

ZONING BOARD OF ADJUSTMENT

MINUTES

SEPTEMBER 21, 2016

A meeting of the Conway Zoning Board of Adjustment was held on Wednesday, September 21, 2016 at the Conway Town Office in Center Conway, NH, beginning at 7:00 pm. Those present were: Chair, Phyllis Sherman; Vice Chair, John Colbath; Andrew Chalmers; Luigi Bartolomeo; Dana Hysten; Alternate, 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 **VARIANCE** requested by **HG PROPERTIES LLC/HARRY GULATI** in regards to §147.13.7.6.1.4 of the Conway Zoning Ordinance **to allow a freestanding sign within the side setback** at 2759 White Mountain Highway, North Conway (PID 218-57). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, August 5, 2016 and Friday, September 9, 2016. This was continued from August 17, 2016.

Harry Gulati appeared before the board. Ms. Sherman read the application and the applicable section of the ordinance. Sheila Duane of the River Run Company was in attendance. Mr. Irving submitted a sketch to the Board with the agreed upon location. Ms. Sherman asked for Board comment; Mr. Bartolomeo asked if this meets the abutters approval. Ms. Duane answered in the affirmative.

Ms. Sherman asked for public comment; Ms. Duane asked for an arrow on the sign so his clients will not be going into the Cupcakery. Ms. Sherman stated it should have an arrow or it would blend in with the abutting property. Mr. Bartolomeo asked Mr. Gulati if he could accommodate that. Mr. Gulati answered in the affirmative.

Mr. Colbath asked if they could make the arrow a part of the approval. Mr. Irving stated the Board could make it a part of the approval, but he does not know if it is enforceable. Ms. Duane stated the minutes will reflect that it was discussed. Mr. Bartolomeo stated once the customers know where you are this won't matter, this is really for new clients. Mr. Gulati agreed.

Ms. Sherman read item 1. **Mr. Colbath made a motion, seconded by Mr. Chalmers, that the variance will not be contrary to the public interest.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 2. **Mr. Colbath made a motion, seconded by Mr. Chalmers, that the spirit of the ordinance is observed.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 3. **Mr. Colbath made a motion, seconded by Mr. Chalmers, that substantial justice is done.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Adopted: December 21, 2016 – As Written

CONWAY ZONING BOARD OF ADJUSTMENT – SEPTEMBER 21, 2016

Ms. Sherman read item 4. **Mr. Colbath made a motion, seconded by Mr. Chalmers, that the values of surrounding properties are not diminished.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 5.a.i. **Mr. Colbath made a motion, seconded by Mr. Chalmers, 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 unanimously carried.**

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

Mr. Colbath made a motion, seconded by Mr. Chalmers, that based on i and ii above literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

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

Mr. Colbath made a motion, seconded by Mr. Hylan, that, based on the forgoing findings of fact, the variance from §147.13.7.6.1.4 of the Town of Conway Zoning Ordinance to allow a freestanding sign within the side setback be granted with the sign to be placed 12.5' east of the road right-of-way [White Mountain Highway] and 4" south of the River Run [PID 218-56 – Tarberry Company, LLC] property line. **Motion unanimously carried.**

OTHER BUSINESS

Resignation of Alternate Member: Mr. Irving informed the Board of the resignation of Martha Tobin. Mr. Colbath stated that the Town appreciates her years of service not only on the ZBA, but also on the Planning Board. Mr. Colbath stated that she was a very important member.

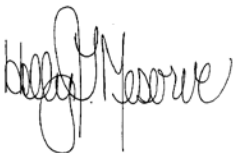
2017 ZBA Dates and Submittal Deadlines: **Mr. Hylan made a motion, seconded by Mr. Colbath, to approve the 2017 ZBA Dates and Submittal Deadlines.** **Motion unanimously carried.**

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Colbath made a motion, seconded by Mr. Bartolomeo to approve the Minutes of August 17, 2016 as written. **Motion unanimously carried.**

Meeting adjourned at 7:15 pm.

Respectfully Submitted,



Holly L. Meserve, Recording Secretary