

Effingham Zoning Board of Adjustment
Meeting Minutes August 5, 2015

- 5 Present: Jim Pittman, Tim White, Mike Cahalane , Jory Augenti, Tom Hart (alternate),
Len Espie (alternate)
Absent: Paul Bartoswicz

Minutes prepared by Barbara Thompson

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The meeting was called to order at 7:00 pm.

- Approval of Minutes:** Mike moved and Jory seconded to accept the July 8th minutes
with one spelling correction. The motion passed. In the list of Guests correct the spelling
15 of District.

Mike informed the members that he had spoken with the Town attorney regarding a
pending case. Matt will email his comments to Jim and Mike.

- 20 The roster was updated.

Due to Paul's absence Tom was appointed to be the fifth member of the board for the
public hearing for Province Shore Campground.

- 25 **7:15pm**

Case #081

Province Shore Campground

Map 109, Lot 1

- 30 **Application for Special Exception for expansion of a non-con forming use in a non-
residential property relative to Section 702.1**

Jim went over the rules of procedure and read the application.. It was noted there were
no others present other than Mr. Lacasse. All certified mail receipts have been returned.

- 35 Mr. Lacasse explained that he has been using tents for functions for the campers, that the
tents are being damaged/destroyed by weather and that he would like to have something
more permanent. Mr. Lacasse explained the order of events leading to the fact that the
slab and posts are already in place. He said he got verbal confirmation that he would be
40 able to proceed from the Code Enforcement Office whom he says confirmed a 50'
setback was all he needed. He lined up the contractor to pour the cement. The Code
Enforcement Officer then notified him he would need a variance because of setback
violations. Mr. Lacasse proceeded with the delivery of cement thinking he would have
his permission by the time the delivery was due. This did not happen and the cement was
delivered.

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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.*

Jory noted a discrepancy in the measurements between the building permit and the special exception application. Mr. Lacasse said he just made a mistake and the actual measurement was 26 x 38, not 26 x 36. Jory also explained he was in violation of the setback which is 100' (Section 1006). Mr. Lacasse said he was told 50'.

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Mike expressed concern that traffic congestion could develop which could hinder the ability of emergency vehicles from accessing the area. He also was concerned about noise pollution. Mr. Lacasse countered that the pavilion was for the on-site residents and that there had never been in issue with congestion or noise as his nearest neighbor is out of earshot.

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Jory felt the more pertinent issue was the setback violation and that a variance should be sought prior to any special exception. It was also noted a site plan review would be required.

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Motion

Jory moved to deny the special exception as it does not apply and a variance is needed first. Mike seconded.

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Discussion

Tim questioned what criteria standards are needed to judge this case as he feels there may be more than one option for describing what Mr. Lacasse wishes to do. Jim felt Section 1006 adequately describes the situation. Mr. Lacasse argued he is not expanding the use but simply providing a more permanent solution to tents and that it is a normal use in a camp ground. Jory agreed but reminded Mr. Lacasse a permanent structure requires 100' setback. Mr. Lacasse reiterated that he was told 50' was the setback and if he had known it was 100' he never would have gone ahead with the pavilion.

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Once the discussion determined a variance is needed, but that the special exception must still be dealt with, Jory withdrew his motion in favor of continuing this hearing.

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Motion

Jim moved to continue Case #081 for special exception to the next regular ZBA meeting September 2nd for the purpose of considering any other applications that may pertain to this application for special exception. Tim seconded. The motion passed.

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Jim continued the hearing at 8:15pm to reconvene September 2, 2015.

Jim will email Rebecca to let her know the standing of the case.

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Adjournment: Mike moved and Tom seconded to adjourn the meeting. The motion passed and the meeting adjourned at 8:25 pm.

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