

Health Board Acts To Limit New Bedrooms

Revised Nitrogen Loading Regs Not Just About Nitrogen, They Say

by Alan Pollock

CHATHAM – With virtually no comment from the public, the board of health revised regulations last week that will make it impossible for the majority of properties in town to add new bedrooms. The change to the town’s nitrogen loading regulations aims to “put the brakes on uncontrolled expansion” of the size of houses seen in recent years,

health board member Richard Edwards said.

The revised regulations take effect on Aug. 1, and prohibit the health board from granting variances that would allow more than one bedroom per 10,000 square feet of lot size, plus one. The rules apply only to properties with on-site septic systems, not those connected to the sewer.

“Recently we’ve seen a steady increase in the size of houses as measured by the number of bedrooms,” Edward told the health board in June. If a property owner replaces a cesspool or Title 5 septic system with a nitrogen-removing

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innovative/alternative (I/A) system, the board has had the option of allowing an additional bedroom to be added to the existing building. “The rationale for granting these variances has been that the additional bedroom with an I/A septic system adds no more nitrogen to the groundwater than the existing Title 5 without the extra bedroom,” he said.

But that policy has meant that some houses that already have more bedrooms than would be allowed under rules for new construction are able to add another one. For instance, the owner of a four-bedroom house on an undersized 10,000 square-foot lot could obtain a fifth bedroom by installing a nitrogen-removing septic system, even though Title 5 rules would allow just one bedroom plus one more.

“The reason for limiting the increase in bedrooms is not entirely to limit nitrogen loading,” Edwards said. “The town of Chatham is

congestion and other consequences of overcrowding,” Edwards said.

At the board’s direction, Health Agent Judith Giorgio drafted the amendment to the regulation, which she said will apply to a majority of homes in town.

“If, say, they have a three-bedroom house on a 20,000-square-foot lot — they’re already exceeding the nitrogen loading regulation — they would not be allowed a fourth bedroom,” she said.

“Even with an I/A?” board member John Beckley asked.

“Even with an I/A,” she said. If the three-bedroom house were on a 30,000-square-foot lot, the owner could be granted one more bedroom.

Engineer Thadd Eldredge questioned the rule change.

“I understand where the Board is coming from and I believe there should be a determined maximum number of bedrooms and a mechanism to transfer bedrooms

received on or after Aug. 1 will be held to the new standard. Giorgio said she does not expect a surge of last-minute applications.

“Engineers are backed up and would be hard pressed to get something to us by July 31,” she said. Eldredge agreed.

“Variances take time, require test holes, surveys, plan preparation and filing preparation,” he said. “We had several in progress and submitted those,” but are not taking on new ones, he said.

Eventually, officials will need to decide whether to expand the nitrogen loading regulations to apply to properties on town sewer. Current “growth neutral” rules stipulate that properties with sewer connections are not entitled to any more bedrooms than would be allowed under Title 5 septic system regulations.

“The board of health would like to discuss the question with the water and sewer advisory [committee] moving forward,” Giorgio said.

facing severe water shortages due largely to insufficient pumping and storage capacity. The sole-source aquifer is coming under increased strain to meet the needs of the summer population. The town's seeing a steady increase in short-term rental capacity. Many homes that previously were family-occupied are now being used as short-term rentals," he said. When that happens, the houses typically have all bedrooms fully occupied throughout the rental season, whereas family-occupied homes tend to be used less intensively, he said.

The intense use of houses as summer rentals "leads to increased water usage and sewer production. Increased occupancy also leads to other problems such as increased traffic

with the goal of enabling every house to have three bedrooms," he said in an email to The Chronicle. "This is very unfortunate for the owners of one- and two-bedroom homes who have a severe deficiency in value due to their lack of greed. They didn't cause the problem but they are being forced to be the solution," Eldredge said.

Giorgio said she is confident that the rule change is in line with the health board's mission and responsibility. "The change is more of a change of the interpretation of the regulation as it was originally written," she said.

While the handful of variance applications currently awaiting action by the health board will be judged under the previous regulation, all applications

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