

A meeting of the Zoning Board of Appeals was held July 7, 2008, for the purpose of reviewing applications.

MEMBERS PRESENT

William Truesdell, Chair
Bruce Goodwin
Harry Story
Pam Murray
Thom Watson
Eleanor Holland

MEMBERS ABSENT

Rick Davis

STAFF PRESENT

Scott Davis, Codes Enforcement Officer
Morgan Decker, Recording Secretary

Chair William Truesdell called the meeting to order in the Zoning and Planning Room at 7:00 p.m.

Mr. Truesdell stated the following: "Welcome. The July 7, 2008 meeting of the Bath Zoning Board of Appeals will come to order. I appreciate your presence here and your recognition of the authority of this board. This is a public proceeding and, unless the Board specifically votes to go into executive session, you have the right to hear everything that is being said and to look at all of the exhibits that are offered. Please notify me if you are unable to hear or see. The Board works from a prepared agenda and will be considering tonight's items in the following order." Mr. Truesdell read the agenda.

"Generally speaking, appeals from adverse decisions must be filed with the appropriate Appeals Board or Superior Court, as otherwise provided by law, within 45 days of this Board's decision. Also, to be certain that you preserve your individual right to file any such appeal, you must be certain that this Board's record evidences your appearance this evening in opposition and the basis for your opposition. Are there any questions?"

Hearing no questions, Mr. Truesdell called on John Murray to present his appeal.

Appeal Number 1017

Request from John Murray for an expansion of a non-conforming structure at 1 Curtis Place (Map 20, Lot 299) in the R4 Zone.

Mr. Murray introduced himself and stated that he and his wife have owned the property since 2004. Mr. Murray had started rebuilding the existing accessory structures prior to knowing he needed approval to do so. The dock shed, located closer than 25 feet to the shoreline, is proposed to be built on the same footprint but about a foot taller due to needing a steeper slope on the roof to better shed snow.

Mr. Watson asked Mr. Murray why he could not move the accessory structure further back from the shoreline. Mr. Murray replied that the building is backed up to a steep ledge, which would mean the building would need to be placed in the middle of his lawn. Mr. Murray is concerned that having the structure in his lawn would detract from his and his neighbor's property.

MR. WATSON MOVED, SECONDED BY MR. STORY TO APPROVE THE REQUEST AS THE STRUCTURE CONFORMS TO THE GREATEST EXTENT PRACTICAL

UNANIMOUS APPROVAL

Appeal Number 1018

Request from Midcoast Federal Credit Union, being represented by Belanger Engineering, for an expansion of a non-conforming use at 831 Middle Street (Map 26, Lot 161) in the C2 Zone.

Mrs. Murray informed the Board that she is close friends with two Midcoast FCU board members, but had not discussed this application at all. Mrs. Murray asked if the Board would like her to recuse herself. The Board found no conflict of interest and agreed to let Mrs. Murray participate.

Chris Belanger, of Belanger Engineering, said the existing credit union sits on three lots which have been merged to form one lot. The credit union is proposing to demolish the existing 750 square-foot residence and replace it with a 1,400 square-foot building which will be an annex to the credit union. In addition, parking and traffic flow will be changed.

Mr. Truesdell questioned whether this new building is an expansion of a non conforming use, since it will be used as an office building, and not have a drive up service window. Scott Davis commented that he felt the use of the site was for the credit union, that has a drive through, and that the new building is an accessory building and an expansion of that use. The Board agreed with his interpretation and continued to review the project.

The Board voted on the approval criteria of section 6.03

Item A. UNANIMOUS

Item B. UNANIMOUS

Item C. UNANIMOUS

Item D. UNANIMOUS

Item E. UNANIMOUS

MR. STORY MOVED, SECONDED BY MR. WATSON TO APPROVE THE NON-CONFORMING USE AS PRESENTED

Scott Davis brought up the fact that the building will have a full basement, that will house the heating plant and some miscellaneous storage, and questioned whether that Board felt that that floor area should be counted toward the allowable expansion. The Board discussed this and felt that since it's not part of the building used for banking and/or access by customers, it should not be counted.

The Board then voted, and the result was a **UNANIMOUS APPROVAL**

Minutes of the May 5, 2008 meeting

MRS. MURRAY MOVED, SECONDED BY MR. STORY TO APPROVE THE MINUTES OF THE MAY 5, 2008 MEETING AS PRESENTED

UNANIMOUS APPROVAL

There being no further business before the Board, **MR. STORY MOVED, SECONDED BY MRS. MURRAY TO ADJOURN THE MEETING**

UNANIMOUS APPROVAL

Meeting adjourned at 7:31 p.m.

Minutes prepared by Morgan Decker, Recording Secretary