

Zoning Board of Appeals Minutes
June 3, 2014
Shead Memorial High School

Call to Order: 7:00 PM

Attending: Jan Finley, Jeanne Peacock, Greg Noyes, Marilyn Mills, Steve Cannon, Board members
Robert Scott, CEO
Mary Repole, City Council president
Hugh French, Tides Institute

There were no adjustments to the agenda.

Minutes were tabled until next meeting.

Old Business: continue discussion on Neighborhood Impact and Zoning Ordinance Review.

Jeanne asked whether a prospective home buyer could come before the ZBA with questions before purchasing. This issue came up as a result of a recent public hearing on a special exception. The Board agreed that it is an excellent place to gather information. Several questions have come up regarding usage of homes for home occupations and special exceptions, and the information being given by real estate agents. Greg expressed that there could be no good intent to come from buyers looking to buy a home for the use as exclusively as a business but not live there. A home occupation must be exactly that.

Open Forum:

1. Hugh French presented an overview of a potential sale of the Baptist Church at the corner of High and Washington streets. A local artist would like to buy the building and have a working studio on the first floor. The Tides Institute would carry a preservation covenant on the the second floor, where the sanctuary is located, and the exterior. The Tides Institute would also have first right of refusal in case the artist, Drew Proctor, chose to sell at a later date. Drew will renovate and restore the interior. Hugh provided a brief history of the building and stressed the importance of protecting the historic and irreplaceable buildings in Eastport.

Hugh's reason for coming to the ZBA was to make sure they could do what the hope to with the building. Most of the ZBA members agreed that preserving these buildings is a priority, because, as Hugh pointed out, this church is the first church of many to be placed up for sale if Eastport's population continues to decline.

The impact generated by this change would be negligible, as it is not a place of business, and therefore will not be open to the public. Hugh mentioned that they might want to have small gatherings up on the second floor. He has spoken with the fire marshall who told him that if they had more than 50 people at an event, the building would have to have a sprinkler system, which they are not planning to do. It was suggested that parking for such occasional small events could be accommodated by utilizing the bank parking lot across the street, as has been done in the past, with the permission of the bank. The exterior is an asbestos composite and all appropriate removal and safety precautions would have to be implemented.

A concern was raised because the artist is not planning on living there. However, since it will be used primarily as a studio for the creation of artwork, most of the Board is inclined to work with them on this project. There is no intent to use this building as an art gallery or business. The zoning for that area prohibits use as a business at this time.

Robert Scott raised the issue of square footage, which will need to be looked into. He stated that there is not enough land to develop a new use, or for parking. He reminded Hugh and the Board that his plans do

not jive with the ordinance. He also did not feel that meetings could be held there. Mr. Scott also stated that these buildings were not in the historic district and opined they therefore were not historic or necessarily should be protected. He felt that these proposed plans would have a huge neighborhood impact in a residential area.*

Steve felt that the board should look at all the details of this project carefully, as this is the first one to come to the ZBA for a change in purpose, and we will be setting a precedent of sorts but what we allow with this one. Greg pointed out that conditions can be set that will govern usage, prohibit others from using the studio space, and so forth.

The renovation and purchase of this building would allow it to go on the tax books, which is a plus.

Greg emphasized the importance of preserving the remaining historic relics in town, and stated that the ZBA should help as much as we can. The ordinance will need clarification and revision on these historic buildings, so that they can be protected and preserved.

After much informal discussion, most members of the ZBA agreed to do what can be done to assist Hugh and Drew in this project.

2. The committee agreed to schedule regular monthly meetings for the summer, which may then be cancelled if there is no business to attend to. Robert will keep us informed. Jan asked that everyone spend some time this summer researching neighborhood impact, good neighbor policies, home occupations and special exceptions, as the ordinances statewide are changing and work will be continued on revising the local ordinance in the fall. Jan will forward links to Board members.

*Many of the statements attributed to Mr. Scott in this paragraph were supplemented to me following the meeting by Mr. Scott and Mr. Cannon. Many of them I do not remember as precisely as written above, as I was a substitute secretary for the evening. I have included them at the request of Mr. Scott and Mr. Cannon.

Adjourn: 7:30 PM

Next meeting: July 7, 2014 - 6:00 PM at Shead

Respectfully submitted by Jan Finley