

A regular meeting of the Bath Zoning Board of Appeals was called on July 6, 2026, for the purpose of reviewing applications.

MEMBERS PRESENT

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

MEMBERS ABSENT

Erica Nealey

STAFF PRESENT

Adam Jones, Codes Enforcement Officer
Karly Perry, Recording Secretary

DRAFT

Chair Laser called the meeting to order at 7:35 pm in the second-floor conference room. *(Mr. Dwelley and Mr. Goodwin were in attendance, because there was no quorum at this time the Board agreed that they would review the application and vote, and allow Ms. Lamarre and Ms. Nealey to provide input remotely in order to render a decision).*

Chair Laser stated the following: "Welcome to the July 6, 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 1051 - Request from Michael O'Malley and Kathleen Trainor, for a Variance at 53 North Street (Map 26, Lot 188-1).

Dr. Laser invited the applicant to present their appeal.

Michael O'Malley introduced himself and presented his request for variance to the setback from 10' to 5', for the purpose of building a shed to be used both as storage and workshop space. Mr. O'Malley noted that the Land Use Code is currently undergoing amendments, one of which would be to reduce the setback in this zone to 5'. He explained that he is requesting the variance because he is in the process of moving to the property, and also to alleviate the neighbors from an additional construction period as the house is currently under construction. The proposed setback would be 5' from the rear property line and 8' from the western property line.

CEO Jones confirmed that he has reviewed the application, which currently does not meet the Land Use Code and as such requires Zoning Board approval. He confirmed that the Land Use Code is currently in the process of being amended and if approved as currently drafted the setback for this property would be 5'. If the amendments are not approved, the lot would be non-conforming.

Mr. Goodwin asked if the proposed amendments would allow for a variance to the 5' setback.

CEO Jones stated that no variances would be allowed under the proposed Land Use Code.

Dr. Laser asked what the current setback is from the house to the fence to the rear of the structure.

Mr. O'Malley stated that the current setback is approximately 27 feet.

Mr. O'Malley provided letters of support from abutting property owners.

CEO Jones clarified that legally the Zoning Board cannot consider neighborhood support as property can change ownership at any time. He then noted that there have been no revisions made to the proposed Land Use Code amendments in regards to the proposed setbacks.

Mr. Goodwin stated that 20 years ago, the setback was 5'.

CEO Jones asked the applicant what impact a sixty-day delay would have on him.

Mr. O'Malley stated that if he were unable to build the shed, he would need to rent a storage space and hire movers.

At 7:55 Erika Lamarre joined the meeting. CEO Jones gave a recap of the application and Zoning Board discussion.

Dr. Laser 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; (CEO Jones confirmed that granting the variance would not case the dwelling to exceed the permissible lot coverage)

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 it is more so the structure than the property that is unique, adding that abutting properties have similar layouts and structures set closer to the setback that were likely built prior to the 10' setback requirement. Mr. Dwelley added that the lot is uniquely shaped which creates difficulty for building. Mr.

Goodwin expressed his belief that the Land Use Code amendments will be adopted.)

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;
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; (Mr. O'Malley explained that during the design phase for this property, it was his understanding that the Land Use Code would be amended prior to construction.)
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;
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.
(Mr. O'Malley noted that there is a historic stone wall in place of the alternate location for the shed. He further explained that the current design of the property will allow him and his wife to age in place with a first floor bedroom, and provide a workshop separate from the main house in order to spare his spouse from inhaling dust from woodworking projects. Ms. Lamarre confirmed that she does not see a more feasible location for the proposed shed.)
The Board unanimously agreed that the application meets standard G

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

MR. GOODWIN MOVED, SECONDED BY MR. DWELLEY, TO GRANT THE REQUEST FOR A VARIANCE AT 53 NORTH STREET (MAP 26, LOT 188-1)

UNANIMOUS APPROVAL

Dr. Laser 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 May 11, 2026

MR. GOODWIN MOVED, SECONDED BY MR. DWELLEY, TO APPROVED THE MINUTES OF MAY 11, 2026 AS PRESENTED.

UNANIMOUS APPROVAL.

Other Business

Bath Zoning Board of Appeals
July 6, 2026

None

MR. DWELLEY MOVED TO ADJOURN, SECONDED BY MR. GOODWIN

UNANIMOUS APPROVAL.

THE BOARD ADJOURNED AT 8:22 PM.

Minutes prepared by Karly Perry, Recording Secretary