

ZONING BOARD OF ADJUSTMENT

MINUTES

JUNE 20, 2018

A meeting of the Conway Zoning Board of Adjustment was held on Wednesday, June 20, 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; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

PUBLIC HEARINGS

A public hearing was opened at 7:00 pm to consider a **SPECIAL EXCEPTION** requested by **LESLIE GREER** in regards to §190-13.B.(4)(b) of the Conway Zoning Ordinance to **allow an accessory apartment** at 57 Wedgewood Drive, Conway (PID 263-110). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, June 8, 2018.

Leslie Greer appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Ms. Sherman asked if this is in an existing building or would she be constructing a new building. Ms. Greer answered this would be new construction and stated she is building a garage and would like to have an apartment above the garage.

Mr. Colbath asked what the architectural design of the current house is. Ms. Greer stated it was built in 1980 and has a skinny townhouse design; it is three-stories that is built into the hillside. Mr. Colbath asked how big the lot is. Ms. Greer answered 2-acres. Mr. Colbath asked if there was ample parking. Ms. Greer answered in the affirmative and stated she is going to create more as well.

Mr. Colbath asked about the septic system. Ms. Greer stated the existing house has a septic and a well, and she has had a septic designed and approved by the State of New Hampshire for the accessory apartment. Ms. Sherman asked for public comment; there was none.

Ms. Sherman read item 1. **Mr. Colbath made a motion, seconded by Mr. Steiner, 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. Steiner, 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 there is sufficient parking 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 §190-13.B.(4)(b) of the Town of Conway Zoning Ordinance to allow an accessory apartment be granted. Motion carried unanimously.

Mr. Irving stated this is for full-time rentals and not short-term rentals. Ms. Greer stated she understood.

A public hearing was opened at 7:10 pm to consider a **VARIANCE** requested by **KATHY GARLAND/MICHAEL CORBRIDGE/MWV KUSTOMZ, LLC** in regards to §190-20.F.(2) of the Conway Zoning Ordinance **to allow an additional freestanding sign** at 545 Eastman Road, Center Conway (PID 252-37.4). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, June 8, 2018.

There was no in attendance representing the application. **Mr. Colbath made a motion, seconded by Mr. Bartolomeo, to continue the public hearing for Kathy Garland/Michael Corbridge/MWV Kustomz, LLC until 7:00 pm on July 18, 2018. Motion carried unanimously.**

A public hearing was opened at 7:14 pm to consider a **VARIANCE** requested by **SETTLER'S R1, INC.** in regards to §190-20.F(3) of the Conway Zoning Ordinance **to allow an additional wall sign** at 2 Common Court, North Conway (PID 235-99). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, June 8, 2018.

Dot Seybold of OVP Management appeared before the Board. Keith Wehmeyer of OVP Management was in attendance. Ms. Sherman read the application and the applicable section of the ordinance. Ms. Seybold stated this is building D; Brookstone is on one end and Eddie Bauer is on the other end. Ms. Seybold stated in 1998 new construction connected the old D building with the new D building with a courtyard. Ms. Seybold stated there is a spot where you enter a courtyard and then enter the interior courtyard where they can access the Fragrance Outlet. Ms. Seybold stated the sign would allow this some presence to a parking lot and helps the other stores within the interior courtyard.

Ms. Seybold stated this is a 21-square foot sign; the roof line covers the whole space. Ms. Seybold stated this is similar to what we have done in other buildings; in the dormer part there are restrooms and a courtyard. Mr. Bartolomeo asked what other stores are within this entrance. Ms. Seybold stated there are other stores, but they are not entitled to a wall sign as they do not share a wall.

Mr. Irving referred to a drawing showing the Fragrance Outlet entrance. Ms. Seybold stated the easiest way to go about this was a variance rather than an Appeal from Administrative Decision since they made the argument it is not entitled to the wall sign because the wall is not right up against an interior wall.

Ms. Sherman asked if spaces D46 through D58 and D2 all have common sides to the parking lot. Ms. Seybold answered in the affirmative. Ms. Sherman stated D6 through D18 do not. Ms. Seybold agreed. Mr. Irving stated the reason the sign permit was denied is because the Fragrance Outlet does not share a common wall in which the sign is located. Ms. Sherman stated she understands that, and the argument was that D19 does share some wall with the bathroom. Mr. Irving stated the Fragrance Outlet does not have a wall in common to the location of the proposed sign.

Mr. Bartolomeo asked if the sign would be held forward and back lit. Ms. Seybold answered in the negative. Mr. Irving stated it would be lighted by goosenecks. Ms. Seybold agreed. Mr. Irving stated staff has no issue one way or the other, it is how we interpret the ordinance. Ms. Sherman asked for public comment; there was none.

Ms. Sherman read item 1. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the variance will not be contrary to the public interest.** 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 the spirit of the ordinance is observed.** 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 substantial justice is done.** 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 values of surrounding properties are not diminished.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 5.a.i. **Mr. Colbath made a motion, seconded by Mr. Steiner, that no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 5.a.ii. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the proposed use is a reasonable use.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Colbath made a motion, seconded by Mr. Steiner, that based on i and ii above literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. **Motion carried unanimously.**

Ms. Sherman read item 5.b. **Mr. Colbath made a motion, seconded by Mr. Steiner, that item 5.b. is not necessary for this application. Motion carried unanimously.**

Mr. Colbath made a motion, seconded by Mr. Steiner, that, based on the forgoing findings of fact, the variance from §190-20.F.(3) of the Town of Conway Zoning Ordinance to allow an additional wall sign be granted. Motion carried unanimously.

A public hearing was opened at 7:31 pm to consider a **VARIANCE** requested by **CHRISTOPHER CRONIN** in regards to §190-30.B(2)(e) of the Conway Zoning Ordinance to **allow the raising of the existing structure to obtain a first floor elevation above the 100-year floodplain elevation** at 30 Moat Brook Drive, North Conway (PID 251-131). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, June 8, 2018.

Christopher Cronin appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Mr. Irving asked what the flood elevation is. Mr. Cronin stated he is not sure yet, he needs to have that determined. Mr. Irving asked what the current floor elevation above grade is. Mr. Cronin answered 30-inches. Mr. Irving asked how many feet of water was there in the house during the flood. Mr. Cronin answered 2-inches.

Mr. Irving suggested that the Board wait to act on this application until it can be demonstrated, as he does not think it needs to be eight feet higher. Mr. Irving stated putting any investment into the floodplain is problematic and raising it 8-feet above might cause structural issues. Mr. Irving asked if this is just floodplain or is the lot located within the floodway. Mr. Cronin stated he does not know.

Mr. Chalmers stated he would rather wait until further information was available and know what the flood elevation is as we could potentially be adding another story. Mr. Cronin stated he is not looking to add any more living space. Mr. Bartolomeo asked if it would require stairs. Mr. Cronin stated it would, but they can be added without expanding the footprint.

After a five-minute break, it was determined that this property is not located within the floodway. Mr. Colbath asked if this is a grandfathered property. Mr. Irving answered in the affirmative and stated that the previous owners did not want fair market value for the property and did not sell as part of the FEMA buy-out. Mr. Irving stated if the buyout was successful they would not be here. There was a brief discussion regarding how high above the flood elevation to raise the structure.

Mr. Chalmers stated this is still in a flood area, and we still have to send our emergency personnel to a hazard. Mr. Irving stated without the variance, the hazard exists. Mr. Irving stated this would be resolving an issue. There was a brief discussion regarding floodplain construction.

Adopted: July 18, 2018 – As Written

CONWAY ZONING BOARD OF ADJUSTMENT – JUNE 20, 2018

Ms. Sherman asked for public comment; Brett Masotta stated the 100-year flood seems to be changing more recently than it use to be, 2-feet may be safe today but, in the future, it may need to be higher.

Mr. Bartolomeo asked about the foundation. Mr. Cronin stated it would be a poured foundation with openings on each end. **Mr. Colbath made a motion, seconded by Mr. Steiner, to consider a height of 3-feet above the flood elevation.** Mr. Irving stated two-feet to the top of the foundation above the base elevation, puts the floor 3-feet. **Mr. Steiner withdrew his second; Mr. Colbath withdrew his motion.**

Mr. Bartolomeo moved, seconded by Mr. Steiner, to raise the floor elevation 3-feet above the base flood elevation. Motion carried unanimously.

Ms. Sherman read item 1. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the variance will not be contrary to the public interest.** 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 the spirit of the ordinance is observed.** 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 substantial justice is done.** 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 values of surrounding properties are not diminished.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 5.a.i. **Mr. Colbath made a motion, seconded by Mr. Steiner, that no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 5.a.ii. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the proposed use is a reasonable use.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Colbath made a motion, seconded by Mr. Steiner, that based on i and ii above literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Motion carried unanimously.

Ms. Sherman read item 5.b. **Mr. Colbath made a motion, seconded by Mr. Steiner, that item 5.b. is not necessary for this application. Motion carried unanimously.**

Ms. Sherman read item 6. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.** Ms. Sherman asked for Board comment; Mr. Bartolomeo stated make sure you are not pouring a box. Mr. Cronin agreed. **Motion carried unanimously.**

Ms. Sherman read item 7. **Mr. Colbath made a motion, seconded by Mr. Steiner, that item 7 is not necessary for this application. Motion carried unanimously.**

Ms. Sherman read item 8. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the variance is necessary, considering the flood hazard, to afford relief.** 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 variance from §190-30.B.(2)(e) of the Town of Conway Zoning Ordinance to allow the raising of the existing structure to obtain a first-floor elevation 3-feet above the 100-year floodplain elevation be granted. Motion carried unanimously.

A public hearing was opened at 8:11 pm to consider a **VARIANCE** requested by **BRETT AND KRISTIN MASOTTA** in regards to §190-30.B(2)(e) of the Conway Zoning Ordinance **to allow the raising of the existing structure to obtain a first floor elevation above the 100-year floodplain elevation** at 60 Brookview Road, North Conway (PID 250-183). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, June 8, 2018.

Brett Masotta appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Mr. Masotta stated he has a FEMA flood elevation for this lot. Mr. Colbath asked if this property is located within the floodway. Mr. Irving answered in the negative. Mr. Colbath asked if this is a primary home or a second home. Mr. Masotta answered it is a second home.

Ms. Sherman asked what the foundation is currently. Mr. Masotta answered it is a block and mortar foundation. Ms. Sherman asked if the foundation would remain open. Mr. Masotta answered in the affirmative. Mr. Bartolomeo asked if the new foundation would be poured concrete. Mr. Masotta answered in the affirmative. Ms. Sherman asked for public comment; there was none.

Ms. Sherman read item 1. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the variance will not be contrary to the public interest.** 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 the spirit of the ordinance is observed.** 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 substantial justice is done.** 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 values of surrounding properties are not diminished.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 5.a.i. **Mr. Colbath made a motion, seconded by Mr. Steiner, that no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 5.a.ii. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the proposed use is a reasonable use.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Colbath made a motion, seconded by Mr. Steiner, that based on i and ii above literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Motion carried unanimously.

Ms. Sherman read item 5.b. **Mr. Colbath made a motion, seconded by Mr. Steiner, that item 5.b. is not necessary for this application. Motion carried unanimously.**

Ms. Sherman read item 6. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 7. **Mr. Colbath made a motion, seconded by Mr. Steiner, that item 7 is not necessary for this application.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 8. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the variance is necessary, considering the flood hazard, to afford relief.** 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 variance from §190-30.B.(2)(e) of the Town of Conway Zoning Ordinance to allow the raising of the existing structure to obtain a first-floor elevation 3- feet above the 100-year floodplain elevation be granted. Motion carried unanimously.

Adopted: July 18, 2018 – As Written

CONWAY ZONING BOARD OF ADJUSTMENT – JUNE 20, 2018

A public hearing was opened at 8:23 pm to consider a **VARIANCE** requested by **ADVENTURE AND ENTERTAINMENT PROPERTIES, LLC** in regards to §190 – Attachment 2, Permitted Use Table of the Conway Zoning Ordinance **to allow the construction of an ADA accessible pool, associated concrete pad, ADA accessible bathrooms, and associated concrete walkways within the Floodplain Conservation Overlay District** at 1550 White Mountain Highway, North Conway (PID 246-22). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, June 8, 2018.

Josh McAllister of HEB Engineers appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Mr. Irving stated that the State adopted an expiration date, and if a variance or special exception are not exercised you lose it. Mr. Irving stated they did not exercise the approvals within the allowed window and they expired. Mr. Irving stated these are the same applications the Board reviewed a few years ago.

Mr. McAllister stated it is owned by the same owners and the only thing that changed on the application is the ordinance number because the Town changed its numbering.

Mr. Bartolomeo asked why they have not started the project. Mr. McAllister stated portions of the project have been completed, but not enough to be vested. Mr. McAllister stated there are no changes to what we were approved for previously. Mr. McAllister stated they requested to expand by 89 campsites in the field area and they have constructed 25 campsites through a non-applicable from the Planning Board. Mr. McAllister stated the second special exception request was for the infrastructure for the 89 campsite, however, they constructed the sewer without Planning Board approval. Mr. McAllister stated they will deal with that.

Mr. Chalmers stated they seemed in a hurry to get this done the last time they were here. Mr. McAllister stated we have looked at different things and during that time after we finally came up with a strategy the approvals expired. Mr. McAllister stated he has been working on this project for some time, but really have nothing in the ground yet. Mr. Colbath asked if they are looking to add the remaining 64 campsites. Mr. McAllister answered in the affirmative.

Mr. Colbath stated he thought the pavilion was to go away. Mr. McAllister stated there was discussion surrounding the pavilion, but its removal was not part of the final approval. Mr. Irving stated the final approval did not require the pavilion to be removed. Mr. Colbath asked what the existing sewer setup is. Mr. McAllister stated there is a pump station; there is a state approval for a forced main to additional storage which the campsites are connected to.

Mr. Bartolomeo stated we have approved this once and only thing that has changed is the ordinance number. Mr. McAllister agreed.

Ms. Sherman read item 1. **Mr. Colbath made a motion, seconded by Mr. Bartolomeo, that the variance will not be contrary to the public interest.** 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 the spirit of the ordinance is observed.** 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 substantial justice is done.** 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 values of surrounding properties are not diminished.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 5.a.i. **Mr. Colbath made a motion, seconded by Mr. Steiner, that no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 5.a.ii. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the proposed use is a reasonable use.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Colbath made a motion, seconded by Mr. Steiner, that based on i and ii above literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Motion carried unanimously.

Ms. Sherman read item 5.b. **Mr. Colbath made a motion, seconded by Mr. Steiner, that item 5.b. is not necessary for this application.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 6. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 7. **Mr. Colbath made a motion, seconded by Mr. Steiner, that item 7 is not necessary for this application.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 8. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the variance is necessary, considering the flood hazard, to afford relief.** 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 variance from §190 – Attachment 2, Permitted Use Table of the Town of Conway Zoning Ordinance to allow the construction of an ADA accessible pool, associated concrete pad, ADA accessible bathrooms, and associated concrete walkways within the Floodplain Conservation Overlay District be granted. Motion carried unanimously.

Adopted: July 18, 2018 – As Written

CONWAY ZONING BOARD OF ADJUSTMENT – JUNE 20, 2018

A public hearing was opened at 8:40 pm to consider a **SPECIAL EXCEPTION** requested by **ADVENTURE AND ENTERTAINMENT PROPERTIES, LLC** in regards to §190-26.B(1)(a) of the Conway Zoning Ordinance **to allow additional campsites to the open field at the existing commercial campground as a use compatible with open space within the Floodplain Conservation Overlay District** at 1550 White Mountain Highway, North Conway (PID 246-22). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, June 8, 2018.

Josh McAllister of HEB Engineers appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Mr. McAllister stated this is for 64 additional campsites. Mr. McAllister stated a NHDOT driveway permit was issued allowing 89 additional campsites and they have constructed 25 of those campsites.

Ms. Sherman read item 1. **Mr. Colbath made a motion, seconded by Mr. Steiner, that all development and substantial improvements shall comply with the minimum standards of the regulations of the National Flood Insurance Program contained in 44 CFR 60.3 and 44 CFR 60.6 (Code of Federal Regulations), as amended.** Ms. Sherman asked for Board comment; Mr. Colbath asked if these conditions have been met. Mr. McAllister answered in the affirmative. **Motion carried unanimously.**

Ms. Sherman read item 2. **Mr. Colbath made a motion, seconded by Mr. Steiner, that item 2 is not necessary for this application.** 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 granting of the special exception would not violate the general spirit of the ordinance nor would it create a public health or safety hazard.** 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 §190-26.B(1)(a) of the Town of Conway Zoning Ordinance to allow 64 additional campsites to the open field at the existing commercial campground as a use compatible with open space within the Floodplain Conservation Overlay District be granted. Motion carried unanimously.

A public hearing was opened at 8:46 pm to consider a **SPECIAL EXCEPTION** requested by **ADVENTURE AND ENTERTAINMENT PROPERTIES, LLC** in regards to §190-26.B(1)(d) of the Conway Zoning Ordinance **to allow the installation of a gravel drive and utility service to provide services to the expanded camping area within the Floodplain Conservation Overlay District** at 1550 White Mountain Highway, North Conway (PID 246-22). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, June 8, 2018.

Josh McAllister of HEB Engineers appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Mr. McAllister stated the sewer, water and utilities for all 89 campsites have been installed, and the gravel drives to the 25 campsites that have been constructed have been installed.

Ms. Sherman read item 1. **Mr. Colbath made a motion, seconded by Mr. Steiner, that all development and substantial improvements shall comply with the minimum standards of the regulations of the National Flood Insurance Program contained in 44 CFR 60.3 and 44 CFR 60.6 (Code of Federal Regulations), as amended.** 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 new and replacement water supply, replacement septic systems and sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into the floodwaters.** 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 item 3 is not necessary for this application.** 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 granting of the special exception would not violate the general spirit of the ordinance nor would it create a public health or safety hazard.** 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 §190-26.B.(1)(d) of the Town of Conway Zoning Ordinance to allow the installation of a gravel drive and utility service to provide services to the expanded camping area within the Floodplain Conservation Overlay District be granted. Motion carried unanimously.

A public hearing was opened at 8:49 pm to consider a **VARIANCE** requested by **ADVENTURE AND ENTERTAINMENT PROPERTIES, LLC** in regards to §190-28.C. of the Conway Zoning Ordinance **to allow the increase of impervious area within the Wetland and Watershed Protection Overlay District vegetated buffer to regrade the existing river access** at 1550 White Mountain Highway, North Conway (PID 246-22). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, June 8, 2018.

Josh McAllister of HEB Engineers appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Mr. McAllister stated this is a river access used by campers to get into the river. Mr. McAllister stated they would like to create a more gradual consistent grade. Mr. McAllister stated as part of this application the pathway is actually getting widened and going from gravel to concrete.

Adopted: July 18, 2018 – As Written

CONWAY ZONING BOARD OF ADJUSTMENT – JUNE 20, 2018

Mr. McAllister stated the expansion of the impervious area is in the wetland buffer and will be consistently 10-feet wide. Mr. McAllister stated this width provides ease of two-way traffic. Mr. Chalmers asked if this is only for campground use. Mr. McAllister answered in the affirmative.

Mr. Bartolomeo asked about the sides of the pathway. Mr. McAllister stated there would be a stone or concrete retaining wall, but they will not be cutting any trees. Mr. Colbath asked if this is in the floodway. Mr. McAllister stated this is entirely in the floodway.

Mr. Colbath asked if the concrete would displace water. Mr. McAllister stated it will probably provide more flood area. Mr. Colbath asked if it will erode. Mr. McAllister stated it would erode less. Mr. McAllister stated they have received a wetland permit and a shoreland permit. There was no public in attendance.

Ms. Sherman read item 1. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the variance will not be contrary to the public interest.** 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 the spirit of the ordinance is observed.** 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 substantial justice is done.** 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 values of surrounding properties are not diminished.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 5.a.i. **Mr. Colbath made a motion, seconded by Mr. Steiner, that no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 5.a.ii. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the proposed use is a reasonable use.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Colbath made a motion, seconded by Mr. Steiner, that based on i and ii above literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. **Motion carried unanimously.**

Ms. Sherman read item 5.b. **Mr. Colbath made a motion, seconded by Mr. Bartolomeo, that item 5.b is not necessary for this application.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

CONWAY ZONING BOARD OF ADJUSTMENT – JUNE 20, 2018

Ms. Sherman read item 6. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 7. **Mr. Colbath made a motion, seconded by Mr. Steiner, that if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 8. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the variance is necessary, considering the flood hazard, to afford relief.** 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 variance from §190-28.C. of the Town of Conway Zoning Ordinance to allow the increase of impervious area within the Wetland and Watershed Protection Overlay District vegetated buffer to regrade the existing river access be granted. Motion carried unanimously.

A public hearing was opened at 9:08 pm to consider a **SPECIAL EXCEPTION** requested by **ADVENTURE AND ENTERTAINMENT PROPERTIES, LLC** in regards to §190-26.B(1)(a) & (c) of the Conway Zoning Ordinance **to allow the expansion of an existing river access area as a use compatible with open space within the Floodplain Conservation Overlay District** at 1550 White Mountain Highway, North Conway (PID 246-22). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, June 8, 2018.

Josh McAllister of HEB Engineers appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Mr. McAllister stated this is to allow the access and walkway within the floodplain. Mr. Irving stated it is within the floodway as well. Mr. Bartolomeo asked the quantity of the area of expansion. Mr. McAllister stated he did not have a number, but it is a small area. There was no public in attendance.

Ms. Sherman read item 1. **Mr. Colbath made a motion, seconded by Mr. Steiner, that all development and substantial improvements shall comply with the minimum standards of the regulations of the National Flood Insurance Program contained in 44 CFR 60.3 and 44 CFR 60.6 (Code of Federal Regulations), as amended.** 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 all fill, new construction, substantial improvements and other development within the floodway shall be prohibited unless the applicant's New Hampshire registered engineer can show the activity would not result in any increase in flood hazard within the Town of Conway.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Adopted: July 18, 2018 – As Written

CONWAY ZONING BOARD OF ADJUSTMENT – JUNE 20, 2018

Ms. Sherman read item 3. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the granting of the special exception would not violate the general spirit of the ordinance nor would it create a public health or safety hazard.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

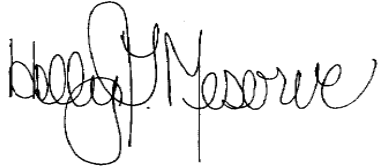
Mr. Colbath made a motion, seconded by Mr. Steiner, that, based on the forgoing findings of fact, the Special Exception pursuant to §190-26.B.(1)(a) & (c) of the Town of Conway Zoning Ordinance to allow the expansion of an existing river access area as a use compatible with open space within the Floodplain Conservation Overlay District be granted. Motion carried unanimously.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Bartolomeo made a motion, seconded by Mr. Colbath, to approve the Minutes of April 18, 2018 as written. Motion carried with Mr. Steiner abstaining from voting.

Meeting adjourned at 9:20 pm.

Respectfully Submitted,



Holly L. Meserve
Recording Secretary