

A regular meeting of the Bath Zoning Board of Appeals was called on May 11, 2026, for the purpose of reviewing applications.

**MEMBERS PRESENT**

Bruce Goodwin, Chair  
Nathaniel Dwelley, Vice Chair  
Erika Lamarre  
Keith Laser  
Erica Nealley

**MEMBERS ABSENT**

Pam Murray

**STAFF PRESENT**

Adam Jones, Codes Enforcement Officer  
Karly Perry, Recording Secretary

**DRAFT**

Chair Goodwin called the meeting to order at 7pm in the second-floor conference room.

Mr. Goodwin stated the following: "Welcome to the May 11, 2026, meeting of the Bath Zoning Board of Appeals. We 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."

**Appeal Number 1050** - Request from John Underwood, for a Variance at 16 Cherry Street (Map 33, Lot 54)

Mr. Goodwin invited the applicant to present their appeal.

John Underwood introduced himself as the owner and year-round resident of 16 Cherry Street. He stated that he is seeking to replace the current garage which, in addition to being too small to park a single vehicle, is beginning to collapse at the front corners, requiring the door to be adjusted. The shingles, which are approximately 25 years old, are beginning to fall off and replaced as needed.

Mr. Underwood seeks to replace the structure with a 20'x28' garage, which is the minimum size needed to park two vehicles. The building will sit on a cement pad centered on the existing driveway, and as such will be 9' from the property line, requiring a variance of 1'. He noted that without the variance he would need to reposition the garage closer to the house, which would cause the driveway to be off-center, causing numerous obstacles to parking. The proposed garage will have a dormered roof with pitch and façade consistent with the existing dwelling. The impacted neighbor has written a letter of support for the project.

There was no public in attendance at this meeting. As such, Mr. Goodwin did not open the floor to public comment.

CEO Jones confirmed both the setbacks presented by the applicant, as well as the structural issues that Mr. Underwood represented are accurate. He noted that while City

Staff cannot recommend a project be approved by the Board, he stated that the proposed project would in fact meet all other building codes outside of the 10' setback.

Mr. Goodwin opened the floor to comments from the Zoning Board, to which there were none.

Mr. Goodwin instructed the Board that they would now be voting on whether or not the applicant meets the criteria, noting that in order for the variance to be approved, all criteria must be met.

- A. That the single-family dwelling is the primary year-round residence of the person seeking the variance; (No discussion)

**The Board unanimously agreed that this application meets standard A**

- B. That the granting of the variance will not cause the area of the dwelling to exceed maximum permissible lot coverage according to the space and bulk regulations; (No discussion)

**The Board unanimously agreed that this application meets standard B**

- C. That the need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;  
CEO Jones noted that there are other structures located on Cherry Street with similar issues. Mr. Dwelley agreed that upon review of Google maps there is limited space on the lot for alternate solutions.

**The Board unanimously agreed that this application meets standard C**

- D. That the granting of a variance will not alter the essential character of the locality; Mr. Dwelley verified with the applicant that he will build back in kind, to which Mr. Underwood stated that he will.

**The Board unanimously agreed that this application meets standard D**

- E. That the hardship is not the result of action taken by the applicant or a prior owner; CEO Jones stated that he does not have any outstanding violations on the property in question.

**The Board unanimously agreed that this application meets standard E**

- F. That the granting of the variance will not substantially reduce or impair the use of abutting property;  
Ms. Nealley referred to the letter of support written by the abutter.

**The Board unanimously agreed that this application meets standard F**

G. That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

CEO Jones noted that while reorientation of the garage is possible, it would require significant construction including repositioning the driveway. Mr. Dwelley spoke to the aesthetics of the existing property, noting that alternatives would not blend with the existing neighborhood.

**The Board unanimously agreed that the application meets standard G**

There being no further discussion from the Board, Mr. Goodwin solicited a motion to approve the variance in its entirety.

**MS. LAMARRE MOVED, SECONDED BY MS. NEALLEY, TO GRANT THE REQUEST FOR A VARIANCE AT 16 CHERRY STREET (MAP 33, LOT 54).**

**UNANIMOUS APPROVAL**

Mr. Goodwin advised the applicant that, generally speaking, appeals from adverse decisions must be filed with Superior Court as otherwise provided by law within 30 days of the Board's decision.

**Minutes approval of September 8, 2025**

Ms. Nealley noted that her name was misspelled in the previous minutes.

**MS. NEALLEY MOVED, SECONDED BY DR. LASER, TO APPROVED THE MINUTES OF SEPTEMBER 8, 2025, AS AMENDED.**

**UNANIMOUS APPROVAL.**

**Other Business  
Election of Officers**

**MR. GOODWIN, SECONDED BY MS. LAMARRE, NOMINATED DR. LASER AS CHAIR OF THE ZONING BOARD OF APPEALS.**

**MOTION PASSED WITH FOUR VOTES IN FAVOR (DR. LASER ABSTAINED)**

**MS. LAMARRE, SECONDED BY MS. NEALLEY, NOMINATED MR. DWELLEY AS VICE CHAIR OF THE ZONING BOARD OF APPEALS.**

**MOTION PASSED WITH FOUR VOTES IN FAVOR (MR. DWELLEY ABSTAINED)**

**MS. NEALLEY, SECONDED BY MS. LAMARRE, MOVED TO ADJOURN.**

**THE BOARD ADJOURNED AT 7:21 PM.**

Minutes prepared by Karly Perry, Recording Secretary