

ZONING BOARD OF ADJUSTMENT

MINUTES

OCTOBER 22, 2008

A meeting of the Conway Zoning Board of Adjustment was held on Wednesday, October 22, 2008 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; Alternate, Cynthia Briggs; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve. Code Enforcement Officer, James Yeager, was in attendance.

APPOINTMENT OF ALTERNATE MEMBER

Ms. Sherman appointed Ms. Briggs as a voting member.

PUBLIC HEARINGS

A public hearing was opened at 7:37 pm to consider an amendment to **CHAPTER A153.4.A** of the Zoning Board of Adjustment Procedures to change the meeting dates from the fourth Wednesday of the month to the third Wednesday of the month. Notice was published in the Conway Daily Sun.

The public hearing was opened at 7:37 pm. Ms. Sherman asked for Board comment; there was none. Ms. Sherman asked for public comment; there was none. The public hearing was closed at 7:38 pm. **Mr. Colbath made a motion, seconded by Mr. Chalmers, to continue the public hearing until November 19, 2008 at 7:30 pm. Motion unanimously carried.**

A public hearing was opened at 7:39 pm to consider a **SPECIAL EXCEPTION** requested by **ROUTE 112 REALTY, LLC** in regard to §147.14.1.2 of the Conway Zoning Ordinance to convert an ice cream shop to retail space at 175 Kancamagus Highway, Conway (PID 264-35). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, October 10, 2008.

Ms. Meserve stated that the applicant has requested a continuance because they may have someone who wants to operate a restaurant and if that is the case a change of use would not be necessary. **Mr. Colbath made a motion, seconded by Ms. Briggs, to continue the public hearing for Route 112 Realty, LLC until November 19, 2008 at 7:35 pm. Motion unanimously carried.**

OTHER BUSINESS

Hurst Family Realty, LLC/Saco River Campground (PID 246-22 – File #08-27 & 28)
Motion of rehearing – File #08-36: Mr. Chalmers stepped down at this time. Ms. Sherman asked if the Board had any questions; there was none. Ms. Sherman asked if there was any new

Adopted: November 19, 2008 – As Written
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information provided to the Board that was not available for the first hearing. Mr. Colbath, Ms. Briggs and Ms. Sherman answered in the negative. Ms. Sherman asked if there was a technical error. Mr. Colbath, Ms. Briggs and Ms. Sherman answered in the negative.

Mr. Colbath made a motion, seconded by Ms. Briggs, to deny the Motion for Rehearing requested by Hurst Family Realty, LLC/Saco River Campground. Motion unanimously carried.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Chalmers rejoined the Board at this time. **Mr. Colbath made a motion, seconded by Mr. Chalmers, to approve the Minutes of September 24, 2008 as written. Motion unanimously carried.**

PUBLIC HEARINGS CONTINUED

A public hearing was opened at 7:45 pm to consider a **VARIANCE** requested by **RANDY AND THERESE DAVISON** in regard to §147.13.1.9 of the Conway Zoning Ordinance to allow a yard sale for more than six days at 96 East Main Street, Conway (PID 265-173). Notice was published in the Conway Daily Sun and certified notices were sent to abutters on Friday, October 10, 2008.

Randy Davison appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Ms. Sherman stated that only four members were present and the applicant is entitled to a five-member Board. Ms. Sherman asked if the applicant would like to proceed with four-members or continue the hearing until a five-member Board is present. Mr. Davison stated that he would like to continue the hearing until there are five members present.

Mr. Colbath made a motion, seconded by Ms. Briggs, to continue the public hearing requested by Randy and Therese Davison until November 19, 2008 at 7:40 pm. Motion unanimously carried.

OTHER BUSINESS CONTINUED

Application Fee: Mr. Irving stated that the fee for Zoning Board of Adjustment applications have not changed since approximately 1991. Mr. Irving stated at the next meeting he would be requesting that the Board change their fee from \$40 to \$100.

Meeting adjourned at 8:10 pm.

Respectfully Submitted,

Holly L. Meserve
Planning Assistant