

Effingham Zoning Board of Adjustment  
Meeting Minutes January 6, 2016

- 5 Present: Jim Pittman, Tim White, Mike Cahalane, Jory Augenti, Paul Bartoswicz Tom Hart (alternate), Len Espie (alternate)  
Minutes prepared by Barbara Thompson

The meeting was called to order at 7:04 pm.

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**Approval of Minutes:**

Mike moved and Jory seconded to approve the minutes of December 16 with corrections. The motion passed. Line 97: 'exiting' should be 'existing'.

- 15 **Old Business:** Work on the rules of procedure and application requirements was put off to a future agenda.

- New Business:** Application for Appeal from Decision for Province Shore Campground case #083. A clarification of what is required for an appeal was iterated: if the decision  
20 was unlawful, unreasonable or there is new information. This standard was used to discuss the application for appeal.

- Jory pointed out first that Mr. Lacasse's opening paragraph for his letter of support was not in line with his testimony for his special exception. His letter led the board to believe  
25 the accessory structures in the Province Lake District (PLD) were in place prior to the arrival of new campers which contradicts his statement during his special exception hearing that when a camper leaves, the accessory structures are removed. Mr. Lacasse was arguing the structures were grandfathered.

- 30 The members found no new evidence to warrant an appeal. Since the special exception was granted an argument that it is unlawful is doubtful and the conditions of the special exception were not unreasonable.

Jory moved and Tim seconded to reject the application.

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Discussion:

Jim: Nothing was shown that the ZBA erred in any way and nothing new was presented to make him change his mind.

Tim: The value of the PLD is undone if these old structures are grandfathered.

- 40 Jory: The structures were added after the PLD was established.

Mike: Granting an appeal would be permitting something not allowed.

Paul was not part of the original hearing and suggested having Tom continue in his stead.

- Jory: An argument could be made for fairness in the special exception decision because the board could have required that no new structures could be constructed in the PLD  
45 once a camper leaves which would make the sites more compliant. Instead the board allowed structures of a certain size.

*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.*

Tim pointed out that they were being asked to appeal a granted decision.

A vote was taken and a unanimous decision to reject the application was made.

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Jim will write up a decision letter and forward copies to Rebecca and the Town attorney.

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Follow-up discussion: If Mr. Lacasse decides to go to court, the decks would stay as they are until the case is decided which might affect the date of compliance set as a condition in the special exception.

Tim: If there is legal action, how would this affect a pending sale? It was explained that if it is a real estate sale, the seller is obligated to notify the buyer. It's a civil issue, not a ZBA issue.

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Mike: If the court upholds the ZBA decision and Mr. Lacasse doesn't comply, then fines can be established. Mike was asked if each site is a fine or if the campground is fined. Mike felt it would be each non-complying site. The fines could be large.

**Other Business:**

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Jory brought up that the PB is proposing a number of zoning amendments, some of which will have an effect on the ZBA. He felt Mike should have kept the ZBA in the loop about these changes. He explained that is usually why there is one member who sits on both boards. Mike apologized for not providing the information. There was some discussion about the amendments, specifically new guidelines for campgrounds and changes to lot density.

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Jim announced that he would not be running for re-election this year citing personal reasons. Paul also said he would not run again.

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Jory moved and Tim seconded to adjourn the meeting. The motion passed and the meeting adjourned at 8:23 pm.

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