

Effingham Zoning Board of Adjustment  
Meeting Minutes December 16, 2015

5 Present: Jim Pittman, Tim White, Mike Cahalane, Jory Augenti, Tom Hart (alternate),  
Len Espie (alternate)  
Absent: Paul Bartoswicz,  
Guests: Roger Lacasse (Province Shore Campground owner)  
Minutes prepared by Barbara Thompson

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The meeting was called to order at 7:12 pm.

**Approval of Minutes:**

Jory moved and Tim seconded to approve the minutes of December 2nd as presented.

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The motion passed.

**7:20 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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Tom continued to sit in for Paul.

Jim did roll call and, for the record, explained this hearing is a continuation from  
December 2nd and is still in deliberation. As Jim was absent from the December 2nd  
hearing, Mike brought Jim up to speed on Jory's proposal for deciding the case. Jory said  
30 he had given the issue some further consideration and wanted to offer a revised proposal:  
A ground level or raised deck for RVs in the Province Lake District (PLD) will not be  
wider than 8 ft and no more than 50% of the RV length in travel mode, excluding the  
tongue, no other structures on the lot and no permanent roofs. The change is from 75%  
down to 50%. Jim asked if Jory meant this for all lots in the PLD and Jory responded  
35 only for the lots in this case. Mike asked if the ZBA could apply this to the rest of the  
lots in the PLD and Jory didn't think so, only the lots in this case. Jim cautioned that the  
ZBA can decide a case with conditions but if an attempt is made to go beyond the case  
that is the same as trying to change the zoning ordinance. Jory and Mike thought it might  
be an idea to pass this question by the Town attorney.

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The board informed Mr. Lacasse that if he was not happy with the decision reached he  
had 30 days to appeal the decision.

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Jim was amenable to Jory's new proposal and asked for comments. Mike asked why he  
changed his percentage. Jory's response was that he tried to come up with something that  
was fair and reasonable since the zoning ordinance does not allow for any structures. A

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100% allowance did not seem reasonable and does not contribute to making the lots more conforming. He also feels this brings things into the realm where everyone will need to make a change. He referenced a previous comment by Tim that using 100% will reward some but penalize others as RVs are different sizes.

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At this point Tim asked if this issue is simply the size of the deck. Mike followed up with the idea that maybe the structures should be a specific size. What is reasonable?

Mr. Lacasse interjected that he would like to allow campers to have a small storage shed. Jory said this was one of the reasons he reduced his figure from 75% to 50% to maybe take this into consideration.

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The following distilled from the discussion: Allow an 8' x 16' deck with stairs no more than 4 ft wide which are not figured into the deck measurements, no permanent roof but allowing awnings, screen houses and a 36 sq ft shed.

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Mr Lacasse asked: Is this just for the PLD? The answer was yes. Do the campers have to take down their decks to comply? The answer was yes. But aren't the use of decks grandfathered? The answer was no as these decks were put in after zoning. Mr. Lacasse thought that this decision was for moving forward with new campers and didn't realize that it would affect his present campers.

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Mike said he could see this case as a grandfathered use and therefore allow the decks to stay. Jim disagreed because the decks were all built without permits after zoning took effect. He said the board should be looking for a way to provide as much benefit as possible by allowing a certain amount of non-compliance. It's a compromise and some people are not going to be happy.

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Len agreed saying it isn't fair to limit those campers who are doing things legally and letting those who didn't do things legally to keep their oversized decks.

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Jim felt a deadline was necessary to make sure the conditions are met and set a date of Columbus Day 2016 for the campers in violation to come into compliance.

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Motion by Jory: For RVs in the Province Lake District, to allow a ground level or raised 8'x16' deck with stairs (not included in the deck measurements) no greater than 4' wide, no permanent roof and allow a 36 sq ft utility shed, awnings and a screen house with the condition that the size modifications of existing non-conforming structures be completed by Columbus Day 2016 and that a Site Plan Review be submitted to the Planning Board. Tim seconded. The motion passed unanimously.

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Jory moved and Tim seconded to grant the special exception for Case #083 subject to the conditions just approved. The motion passed unanimously.

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Approved \_\_\_\_\_  
Approved with changes 1/6/16 \_\_\_\_\_  
Unapproved \_\_\_\_\_

Jim reminded Mr. Lacasse he has 30 days if he wishes to appeal. He also explained that Mr. Lacasse just needs to go to the Planning Board and they will help him with the Site Plan Review process.

95 Jory suggested that the Zoning Enforcement Officer could help with the verification of renovations next Columbus Day. Mike said he had made a measurement list of existing decks she could use for reference.

100 The public hearing was closed at 8:52 pm.

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