

MEMBERS PRESENT:

Bruce Goodwin, Vice Chair
Harry Story
Jennifer DeChant
Thomas Watson
Nate Bowditch

MEMBERS ABSENT:

William Truesdell, Chair
Pam Murray

VISITORS PRESENT: 4**STAFF PRESENT:**

Scott Davis, Codes Enforcement Officer
Marsha Hinton, Recording Secretary

AGENDA

Elmhurst Inc., 400 Centre Street – Expansion of a non-conforming use.

Minutes Approval December 6, 2004

Vice Chair Bruce Goodwin called the meeting to order at 7:00 p.m.

Mr. Goodwin stated the following: “Welcome. The April 4, 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. Goodwin 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. Goodwin asked if there were any questions. Hearing none, he called on who was here to present his case for the first item on the agenda:

Elmhurst Inc., 400 Centre Street – Expansion of a non-conforming use.

Charlie Wiercinski, Site Lines and Darleen MacKinnon, Executive Director of Elmhurst, directed the Board’s attention to the drawing of the proposed building. Mr. W stated that the proposal was a legal non-conforming use having been in existence since 1984 and would only be an expansion of 31 ½ % more than the current structure. Mr. W

discussed hours of operation, noise glare, vibration, smoke, dust, odor, fire hazards, traffic hazards, appearance, landscaping, and unsanitary conditions.

The Zoning Board of Appeals discussed lighting, landscaping, drainage, curb cuts, hours of operation, construction time line, percentage of expansion, building materials, demolition of existing structures, sewage, and traffic circulation.

Vice Chair Bruce Goodwin opened the floor to members of the public who wished to comment.

Steve Harper and Michelle Johnson, abutters, stated that they were concerned with the drainage from the site and pointed out the problems that have existed since 1964. Mr. Harper also stated that he felt the proposal would help correct the current issues with drainage.

There being no further comments from members of the public, Vice Chair Bruce Goodwin closed the public portion of the meeting.

Zoning Board of Appeals consideration of Land Use Code Section 6.03 E 2.

(a) The hours of operation are decreased or not increased.

The Zoning Board of Appeals agreed unanimously that criteria (a) is met.

(b) Undesirable effects such as noise, glare, vibration, smoke, dust, odor, or fire hazard are decreased or not increased.

The Zoning Board of Appeals agreed unanimously that criteria (b) is met.

(c) Hazardous traffic conditions are minimized or not increased and the amount of traffic is decreased or not increased.

The Zoning Board of Appeals agreed unanimously that criteria (c) is met.

(d) The appearance of the property from public ways and abutting properties is improved and the value of adjacent properties will not be adversely affected.

The Zoning Board of Appeals agreed unanimously that criteria (d) is met.

(e) Unsanitary conditions as a result of sewage disposal, air emissions, or other aspects of its design or operation will not be created.

The Zoning Board of Appeals agreed unanimously that criteria (e) is met.

Vice Chair Bruce Goodwin stated that the request for expansion of a non-conforming use had been approved and reminded the applicant that the Board's decision is subject to appeal for 30 days.

Minutes of December 6, 2004

HARRY STORY MOVED, SECONDED BY THOMAS WATSON, TO APPROVE THE MINUTES OF DECEMBER 6, 2004.

UNANIMOUS APPROVAL

There being no further business before the board, **NATE BOWDITCH MOVED, SECONDED BY JENNIFER DECHANT, THAT THE MEETING BE ADJOURNED.**

UNANIMOUS APPROVAL

The zoning board adjourned at 7:30 p.m.

Respectfully submitted,

Marsha Hinton, Recording Secretary