

A meeting of the Zoning Board of Appeals was held May 4, 2015 for the purpose of reviewing applications.

MEMBERS PRESENT

William Truesdell, Chair
Thomas Watson, Vice Chair
Bruce Goodwin
Eleanor Holland
Pam Murray
Joe Marchetti
Albert Ferguson

MEMBERS ABSENT**STAFF PRESENT**

Scott Davis, Codes Enforcement Officer
Marsha Hinton, Recording Secretary

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

Mr. Truesdell stated the following: "Welcome. The May 4, 2015 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 requested the applicant present the appeal.

Appeal Number 1029

Request from Rok Morin and of Holland Chiropractic, for a sign code waiver at 36 School Street (Map 27, Lot 69.)

Dr. Morin described visibility issues with the current signage along the access ramp to Route One and comments from customers indicating they were unaware that there was any signage at all. Dr. Morin described the proposed replacement signage and showed photographs of existing signage in the area. Dr. Morin emphasized his desire to reflect the character of the area with the proposed sign.

The Zoning Board of Appeals discussed the nature of the appeal before them, the inappropriateness of bringing new materials to the meeting without allowing the Zoning Board of Appeals the opportunity to review those materials in advance of the meeting, lighting, the code violations of both width and square footage of the proposed sign, the unique circumstances of the property, traffic speed for the on ramp, materials to be used for the proposed sign, visibility, the posts, height, and traffic/pedestrian safety issues.

There being no further comment from the Zoning Board of Appeals, Mr. Truesdell read the waiver requirements of the Sign Ordinance and polled the Board regarding the following criteria:

- 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 Board unanimously agreed that this application meets standard A because the location of the property is unique being under the viaduct and along the access ramp.

- B. That the granting of the waiver will not alter the essential character of the neighborhood or impact in a negative fashion surrounding properties particularly as relates to lighting, additional pedestrian and vehicle traffic as a result of signage, screening of the pedestrian or vehicle traffic, noise or similar types of impact;

The Board unanimously agreed that this application meets standard B as long as the code enforcement officer has final approval on the lighting to be used for the sign.

- 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 Board's vote was split with Ms. Murray, Mr. Goodwin, and Mr. Marchetti voting in favor and Mr. Watson, Mr. Truesdell, Ms. Holland, and Mr. Ferguson voting against. Those voting against cited the violations of the Sign Ordinance and need for more formal specificity in what the Board was being asked to waive. Standard C fails.

- 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 Board unanimously agreed that this application meets standard D because the site is unique.

Mr. Truesdell stated that Appeal Number 1029 a request from Rok Morin and of Holland Chiropractic, for a sign code waiver at 36 School Street (Map 27, Lot 69) has failed.

Ms. Murray expressed her disappointment and frustration at the apparent unfriendly nature of the Bath Land Use Ordinance toward business. Ms. Murray pointed to the abundance of businesses in nearby communities. "If I drive out of town, I find all kinds of business. Bath is so anti-business."

The Zoning Board of Appeals addressed Revision 5-4-15, an alternate proposal from the applicant. The Zoning Board of Appeals discussed the width, the maximum height, the square footage, the posts, the requirements under the Sign Ordinance, lighting and the ability of the Board to amend an application during a hearing.

Mr. Truesdell polled the Board and it was unanimously agreed to amend the application by using Revision 5-4-15 as the basis for their decision and to only address Criteria C in any decision by the Board this evening.

- 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 Board unanimously agreed that this application, while still outside the square footage requirements of the Sign Ordinance, meets the general intent of the Sign Ordinance.

MS. MURRAY MOVED SECONDED BY MR. WATSON TO GRANT APPEAL NUMBER 1029 AS AMENDED BY USING REVISION 5-4-15 CONDITIONED UPON THE CODE ENFORCEMENT OFFICER HAVING FINAL APPROVAL OF ANY LIGHTING USED ON THE SIGN.

UNANIMOUS APPROVAL

Mr. Truesdell explained that members of the public objecting to the decision of the Board of Appeals would be able to file a suit with the Superior Court for the next 30 days.

Minutes of October 6, 2014

MS. MURRAY MOVED SECONDED BY MR. FERGUSON TO APPROVE THE MINUTES OF THE OCTOBER 6, 2014, MEETING AS SUBMITTED.

UNANIMOUS APPROVAL

There being no further business before the Board, **MR. WATSON MOVED, SECONDED BY MR. TRUESDELL TO ADJOURN**

UNANIMOUS APPROVAL

Zoning Board of Appeals Minutes
May 4, 2015

Meeting adjourned 8:02 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary