

Bowdoinham Board of Appeals Minutes, 9/15/2025

In the Matter of John Cote (JC) Variance Application-20 Main St.

BOA Members Present: Chair David Jones (DJ), Secretary: Ed Friedman (EF), Sylvia Hultman (SH). Quorum is met.

Town Clerk Present: Tina Magno

Chair DJ calls meeting to order at 5:30 and reads Rules and Procedures (see attached) then Statement of Case: Applicant seeking variance in area minimum for residential unit in Village.

First question is whether the BOA has jurisdiction and because this is a variance request, the answer is yes. Motion to affirm jurisdiction is made by EF, seconded by SH and passes unanimously. BOA will hear the request.

DJ then offers JC, the applicant, an opportunity to make a presentation to the Board. 5:40

JC hands out a sketch plan of proposed second floor apartment (attached) and describes it.

DJ asks JC if he has any comments on four state requirements necessary to grant a variance and JC talks about why he wants the variance. He also mentions the 1st floor is rented out. JC is given a copy of the requirements and with clarification from EF attempts to explain how he meets the requirements:

- a. The land in question cannot yield a reasonable return unless a variance is granted;
- b. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- c. The granting of a variance will not alter the essential character of the locality; AND
- d. The hardship is not the result of action taken by the applicant or a prior owner.

JC Responses:

- a. JC says he can't make the necessary \$ without 2nd floor apartment
- b. JC says space can easily be converted to a residence. SH asks if space has been rented as commercial office space rather than residential? JC answers in the affirmative but notes he has had difficulty keeping tenants there. He also notes building is for sale and that other building in area have apartments but the point is made by multiple people including Bowdoinham CEO Jason Lorrain that these apartments pre-date current ordinances and so these are considered non-conforming uses.
- c. Essential character of neighborhood would not be altered by granting variance and JC describes some of the maintenance he has done to the building (i.e. windows and chimney) that has been in keeping with historical features.
- d. Hardship probably not result of applicant or prior owner but some discussion of previous commercial uses of building all of which provide income (as 1st floor rental

does now). Past uses include bank, Long Branch grocery, hardware store, daycare, credit union, Beehive Grocery, Sampson Store, etc.

Presentation over about 5:45, Public Hearing Opened.

Selectman Jason Hodde and CEO Jason Lorrain briefly discuss possible ordinance change in town regarding densification in “urban” districts. This is due to LD 1829: An Act to Build Housing for Maine Families and Attract Workers to Maine Businesses by Amending the Laws Governing Housing Density. (The following bill details researched post-meeting by EF): [This was reported Ought to Pass as Amended by the Committee on Housing and Economic Development on June 16, 2025 and was signed into law on June 20 by the Governor so effective 90 days from the end (June 25) of legislative session.] Densification increases are dependent on towns having growth districts plus public sewer and water, so any changes in Bowdoinham to square footage requirements will be contingent on both possible redistricting at 2026 Town Meeting and compliance with public water/sewer requirements. If all this comes to pass it is noted the applicant would not need a variance.

Public Hearing closed at 5:55, Board deliberation begins.

EF discusses difficulty in meeting requirement a) -property unable to yield a reasonable return unless variance granted. Example is that even a child selling lemonade is considered reasonable return. It is illegal for a BOA to grant a variance unless all four conditions are met. It is clear applicant cannot meet this requirement and it doesn't help that he is currently renting the first floor and that the building has had various commercial uses for well over 100 years.

EF makes a motion that the application for variance should be denied based on not qualifying under the first undue hardship/reasonable return requirement. Seconded by SH and passed unanimously. DJ notes that with this vote, the other three requirements need not be considered since compliance with all four is required.

DJ makes a motion to adjourn at 6pm. Seconded by EF and passed unanimously. Meeting adjourned.

Respectfully submitted,

Ed Friedman, BOA Secretary