

Effingham Zoning Board of Adjustment Meeting Minutes July 1, 2015

Present: Jim Pittman, Tim White, Mike Cahalane, Paul Bartoswicz, Jory Augenti,
Tom Hart (alternate), Len Espie (alternate)
Guests: Loralie Gerard, Jason Earle and Susan Slack on behalf of Green Mountain
Conservation Group (GMCG)
Karen Payne on behalf of the Preservation Society
Roger Lacasse, Province Shore Campground

Minutes prepared by Barbara Thompson

The meeting was called to order at 7:06 pm.

Approval of Minutes: Mike moved and Paul seconded to accept the June 3rd minutes as presented. The motion passed.

Correspondence:

LRPC invitation for the annual meeting.

New rate sheet from the Carroll Country Registry effective August 1st.

FYI from Rebecca re: 8 denials for Province Shore Campground

Old Business: Mike mentioned that he has an updated OEP Handbook (2014) that Claudia was able to print for him. He wanted to let the members know this was available online. Mike also mentioned that he would like to add the topic of edits to the rules of procedure and application forms to the agenda.

Public Hearing 7:15 PM

Case #080

Green Mountain Conservation Commission

Application for Special Exception-change use from residential to commercial Tax Map 403, Lot 5

Jim took roll call and polled the members for any conflict of interest. There was none. He then explained the procedure for the hearing and read the application and explained the difference between a variance and special exception.

Loralie went over the points in the application (relative to Section 904) and explained they did not have a plat yet, only a rough sketch addressing the items of parking and landscaping which are two of the criteria for a special exception (Section 1023 of the zoning ordinance). The third criteria, hours of operation, was not relevant. She presented her sketch to the board. Loralie asked that if the formal plan was required this evening

that the board consider granting approval for special exception with conditions so they can move forward with their permitting process. Jory said she could just send a copy of the plat after their hearing for site plan review with the Planning Board but that would be a condition of the approval. Jory moved and Mike seconded to entertain an approval with conditions. The motion passed.

Jim asked how many employees there are and discussed how this might affect the limited number of parking spaces. Loralie reminded the Board that this was not the issue at this time, just the change of use.

The requirements set forth in Section 904 were discussed and Loralie explained all these conditions were answered in the application.

Susan Slack briefly commented on the positive effect this will have on the neighborhood.

Jim closed the public comment at 7:55 pm.

Deliberation Deliberation focused around the relevancy of requiring the condition of a site plan review.

Motion Mike moved and Paul seconded to vote for approval of the special exception with conditions. The motion passed.

Jim called for a vote. The special exception was granted unanimously with the following conditions: 1. A site plan review is required. 2. A copy of the site plan be submitted to the ZBA to support items A and B in Section 1023 for conformance with the statement of July 1st by Loralie Gerard, agent for GMCG.

There was further debate and discussion regarding the requirement and relevance for site plan review being needed since the site plan will be required anyway once the special exception changes the use from residential to commercial. The result was that Jory moved and Mike seconded to require the site plan review as a condition of approval. The motion passed with for yeses and one no from Jim.

Jim closed the hearing at 8:27 pm.

Public Comment

Karen Payne (Preservation Society) came to discuss changes to the Preservation Society Building. The Society wants to construct a handicap ramp. There are two issues. They need approval from the Historic District Commission because they are in the Village District and they are wondering if they need a variance for front setback. She was asking if a joint hearing could be held to help with the costs of noticing the public. During discussion it became apparent that a variance may not be required as courts tend to favor

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Approved with changes _____
Unapproved _____

for handicap accessibility versus town zoning requirements. Mike suggested the Society apply for the variance to have a clear paper trail and that the hardship requirement might possibly be forgiven in favor of those with disabilities. Karen was advised she may submit an application for variance anytime and the Board will hold it until she has met with the Historic District Commission and will co-ordinate with the Historic District to set a joint public hearing date. They advised her that the request for variance be based on Article 7, Section 706 for the expansion of a non-conforming structure. Karen had an application with her, but did not have the required check. She said she would get it to the Board as soon as possible.

Roger Lacasse (Province Shore Campground) attended the meeting to inquire about the status of his application for special exception to construct a pavilion. He also brought an application for variance for the 8 lots cited by Rebecca under the above heading of correspondence.

As the hour was quite late, the Board suggested scheduling another meeting to address his concerns on the two applications. Mike moved and Jory seconded to schedule a meeting for July 8th at 7:00 pm. The motion passed.

Karen said she would also attend that meeting to submit her completed application for review.

Adjournment: Tim moved and Jory seconded to adjourn the meeting. The motion passed and the meeting adjourned at 9:15 pm.

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*These minutes are considered draft until approved at a future regular meeting of the ZBA.
Any changes or corrections will be noted in the next meeting minutes.*