

**TOWN OF CHESTERFIELD, NH
ZONING BOARD OF ADJUSTMENT**

**MINUTES
January 10, 2012**

Present: Chairman Burt Riendeau, Andy Cay, Harriet Davenport, Renee Fales, Alternate Lucky Evans and Selectmen's representative Elaine Levlocke

The Zoning Board of Adjustment met at the Chesterfield Town Office on January 10, 2012. Riendeau explained the process of the meeting.

1. Robert Allen & Robin Karlin request a Variance from Article 503.1 Expansion of a Non-Conforming Building to permit expansion on the second floor. The property is located on 4 Dompier Rd, Spofford (Map 5F Lot C1) Spofford Lake District.

Bud Allen advised they were having issues with water drainage and mold. Also, the stairway going to the 2nd level was not to code. They propose removing the old stairway and reconfiguring within the footprint and building the stairway to code that would be from 1st to 3rd floors. They also propose putting a 16 ft wide dormer on the 3rd floor in the center of the existing roof. The ridge would not be any higher. The dormered roof would be flat.

Their architect also recommended that they build a bridge from the parking area to the 3rd floor entrance. There is a steep grade from parking area and this would make a safer situation. There were no dimensions for this bridge.

Currently there is only storage on the 3rd floor. The kitchen and dining room are on the 1st floor along with storage area and a furnace room. The 2nd floor has the living room, 2 bedrooms and a bath. They propose having a bedroom and possibly a half bath on the 3rd floor plus a storage area.

Allen advised they have a holding tank that was State approved in 1998 for a 3 bedroom house. They had purchased a 3 bedroom and then remodeled and changed it to a 2 bedroom. They want to go back to the 3 bedroom house. The holding tank is located up by the parking area. The cottage is within both the side setbacks.

The living area is composed of 504 sq ft on the 1st floor, 240 sq ft in basement, 240 sq ft for the enclosed porch and 364 sq ft for the deck. The dormer would add 1,520 cubic ft of expansion. The ceiling height of the 3rd floor is 7 ft 10 in.

Allen stated the cottage is partially insulated. They have electric baseboard heat and a propane powered heatator.

The Board asked that the property file be pulled. Riendeau looked at the septic approval for a 3 bedroom seasonal cottage. The approval noted the conditions that no expansion or conversion would be allowed. The Board discussed the expansion of the structure. Ross stated she believed that the septic condition referred to the expansion of the bedrooms by adding a bedroom and the

conversion to changing it from seasonal to year round. The septic is approved for 3 bedrooms and cannot be converted to a year round residence.

The Board agreed they are allowed 3 bedrooms; however, they question if expansion and remodeling can be done as it could potentially become a year round use. Karlin stated they have no desire to make it a year round use but a family seasonal cottage.

The Board reviewed Building Code Article 13.06 Sewage; "...dwellings, buildings or camps, when converted from seasonal to potential year round use or remodeled or otherwise expanded in such a way that an addition bedroom ...shall require a certificate of operation for an installed state approved waste disposal system."

Cay stated that when a dwelling is converted from seasonal to potential year round use it needs an installed stated approved septic. Karlin stated they have no intention to make it a year round use. Fales stated the Board has to look to the future and maybe they don't but a future owner may want to change it. Karlin stated she does not understand what the future has to do with their wanting to put a 3rd bedroom upstairs and what they are applying for now. I don't understand why our applying for changes to the upstairs would have anything to do with someone buying the property in 20 or 30 years down the road who raises the house. We do not want to change the use; just add the 3rd bedroom. Cay stated that the concept is the creep and that is what goes on at Spofford Lake. Houses are purchased as cottages with holding tanks or less then over the years they get remodeled and improved. With each change comes a new vested reality. That sets up for future changes. The ordinances are trying to prevent that type of creep. It is to establish guidelines before expansion is done.

Allen stated he can understand that sort of creep but he is looking at his neighbors who have taken down a 2 story house and put up a 4 story house. We are getting blocked out from the sun. Karlin stated all around them houses have been sold and raised. They want to keep the seasonal cottage and stay there a long time. The change is minor compared to the houses around them. We are not changing the footprint. It will not change someone's view of the lake. We are trying to do something within reason. We have a holding tank and we pump it. We are very responsible and maintain the property. Cay stated that those surrounding buildings have full septic systems and the septic is clearly an issue with expansion of this cottage. In the Dompier case the house was very small; approximately 500 sq ft. That was a fairly material justification for their expansion. When looking at the size of your house tonight we are looking at the sq ft as well. There happens to be a minimum sq ft floor area of 750 sq ft; if you don't have that minimum in the Dompier's case the argument was made that that it's appropriate and reasonable to be allowed to be expanded to something greater than it was. The folks next to the Dompier's did not get their permit from this Board. Karlin stated that all around them the houses have expanded. Cay stated that without exception they have full permitted septic systems.

Cay suggested to them this issue relative to sq footage. The septic is clearly an issue and he is quite certain they cannot get approved with what they put forth but that is not to say that there isn't another way to argue it or look at the renovation or remodel in a way that would justify the expansion. Karlin stated why they can not have the 3rd bedroom if they are approved for it. Cay stated because of the Building Code Article 13.06. Allen stated that the article is not black and

white. Riendeau stated that the code mentions remodeling and if it is remodeled it lends itself to becoming a year round use. He agreed they could put 3 bedrooms in the cottage.

Allen mentioned the new stairway would be taking up more living space. The 3rd floor expansion would be a wash with the cubic feet expansion and the removal of the additional living space taken up by the new stairway. Cay stated that was another argument and they should measure that out. Karlin had also stated they had removed a chimney.

Cay stated that the issue around the lake is the lots and the cottages are egregiously non-conforming. If you are looking to make improvements it could help your case.

Allen stated he thinks that you would have more of a problem with full septic than holding tanks. Cay stated that there is a need to pump the system and if you don't then there is an issue. If used full time it would need to be pumped every 2 months. Allen stated they pump it once a year and are frugal with the water usage but when they rented the cottage they pumped it every two weeks.

Allen stated they will look at the living space being taken up by the new stairwell and possible the chimney pad area that was removed. Noting we are improving the safety with code stairway.

It was noted that currently there is 744 sq ft of livable space. It's a stronger argument there is not a reasonable use if it doesn't meet the minimum.

Cay stated as a suggestion if they had legal counsel representing them who would know better the nuances of the ordinance and the precedence that is out there in permits that have been issued already you would be better prepared.

Riendeau stated we would need to know the dimensions of the bridge; the length of it and the sq footage. The coverage would need to be calculated.

Cay stated that the Board could deliberate on this tonight or could continue it to another meeting to give opportunity to digest what was said and to regroup. They would have to come back but would not have to reapply. Allen stated they would like to continue.

Cay stated it is up to them to give their arguments but the Board was trying to give them some direction. He stated there were some cases that were allowed to expand that are on holding tanks. Cay recalls that on Clarkdale Ave on the left there was a property that was 6 ft off the road. Ross will look into it.

2. Review Meeting Minutes

- **December 13, 2011** – *Cay moved to approve the minutes as presented. Fales seconded the motion, which carried.*

3. Adjourn: The meeting adjourned at 8:40 pm.

Respectfully submitted,
Carol Ross
Secretary

Approved

Burton Riendeau
Chairman, Zoning Board of Adjustment
Date_____