

A meeting of the Zoning Board of Appeals was held August 1, 2016 for the purpose of reviewing applications.

MEMBERS PRESENT

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

MEMBERS ABSENT

William Truesdell, Chair

STAFF PRESENT

Scott Davis, Codes Enforcement Officer
Marsha Hinton, Recording Secretary

Vice Chair Thomas Watson called the meeting to order in the Zoning and Planning Room at 7:00 p.m.

Mr. Watson stated the following: "Welcome. The August 1, 2016 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. Watson 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. Watson requested the applicant present the appeal.

Appeal Number 1032

Request from Huse School Apartments, LP, for a sign code waiver at 39 Andrews Road (Map 25, Lot 46).

Andy Jackson, project manager, stated that abutters for the site included athletic fields, the YMCA and housing development. Mr. Jackson explained that the decision was made to place the allowed temporary construction sign facing the athletic fields because of the higher foot traffic there. Mr. Jackson added that they wished to place another temporary construction sign near Andrews Road, the entrance to the Huse School.

The Zoning Board of Appeals held discussion on whether they would be able to consider the request under the code. Bruce pointed out that the waiver text does not list the number of signs as being eligible to be waived. Tom concurred. Responding to a

question from Bruce Goodwin, Scott explained that if someone wants signs beyond what is allowed in the exempt signs section of the code (section 3.203 V), they can apply for a permit for those signs, which are treated as permanent signs. Mr. Jackson could apply for a permit to place the proposed second construction sign on the site, treating it as a permanent sign, however, the site is in the C-2 zone, in which permanent free standing signs are not allowed for this site, due to the building's proximity to the property lines. The sign would hence have to go on the building, which Mr. Jackson said is about 80' from the end of Andrews Road. The sign would not be visible from there, and there will be a construction fence surrounding the property once construction is about to begin, so people will not be able to get on the site. For people to see and read the sign, it would have to be placed out by the end of Andrews Road. Bruce suggested that the Board could consider a waiver request for placement and/or type of placement of the sign, rather than a request for a second sign.

MR. GOODWIN MOVED, SECONDED BY MS. MURRAY, TO VOTE ON THE TYPE OF PLACEMENT FOR A PERMITTED SIGN AT THIS SITE.

UNANIMOUS APPROVAL

The Board then considered the applicant's waiver request for the subject sign.

Mr. Watson 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 signing, 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.

There being no further discussion from the Board, **MS. MURRAY MOVED, SECONDED BY MR. FERGUSON TO GRANT THE WAIVER FOR APPEAL NUMBER 1032 A**

REQUEST FROM HUSE SCHOOL APARTMENTS, LP, FOR A SIGN CODE WAIVER AT 39 ANDREWS ROAD (MAP 25, LOT 46) TO PLACE A SECOND TEMPORARY SIGN AT THE SITE.

UNANIMOUS APPROVAL

Minutes approval of September 14, 2015, meeting

MS. MURRAY MOVED SECONDED BY MR. FERGUSON TO APPROVE THE MINUTES OF THE SEPTEMBER 14, 2015, MEETING AS SUBMITTED.

UNANIMOUS APPROVAL

Other Business

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

UNANIMOUS APPROVAL

Meeting adjourned 7:50 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary, amended by Scott Davis, CEO.