

MEMBERS PRESENT:

William Truesdell, Chair
Pam Murray
Harry Story
Madeline Williams
Thomas Watson

MEMBERS ABSENT:

Tim Beaulieu

VISITORS PRESENT: 1**STAFF PRESENT:**

Scott Davis, Codes Enforcement Officer
Marsha Hinton, Recording Secretary

AGENDA**Appeal Number 1006**

Elmhurst Inc. Request for Sign Code Waiver at 400 Centre Street, Map 28, Lot 190 (continued from December 5, 2005, meeting).

Minutes Approval December 5, 2005

Chair William Truesdell called the meeting to order at 7:00 p.m.

Mr. Truesdell stated the following: "Welcome. The February 6, 2006, 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?"

Mr. Truesdell asked if there were any questions. Hearing none, he called on Darlene MacKinnon who was here to present the case for the first item on the agenda:

Appeal Number 1006

Elmhurst Inc. Request for Sign Code Waiver at 400 Centre Street, Map 28, Lot 190.

Darlene MacKinnon, Executive Director Elmhurst, Inc., stated that they were requesting a larger than allowed sign on the building. Ms. MacKinnon explained that for those who

may not be familiar with the location the sign on the building would identify Elmhurst, Inc. Ms. MacKinnon stated that there is no lighting proposed for this sign.

William Truesdell asked how Elmhurst came to acquire this building and what the sign requirements were across Centre Street from the Elmhurst building.

Ms. MacKinnon answered that the building was a donation from the City of Bath.

Scott Davis, Codes Enforcement Officer, answered that across Centre Street was a C2 zone and the sign code would allow for a much larger sign. Mr. Davis explained the formula for determining sign size.

Zoning Board of Appeals consideration of § 3.21 of the Sign Code Ordinance.

- A. That the need for the waiver is due to the unique circumstances of the property, its location or unusual configuration of structure or property boundaries, and is not due to the general characteristics of the neighborhood.

The Zoning Board agreed unanimously that criteria A is met because it is a commercial use and across Centre Street the zone is a C2 zone.

- B. That the granting of the waiver will not alter the essential character of the neighborhood or impact in a negative fashion surrounding properties.

The Zoning Board agreed unanimously that criteria B is met.

- C. That the hardship is not the result of action taken by the applicant or prior owner on their own to create the hardship;

The Zoning Board agreed unanimously that criteria C is met because this is a donated building and therefore not a result of action taken by the applicant.

- D. That the design of the sign is generally consistent with the sign design standards for the district in which the sign is to be located.

The Zoning Board agreed unanimously that criteria D is met since it is across the street from a C2 zone which would allow for a much larger sign.

TOM WATSON MOVED, SECONDED BY HARRY STORY TO APPROVE THE REQUEST FOR SIGN CODE WAIVER AT 400 CENTRE STREET, MAP 28, LOT 190 WITH THE CONDITION THAT IF IN THE FUTURE ELMHURST, INC., SHOULD DESIRE TO LIGHT THE SIGN THAT THEY COMPLY WITH THE ORDINANCES AS DETERMINED BY THE CODES ENFORCEMENT OFFICER.

UNANIMOUS APPROVAL

William Truesdell, Chair, reminded the applicant that the public has 45 days in which to file an appeal of this decision.

The Zoning Board discussed the following correction to the December 5, 2005 minutes:

"Mr. Truesdell stated the following: "Welcome. The ~~May 5, 2003~~ *December 5, 2005*, 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."

**THOMAS WATSON MOVED, SECONDED BY PAM MURRAY, TO APPROVE THE MINUTES OF DECEMBER 5, 2005, AS AMENDED.
UNANIMOUS APPROVAL**

**WILLIAM TRUESDELL MOVED, SECONDED BY HARRY STORY, THAT THE MEETING BE ADJOURNED.
UNANIMOUS APPROVAL**

The zoning board adjourned at 7:12 p.m.

Respectfully submitted,

Marsha Hinton, Recording Secretary