

**APPROVED**  
**New Castle Board of Adjustment**  
**February 20, 2014**

**Public Hearing Re: Michael & Maria Southworth, 36 Piscataqua St., Map 18, Lot 30.**

**BOARD MEMBERS PRESENT:** Russ Cox; Mark Gardner; Ned Robinson;  
Susan Stetson

**BOARD MEMBERS ABSENT:** Todd Baker; Donald Moore; Will Smith

Chairman Robinson called the meeting to order at 7:00 p.m. He told the applicants that due to several Board absences, there would only be four voting members for this public hearing and the applicants are entitled to have five voting members. He asked the applicants if they would prefer to postpone tonight's public hearing in order to have five voting members present. The applicants opted to go on with tonight's hearing as is. The Chair noted that the voting members for this evening will be Cox; Gardner; Stetson and the Chair.

**Public Hearing Re: Michael & Maria Southworth, 36 Piscataqua St, Map 18, Lot 30:**

**GUESTS:** Michael & Maria Southworth, applicants; Ray Holmes, Architect, representing the applicants.

Chairman Robinson announced this was a public hearing for Michael & Maria Southworth, 36 Piscataqua St., Map 18, Lot 30. The applicants request a variance to the terms of Article 7.0, Section 7.5.1 and asks that terms be waived to permit an addition to a nonconforming dwelling which will make it more nonconforming. Also, Article 4.0, Section 4.2.1 #3 increasing lot coverage by 19 s.f. from 30.3% to 30.6 % and Section 4.2.1 #5 Building Area increased by 35 s.f. from 2977 s.f. to 3012 s.f. The public hearing has been properly advertised, abutters have been notified and all fees paid.

Ray Holmes, Architect, explained that the proposed home was built in 1750 and is in need for extensive renovations. They plan on making two changes to the existing house. One change is to take the main house, remodel and renovate it, adding new siding, new roofing, new windows and remodeling the inside of the home.

The second change would be to raze the rear section of the existing dwelling. That particular section has a number of unsafe structural and drainage problems. The rear of the building is settled right into the dirt, the joists are sagged and bouncy, the kitchen headroom is only 6' 2" to the bottom of the beams, and the second floor outside wall headroom is only 3' 3" high. They would like to add the second floor outside deck for enjoyment of the outdoors, but most importantly, it provides a way out of the home in the event of a fire. The stairs to the first floor were built centuries ago and are very narrow.

Holmes emphasized they are asking for a variance to expand the size of the non-conforming structure and they are asking to expand the lot coverage by 19 s.f. and are asking to increase the building area by 35 s.f.

Holmes showed photographs of the home with existing conditions regarding the street view, right side of the home front view, left side and front view, left side and rear view, rear view, kitchen with low headroom, and the room above kitchen with low headroom, (Attachment A.)

Holmes explained in detail the plan that covers the height, the lot line setbacks and road frontage, the lot coverage that includes both existing and proposed, the building area that covers both the existing and proposed, (Attachment B.)

Stetson asked Holmes if he plans to enclose the farmer's porch. Holmes replied that, in effect, the answer is "yes".

Cox assumes the applicant is going to demolish the entire rear wing. Holmes replied yes.

Holmes said there would be no change to the front elevation. He explained in detail the proposed left side elevation; right side elevation; proposed back elevation; existing first floor plan and proposed first floor plan; existing second floor plan and proposed second floor plan; and existing third floor plan.

The Chair asked if the applicant proposed to change the third floor plan. Holmes replied the third floor plan will not be changed.

Stetson asked for clarification regarding the dormer on the back elevation and asked if it was similar to a mini dormer. Holmes replied yes.

Cox assumes the dormers allow installing full height doors in the room. Holmes agreed.

Holmes discussed the existing first floor plan; existing second floor plan and proposed second floor plan and the existing third floor plan.

Holmes commented on the “By the Numbers”, (Attachment C.)

Chairman Robinson asked if the Board had any comments. There were none. He asked for public comments.

Mike Southworth, applicant, emphasized that the new second floor deck will be added to allow enjoyment on the outside; and equally important, to provide an easy exit from the upper floors in the event of a fire.

Holmes addressed the five criteria:

1. *No diminution of property values, (Attachment D.)*
2. *Granting the variance would benefit the public interest, (Attachment D.)*
3. *Denial of the variance would be an unnecessary hardship to the owner, (Attachment D.)*
4. *Substantial Justice, (Attachment D.)*
5. *Not Contrary to the spirit of the ordinance, (Attachment D.)*

Holmes pointed out that the changing of the roofline on the rear addition is not visible from the street but it is visible from Steamboat Lane.

The Chair asked if the public had further comments.

Holly Biddle, realtor, said this project was going to improve the house and the neighborhood.

The Chair asked for further public comments. There were none. He asked for the Board’s comments.

Gardner said this was a very good presentation.

Cox agreed.

Stetson asked Holmes if they had found asbestos on the property.

Holmes replied they have not begun to look yet.

Cox commented on the lead paint remover and asked if it was required or was it something you would do regardless.

Holmes replied it is required by law for him to do it

Stetson asked if it was required by law for them to remove the lead paint or could they paint over the lead paint.

Holmes replied they can paint over it but if you are removing it or doing anything that causes dust, you have to use lead mitigation techniques.

Stetson assumes that the applicant is planning on removing the siding and the wood shingles on the roof.

Holmes agreed. He said the trim is well rotted on the roof and the wood roof is very old. They plan on replacing the roof and the outside of the home will be made new. The inside of the home will be made to look similar to what is there now. They are also going to redo the entire wiring, and install new plumbing.

Stetson said the home seems like a teardown.

Holmes replied it is only the kitchen area that is considered a teardown and the rest of the home is renovation.

Cox feels this was a good proposal to make an older house in New Castle more livable. The problem is too small a lot. He said the applicants did a very nice job.

Gardner agrees with Cox and he has no problem with the applicant's request. He agrees with the second floor deck that will also be used as an egress for fire safety.

Stetson agrees about the fire safety issues that Gardner and Cox mentioned. Her concern is expansion. The ZBA's regulations were to minimize the problems that we have in these very dense areas and not to allow the houses to expand.

Cox pointed out that the covered porch is part of the building area and we have to be careful on covered porches because that certainly becomes part of the building area and becomes part of an expansion.

Stetson said this was a beautiful package, it is a beautiful house; although, she will say that we all move to New Castle because it is a lovely town and the center of the town has such beautiful historic buildings.

Cox feels this project has minimal changes and the change in the roof line is mostly hidden.

Gardner is concerned about possible additions in the future. He suggests including in the motion that this Board approves this project subject to there not being any further expansions or additions.

Stetson would be satisfied with that stipulation.

Chairman Robinson agreed and does not feel this would be unreasonable. He feels this is a case where something needs to be done. He is very sympathetic to low ceilings and he feels that would be very worthwhile to make the house more useful and more valuable house if they are able to raise the roof and utilize the existing square footage. He would be concerned that the proposal might interfere with the neighbor's view of the ocean.

Stetson said this is a very small lot along with every other lot on this street. She emphasized this was not a hardship in this particular neighborhood.

The Chair replied this is a very difficult situation.

Gardner feels this was a modest proposal.

**Stetson moved for the Board of Adjustment to accept the proposal, as requested, with the stipulation that there be no further expansion of the living area.**

**Cox seconded the motion.**

Discussion followed on the motion.

The Chair suggested the motion be conditioned upon the approval by the HDC.

**Revised Motion.**

**Stetson moved for the Board of Adjustment to accept the applicant's proposal, as requested, conditioned upon approval by the HDC and with the stipulation that there be no further expansion of the living area.**

**Cox seconded the motion.**

**Cox votes to approve the motion.**

**Gardner votes to approve the motion.**

**Stetson votes to approve the motion.**

**Chairman Robinson votes to approve the motion.**

**Approved.**

The Chair closed the public hearing for Michael & Maria Southworth.

**Review of ZBA Minutes of August 15, 2013:**

**Cox moved for the Board to approve the ZBA Minutes of August 15, 2013, as amended. Stetson seconded the motion. Approved.**

**Review of ZBA Minutes of October 17, 2013:**

**Cox moved for the Board to approve the ZBA Minutes of October 17, 2013, as amended. Stetson seconded the motion. Approved.**

**Adjournment:**

**Cox moved to adjourn the meeting. Stetson seconded the motion. Meeting adjourned at 8:30 p.m.**

Respectfully Submitted,  
Anita Colby  
Recording Secretary

Attachment A: Photographs of the home with the various views

Attachment B: The Plan of the Southworth Home

Attachment C: "By the Numbers" Plan including Lot Coverage & Building Area

Attachment D: The Five Criteria of the Zoning Ordinance