

A meeting of the Zoning Board of Appeals was held September 8, 2008 for the purpose of reviewing applications.

MEMBERS PRESENT

William Truesdell, Chair
Bruce Goodwin
Pam Murray
Harry Story
Eleanor Holland
Thomas Watson
Rick Davis

MEMBERS ABSENT**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 September 8, 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 the applicant to present his appeal.

Appeal Number 1019

Request from Kim Grose and Sioban McCoy for a replacement of a non-conforming structure at 1479 Washington Street (Map 13, Lot 58) in the R4 zone.

Karl Grose introduced himself, and said he would be representing the applicant, who is his sister. Before continuing, Ms. Murray disclosed to the Board that she is a former employee of the Grose's, but does not believe there is any conflict. Mr. Watson also said he represents the applicant's sister-in-law in an unrelated matter. Both asked the Board to vote to let them participate.

MR. GOODWIN MOVED, SECONDED BY MR. WATSON THAT THERE IS NO CONFLICT OR FINANCIAL GAIN FROM EITHER PARTY

5 IN FAVOR (TRUESDELL, HOLLAND, DAVIS, GOODWIN, STORY), 0 OPPOSED, 2 ABSTAINED (WATSON, MURRAY)

Mr. Grose told the Board that applicant is proposing to replace the existing garage, which is in grave disrepair with an identical garage with the exception that the proposed garage will be two feet shorter, consequently making it set back two feet further from the road. Mr. Grose described the current garage design as only being in contact with land about three feet in, with the remaining weight of the structure resting on posts. The applicant is also proposing to install a full frost wall rather than erect the proposed garage on posts. Mr. Grose said the applicant is in process of obtaining a Permit by Rule from the Maine Department of Environmental Protection to build the frost wall, as well as adding some large rocks to the shoreline to support the frost wall.

Mr. Truesdell opened the public session of the proceedings for members of the public wishing to comment.

Lynn True, 1475 Washington Street, said she abuts the property to the south and is very much in favor of replacing the structure. Ms. True said the existing structure is very unstable and she is concerned that it poses a safety hazard. Mrs. True added that a new garage would enhance the neighborhood.

Hearing no further public comment, Mr. Truesdell closed the public portion of the meeting and returned to the Board for further discussion.

The Board discussed the articles of the Land Use Code that apply to this appeal (Section 6.05), and whether or not this appeal meets the conditions.

MR. WATSON MOVED, SECONDED BY MRS. MURRAY THAT THE PROPOSED STRUCTURE MEETS THE REQUIREMENTS

UNANIMOUS APPROVAL

Minutes approval of July 7, 2008 meeting

MS. MURRAY MOVED, SECONDED BY MS. HOLLAND TO ACCEPT THE MINUTES OF THE JULY 7, 2008 MEETING AS PRESENTED

UNANIMOUS APPROVAL

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

UNANIMOUS APPROVAL

Meeting adjourned 7:10 p.m.

Minutes prepared by Morgan Decker, Recording Secretary