

**Town of Northumberland  
19 Main St.  
Groveton, New Hampshire 03582**

**ZONING BOARD OF ADJUSTMENT  
MINUTES  
Monday, November 17, 2014 – 7:00 PM  
MEETING ROOM  
10 STATION SQUARE  
Groveton, NH**

Board members present: Kent Holden, Dave Auger, Jim Tierney, Gerry Crompton, Keith Young  
Others present: Martin Poitzsch, Sima Roosta, Jim Wells, Lori Burt, Rene Burt, Elaine Gray, Rebecca St. Cyr - Recorder

G. Crompton Chairman opened the meeting at 7:20 pm

1. Minutes of October 6, 2014 meeting

Motion to accept the October 6, 2014 minutes by: J. Tierney  
All in Favor 4-0

2. PUBLIC HEARING-

<p><b>Case #Z14-04: Martin Poitzsch and Sima Roosta are seeking a Use Variance for building a 2<sup>nd</sup> single family residence on their lot. The parcel is zoned Residential Low Density and consists of 2.1 acres. It is located at 32 Burt Hollow Rd. on Map 216 Lot 11.</b></p>
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Martin Poitzsch bought the property in 2008, it had been vacant since 1989 and was in bad shape. He has done a lot of repairs to the house, however his wife has allergies and can't live in the house. He would like to use the house as a shell for storage with no utilities (heat, water, etc.). He wants to build a bungalow adjacent to the current building. Jim Wells is the septic designer from Colebrook, which was approved by the State. It will not be connected to the old structure.

Rene & Lori Burt were present and are not in favor of the location for the new structure. He is glad that Mr. Poitzsch is doing due diligence by opening it up for discussion. They also have a concern with their own pine trees being cut down, they are a menace, but now they would be hesitant to cut them because they would stare right into the new house.

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The Board discussed the application and lot; there is an area at the back of the property that sometimes floods in the spring. Lori Burt further reviewed the area that floods. M. Poitzsch said they submitted a Shore Line permit and the State approved putting the structure where they want it. K. Holden commented that it barely meets the set-back requirement from what he perceives as the riverbank during flood stage and suggested where he feels the new house could be placed. He also suggested demolition of the old house within a year. G. Crompton said the Zoning Ordinance doesn't allow for 2 dwellings on the same lot and approval could cause problems in the future. M. Poitzsch reiterated that the structure would not have any utilities and if anything was to be done, it would need to be approved through a building permit.

K. Young asked if they could appease the abutters by adding trees between the new house and the road. M. Poitzsch said he doesn't intend to cut any more than necessary. He also doesn't feel that it's reasonable to tear down the old building.

J. Wells asked for clarification of the ordinance re: a dwelling. To be considered a dwelling (in this area) it needs to have heat, water and sewer. He feels the appearance of the building makes it look like a dwelling, but it's not. K. Young could see the point, but with a dwelling there are seasonal camps in the area that don't have utilities. E. Gray asked what if the kitchen and plumbing were all removed; M. Poitzsch said it would all be disconnected there is now sewer connection in the house. The permitted sewer plan will not be connected to the current building.

J. Tierney asked if we have a Historical Society and if there is any way to designate the old structure as never being habitable, that it's uninhabitable; might be a way around it. Poitzsch was hoping to start building approx. 1 month ago; the general contractor came in for a building permit and that's what started this. Discussion ensued regarding digging during the winter months.

Lori Burt asked what the bungalow will look like, M. Poitzsch said it will be a 1 ½ story cape style home. It will be red in color to match the existing structure. It's a stick built, not a trailer or double-wide. Rene Burt said this does affect them and he is concerned with safety and the location. M. Poitzsch commented that his intention is to improve the property value and maintain the attractiveness of the site.

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D. Auger wasn't certain that the river bank and set back issue was resolved. K. Holden said it meets the set back of 20' from where the bank drops off, but there's a channel of water below that bank and further discussed. Auger reviewed the Zoning Ordinance Section 4 and asked if the Zoning Board can approve a Use Variance with conditions that will last hereafter? J. Tierney commented that we can put it in, but the restrictions are not enforceable; Tierney further discussed. J. Crompton reviewed a case in the past where there was an issue. E. Gray said the Notice of Decision has a section for conditions. The Planning Board can put a condition on a parcel that is (for instance) undevelopable if its land locked.

D. Auger asked M. Poitzsch if he is asking the Board to approve another dwelling. Poitzsch said he is asking the Board to approve the new building and repurpose the current structure for storage. Auger asked if that will still comply with the zoning regulations. J. Tierney commented they would own the property. If they want water, they could drill a well; if under \$5,000 they would not need a building permit. Wait a year and then do a septic system. So, technically, water & sewer could be put in without a building permit. Electricity wouldn't be a problem. Heat could also be added, then you would have 2 structures. The problem could come up 20+ years from now. E. Gray said she suggested a sub-division, but because of the river shore line protection act wouldn't allow. There isn't enough room.

M. Poitzsch asked if they built the structure and attached to the current building, would that be acceptable. J. Wells asked the Board what M. Poitzsch would need to do to make it a storage building in the eyes of the Town. Wells said that anyone with 2 structure on their property could do the same thing. J. Tierney & G. Crompton addressed.

D. Auger reviewed the definition of a dwelling as in the Zoning Ordinance.

*A building or part of a building that contains living and sleeping accommodations for permanent occupancy by a single family.*

The Board further reviewed.

Poitzsch said the septic system has been approved by the State. J. Wells said if applying for a 2<sup>nd</sup> septic system for the same lot, the State will look at the loading. It's more than just submitting an application. Legally he would not be able to hook up the old structure to the new septic due

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to loading. The zoning didn't need to be specified on the septic permit. J. Wells said there may not be enough room to put another septic system on the property. The reality is that you could probably not ever put another septic on the lot.

With a composting toilet and electricity it could become a dwelling. J. Wells said that it still needs to be approved by the State. The definition of a dwelling doesn't mention water, sewer and electricity.

K. Young said by bringing up the point of any future owners, we are almost holding it against them for what someone in the future might do. It will probably get harder and harder with the permitting.

D. Auger asked about the building permit. J. Tierney said if it's been approved by Zoning and Planning, it would probably be approved. If this is approved tonight, it could be on the November 24<sup>th</sup> Select Board agenda.

K. Holden reminded that if we pass the application the way it is, there is no way to enforce for someone else in the future. J. Crompton said he has seen the result of past variances being granted.

Motion to move to vote by: Keith Young  
2<sup>nd</sup> by: Gerry Crompton, All in Favor 4-0

Motion to approve the Use Variance as written by: Gerry Crompton

D. Auger and E. Gray reviewed the section of the application that refers to a variance. K. Young clarified.

Motion for approval of the Use Variance by: J. Crompton

3 in Favor – 2 Against.

Use Variance passes.

**3. Any Other Business**

Meeting adjourned at 8:32 pm.