearing. They said information was submitted that was beyond the scope of the last hearing. While there are issues and concerns, they are not relevant to what is being considered at this hearing.

**Mr. Chalmers made a motion, seconded by Mr. Hebert, to grant the rehearing. A roll call vote was taken: Cuddy – no; Chalmers – no; Hebert – no; Colbath – no. Motion was defeated unanimously.**

Meeting was adjourned at 7:16 pm.

Respectfully submitted,  
Beth Hanggeli