

Effingham Zoning Board of Adjustment  
Meeting Minutes November 4, 2015

5 Present: Jim Pittman, Tim White, Mike Cahalane, Jory Augenti, Paul Bartoswicz, Tom Hart (alternate), Len Espie (alternate)  
Guests: Rebecca Boyden (Code Enforcement Officer), Roger Lacasse (Province Shore Campground owner), Matt Serge (Town Counsel)  
Minutes prepared by Barbara Thompson

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The meeting was called to order at 7:03 pm.

**Approval of Minutes:**

15 Paul moved and Mike seconded to approve the minutes of the October meeting as presented. The motion passed.

**7:15 pm**

**Public Hearing**

Case #083

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Province Shore Campground

36 Remick Road

Map 109, Lot 1

Variances for various structures on camp sites located in the Province Lake District

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Paul recused himself and Tom sat in his stead.

Jim did roll call and, for the record, explained this hearing is a continuation from last month and is still in public input. He asked Mr. Lacasse if he had anything further to add to which Mr. Lacasse indicated no.

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Jory said he and Mike had taken the site walk with Rebecca. He asked if the lots were delineated with pins. Mr. Lacasse said the lots were determined by measurements between trees or other landmarks. Rebecca said that pin requirements are not specified anywhere in the regulations.

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Mike asked when the tent sites had ceased to exist. Mr. Lacasse explained there is only one tent site in the campground and it is being used for parking. Over time any other lots were absorbed into other sites to make them larger.

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Jim asked if there had been any changes to the sites asking for relief. Mr. Lacasse had Jim read the list and explained that only one site was no longer seeking a variance (lot 48) as they have left.

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Jim asked if there was any further discussion and hearing none he moved and Mike seconded to end public input and go into deliberation. The motion passed.

*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.*

### **Deliberation**

50 Jory wanted to let the board know how his site walk went. He explained he took measurements of the RVs minus pop-outs from the tax cards. The cards indicated that decks equaled platforms. He felt the sites in question could be divided into two categories; platforms and porches, and commented that some porches were bigger than the RVs. Some of the sites are grandfathered and some are not. He still has a question on how the sites are delineated.

55 Matt asked if the boundaries can easily be determined and Mr. Lacasse said yes by the way the sites are set up. Jim confirmed Mr. Lacasse's assessment stating it was easy to determine where one lot stopped and another began. Some units are left on site for years so self-policing is evident. Tim asked if RVs are ever abandoned. The answer is yes, but that it can be determined quickly if that is the case. The RV gets removed to make  
60 way for a new tenant. Tom asked if the decks are taken down when the RV leaves and Mr. Lacasse said yes. He just had an RV leave and they took down the deck.

Matt suggested the board meet with him in a non-public setting to go over some points. Mr. Lacasse was asked if he would mind waiting outside while this portion of the hearing  
65 took place. He had no problem with it and left the room to wait outside.

### **8:00 pm Non-Public**

70 Non-public discussion regarding the following: variance vs special exception, grandfathering, non-conformity of sites in relationship to new RVs and new accessory structures, approval with conditions.

8:40 pm Deliberation resumed

### **Motion**

75 Based on discussion with counsel, Jory moved and Tim seconded to change Mr. Lacasse's application from a variance to a special exception since the accessory structures are permitted because the sites are grandfathered. The case would now be based on Sections 702 and 904.

### **Discussion**

80 The main issue is to come to some kind of consensus regarding what is allowed, some kind of size restriction. Jory felt it would be wrong to disallow all structures, but he feels that some structures are too large.

85 Jim asked if the sites in questions are relatively the same size as those on the grandfathered lots. Mr. Lacasse responded only one site (35), which is not on the list, is oversized.

The motion passed.

90 Jim reviewed the conditions under section 904. Discussion centered around how to judge the sites; by size of structure, individually, as a group. Jim prefers to deal with them as a

group. Jory wants to deal with them separately because of the variety of sizes of the structures.

95 **Motion**

Jory moved and Tom seconded to deal with the lots individually.

**Discussion**

100 Tim questioned Matt whether the decisions can be that narrowly focused. Matt's  
response was yes, but his suggestion was to look at them as a group, get something  
decided and use that decision as a standard moving forward. It's possible to cull out the  
oversized structures. Mike suggested establishing a size first and use that to judge the  
sites. Jory reiterated his idea of dividing them into 2 groups; platforms and porches. Tim  
105 questioned whether the height of the porches should be calculated in the standard. Jory  
felt the dimension was the key factor. Tim suggested using a percentage for the standard.  
Mike suggested various size options based on conversations with other zoning officers,  
i.e. 400 sq ft or dimensions equal to the size of the RV or allowing 150 sq ft without  
permitting. His other concern is that DES might need to be involved with issues that  
might arise in the PLD.

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Due to the late hour, Jory suggested continuing the hearing until next month. The  
members should take the time to go over the property cards and come up with a workable  
figure to continue deliberation. Bearing this in mind, he withdrew his motion with the  
consideration that he could bring it up again.

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**Motion**

Jory moved and Tim seconded to continue the hearing until December 2nd, no sooner  
than 7:15.

120 **Discussion**

Paul suggested asking Mr. Lacasse if he could make that date. Jim reminded everyone  
that public input is over and that Mr. Lacasse does not need to be present, although he is  
welcome to attend. Jim agrees with Jory that the board needs time to give proper  
attention to the facts and come up with a plan that makes sense.

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The motion passed and the hearing was continued at 9:12 pm.

Tim moved and Mike seconded to adjourn the meeting. The motion passed and the  
meeting adjourned at 9:13 pm.

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