

A meeting of the Zoning Board of Appeals was held September 14, 2015 for the purpose of reviewing applications.

MEMBERS PRESENT

William Truesdell, Chair
Thomas Watson, Vice Chair
Eleanor Holland
Pam Murray
Joe Marchetti

MEMBERS ABSENT

Bruce Goodwin
Albert Ferguson

STAFF PRESENT

Scott Davis, Codes Enforcement Officer

Appeal Number 1031

Request from Mark Sewall, for a sign code waiver at 14 State Road (Map 30, Lot 1).

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

Mr. Truesdell stated the following: "Welcome. The September 14, 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.

Scott Davis, Codes Enforcement Officer, pointed out that the appeal was actually a sign waiver request, not an administrative appeal, and that the agenda was in error.

Mark Sewall, the applicant, explained the appeal, and how he felt that the project meet the approval criteria in the sign code for a waiver.

Mr. Truesdell asked if the Board had any questions.

Ms. Murray said that she'd like to reiterate her comments about the code and City not being as business friendly as it could be or other towns are.

Mr. Watson asked where on the site plan State Road was.

Mr. Sewall and Mr. Davis explained that it was at the top of the page.

Mr. Watson asked about how the sign size was measured, and if the dimensions on the plan included the supports.

Mr. Truesdell explained that the City Council has given first passage to an amendment to the sign ordinance that would exempt the supports from calculation.

Mr. Davis said that the second reading was scheduled for the first Wednesday in October.

Ms. Murray pointed out that the Board is bound by the code as it is today.

Mr. Davis said that even counting the supports, the sign is much smaller than the 100 square feet allowed for that kind of sign at this site.

Mr. Watson asked if the sign would be lit.

Mr. Sewall said it likely would be, with ground lights pointing at the sign.

Mr. Truesdell said that the applicant will have to coordinate with the Code Officer.

Mr. Davis said that the bulbs will have to be shielded.

Mr. Truesdell asked if anyone from the public had any input.

There were none.

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.

- 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.

- 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 meets standard C.

- 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.

MS. MURRAY MOVED SECONDED BY MS. HOLLAND TO GRANT APPEAL NUMBER 1031 AS SUBMITTED WITH NO CONDITIONS.

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 45 days.

Minutes of May 4, 2015

MS. MURRAY MOVED, SECONDED BY MR. MARCHETTI TO APPROVE THE MINUTES OF THE MAY 4, 2015, MEETING AS SUBMITTED.

UNANIMOUS APPROVAL

There being no further business before the Board, **MS. MURRAY MOVED, SECONDED BY MR. MARCHETTI TO ADJOURN**

UNANIMOUS APPROVAL

Meeting adjourned 7:10 p.m.

Mr. Truesdell then commented that the September meeting is when they usually elect officers.

He reconvened the meeting.

MS MURRAY MOVED, SECONDED BY MR. MARCHETTI TO MAINTAIN THE CURRENT SLATE OF OFFICERS.

UNANIMOUS APPROVAL

Meeting adjourned 7:12 p.m.

Minutes prepared by Scott Davis, Codes Enforcement Officer