

ZONING BOARD OF ADJUSTMENT

MINUTES

FEBRUARY 19, 2014

A meeting of the Conway Zoning Board of Adjustment was held on Wednesday, February 19, 2014 at the Conway Town Office in Center Conway, NH, beginning at 7:30 pm. Those present were: Chair, Phyllis Sherman; Vice Chair, John Colbath; Andrew Chalmers; Dana Hylan; Luigi Bartolomeo; Alternate, Martha Tobin; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

SECOND READING OF THE ZONING BOARD OF ADJUSTMENT BYLAWS REGARDING STARTING TIME

Ms. Sherman read the attached amendment to the bylaws. **Mr. Colbath made a motion, seconded by Mr. Bartolomeo, to adopt the Bylaws regarding the starting time. Motion unanimously carried.**

REVIEW AND ACCEPTANCE OF MINUTES

The Board reviewed a letter from John Sokul Jr dated February 7, 2014. **Mr. Colbath made a motion, seconded by Mr. Chalmers, to approve the Minutes of January 15, 2014 as written. Motion carried with Mr. Hylan abstaining from voting.**

PUBLIC HEARINGS

A public hearing was opened at 7:50 pm to consider a **SPECIAL EXCEPTION** requested by **ALEXANDER FRANKE** in regards to §147.13.1.2.4.2 of the Conway Zoning Ordinance **to allow an accessory apartment** at 23 White Oak Drive, Conway (PID 266-19). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, February 7, 2014.

Alexander Franke appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Mr. Franke stated that there is a loft over a garage that would be the apartment. Mr. Franke stated that he has received a septic approval, he lives in the main house, the apartment would be 24' x 27' and not more than 800 square feet and there is plenty of parking on the site. There was no public in attendance.

Ms. Sherman read item 1. **Mr. Colbath made a motion, seconded by Mr. Chalmers, that the apartment is accessory to an owner-occupied single family dwelling. Motion unanimously carried.**

Ms. Sherman read item 2. **Mr. Colbath made a motion, seconded by Mr. Chalmers, that the apartment is no less than 300 square feet and no greater than 800 square feet. Motion unanimously carried.**

Ms. Sherman read item 3. **Mr. Colbath made a motion, seconded by Mr. Chalmers, that the apartment is architecturally compatible with the neighborhood. Motion unanimously carried.**

Adopted: March 19, 2014 – As Written

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Ms. Sherman read item 4. **Mr. Colbath made a motion, seconded by Mr. Chalmers, that sufficient parking is located on site. Motion unanimously carried.**

Mr. Colbath made a motion, seconded by Mr. Chalmers, that, based on the forgoing findings of fact, the Special Exception pursuant to §147.13.1.2.4.2 of the Town of Conway Zoning Ordinance to allow an accessory apartment be granted. Motion unanimously carried.

Meeting adjourned at 7:55 pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Holly L. Meserve". The signature is written in a cursive, flowing style.

Holly L. Meserve
Recording Secretary

Chapter A153

Zoning Board of Adjustment Procedures

1. AUTHORITY

These rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated, 1983, Chapter 676: 1, and the zoning ordinance of the Town of Conway.

2. OFFICERS

- a. A chairman shall be elected annually by a majority vote of the Board at the first scheduled meeting after the Annual Town Meeting. The chairman shall preside over all meetings and hearings, appoint such committees as directed by the board and shall affix his/her signature in the name of the board.
- b. A vice-chairman shall be elected annually by a majority vote of the Board at the first scheduled meeting after the Annual Town Meeting. The vice-chairman shall preside in the absence of the chairman and shall have the full powers of the chairman on matters that come before the board during the absence of the chairman.
- c. All officers shall serve for one (1) year and shall be eligible for reappointment.

3. MEMBERS AND ALTERNATES

- a. Members must reside in the community and they are expected to attend each meeting of the Board to exercise their duties and responsibilities. Any member unable to attend a meeting shall notify the chairman as soon as possible. Members shall participate in the decision making process and vote to approve or disapprove all motions under consideration.
- b. Up to five (5) alternate members shall be appointed, as provided for by the local legislative body, and should attend all meetings to familiarize themselves with the workings of the board to stand ready to serve whenever a regular member of the board is unable to fulfill his/her responsibilities. Alternates may ask questions during public hearings however they are not permitted to otherwise participate in discussions, deliberations, motions, seconds or votes unless they are appointed to replace an absent Board Member.

4. MEETINGS

- a. Regular meetings shall be held as necessary at the Conway Town Offices in Center Conway at 7:00 pm ~~7:30 pm~~, on the third Wednesday of each month. Other meetings may be held and/or locations may be used on call of the chairman provided public notice and notice to each member is given at least twenty-four (24) hours excluding Sundays and legal holidays prior to such meetings.
- b. Town staff shall provide technical assistance as well as maintain a record of all meetings, transactions and decisions of the Board.
- c. Quorum. A quorum for all meetings of the Board shall be three members, including alternates sitting in place of members. In the event that less than 5 members are present, the applicant shall be offered the choice of having the appeal heard with the present members or to have the hearing continued until five (5) members can be present to hear the appeal.

RSA 674:33,111 provides that "...the concurring vote of three (3) members of the Board shall be necessary to reverse any action of an administrative official or to