

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

**MINUTES
February 14, 2012**

Present: Chairman Burt Riendeau, Renee Fales, John Perkowski, Alternates Lucky Evans and Carol Ross and Selectmen's representative Elaine Levlocke

The Zoning Board of Adjustment met at the Chesterfield Town Office on February 14, 2012. Riendeau called the meeting to order at 7:40 pm and 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. This is a continuation from January 10th.

Allen had forwarded paperwork depicting the expansion of cubic ft is actually a reduction with the removal of the existing stairway and chimney area; noting the existing volume of living space at 644 cu ft and the proposed volume as 621 cu ft. The Board reviewed Greenwood's letter advising that after research of NHDES SSB current requirement, it is his understanding that the requested roof changes would not require a new septic design as they are not expanding the footprint of the cottage, adding a bedroom or increasing the septic load. The approved septic is for a 3 bedrooms issued January 5, 1998.

Perkowski was not present last month so Allen gave a review of the application. Allen stated they have a septic approval for 3 bedrooms that had been changed to 2 bedrooms when they had done some renovations. They want to bring it back to 3 bedrooms; bring the stairs up to code; raise a portion of the roof to a flat dormer to allow for the 3rd bedroom; add a bridge from the parking area to the 3rd floor. The proposed bridge is 44 ft long and 4.5 ft wide. It is 11.5 ft from the east side property line and is within the lake setback.

The lot is 7,225 sq ft. The existing building coverage is 900 sq ft and the bridge would add 220 sq ft; totaling the building coverage at 15.5% of the lot. The parking area is hard pack.

Allen stated the only way presently to access the 3rd floor is from outside. Riendeau stated he sees the bridge as needing a variance from the side and lake setbacks. The new stairway would allow access to all the floors inside the cottage

Fales moved to close the public portion. Perkowski seconded the motion, which carried unanimously.

Riendeau asked that Ross contact the NHDES SSB regarding the notation on the Operation for Approval for the septic.

The Board decided to visit the site to see what the impact of the bridge may be within the setbacks.

Fales moves to continue the meeting to the site on Friday, February 17th at 2:30 pm. Perkowski seconded the motion which carried unanimously.

2. Gary & Ellen Cota request a variance of Article 503.1, Expansion of a non-conforming structure to permit increasing the pitch of the roof and expanding the footprint by 450 sq ft. The property is located at 1011 Route 9, Chesterfield (Map 4B Lot A26) Residential zone.

Cota advised he purchased the property with the grandfathered gift shop. He stated the building is structurally unsound and the roof leaks. He wants to raise the roof to increase the pitch to 8/12 from the existing 3/12 pitch. He also wants to add onto the rear of the building by 6 ft increasing the footprint by 450 sq ft.

Cota stated he intends to keep it a gift shop but it would be a high end gallery showcasing local artisans' work. He stated increasing the area at the rear of the building is noninvasive and away from the road.

Cota stated that the acre amount listed on the Town tax maps is 1.79 acres. The assessment card shows 1.2 acres. The deed notes the lot is 250 ft x 300 ft. He measured from the property monuments and got 77,000 sq ft.

The roof would be raised by 3 ft to accommodate the pitch. He does not expect more than 2 employees there at one time. The house has an attached apartment; the apartment had been added for a mother-in-law. Cota stated that all structures including the proposed addition is 5,200 sq ft. There is less than 10% additional for impermeable coverage.

Cota also proposes to add 4 parking spaces keeping the travel lane open for flow through traffic in front of the shop. The Board noted this was not on the application and discussed if this should go to the Planning Board for site plan review.

Perkowski moved to close the public portion. Evans seconded the motion; which carried unanimously.

Riendeau stated this could be a safety issue by increasing the traffic. It was noted that parking is an issue and Cota knew what he had when he invested in the property.

Riendeau stated this business started with a home occupation and it changed to a non-resident owner. It has evolved and is an example of creep. Ross noted that there hasn't been a resident owner for at least 10 years. The store was established prior to the Home Business ordinance and did not have a home business application. The assessment card shows this property as a mixed use with commercial and residential.

Riendeau asked would it be a grandfathered use if the home business went away with the new property owners. He asked Ross to contact the attorney to ask how the property could be used; is there a time frame in which the property is vested for the commercial use of the gift shop?

Perkowski moves to continue the application to the next meeting, March 20th allowing time to get the information from the attorney. Fales seconded the motion; which carried unanimously.

3. Review Meeting Minutes

- **January 10, 2012** – *Fales moved to approve the minutes as presented. Evans seconded the motion, which carried.*

4. Other

Davenport is serving on the Spofford Lake Education Committee (SLEC) to try and help the property owners along shore areas have a good understanding as to what is allowed and what is not. The comm is contemplating having an ordinance requiring a permit from the Town before any tree cutting is done. She wanted to get wording input from the ZBA to bring back to the SLEC. Copies of the SLEC meeting minutes of 2/9/12 were given to the Board. Ross advised if any member had suggestions to contact Davenport directly.

5. Adjourn: The meeting adjourned at 10:22 pm.

Respectfully submitted,
Carol Ross
Secretary

Approved

Burton Riendeau
Chairman, Zoning Board of Adjustment
Date _____