

**TOWN OF EATON
PLANNING BOARD
January 13, 2016**

The Planning Board held their regular meeting on Wednesday, January 13, 2016. Present were Chairman Paul Savchick, Frank Holmes, Thaire Bryant, Dennis Sullivan and Selectmen Dick Fortin. The meeting was called to order at 7:00 pm.

Public Hearing – Proposed Zoning Ordinance Amendments

Chairman Paul Savchick opened the Public Hearing on the proposed Zoning Ordinance amendments and read the three amendments and then opened the hearing to public comment. Kenneth McKenzie submitted a handout of his objections and suggestions to revise the proposed amendments.

Amendment #1 to Article IV Section 1. Paul Savchick explained that the provisions currently set forth within the Zoning Ordinance are not as complete as the State statute, which led the Board to incorporate the entire RSA 674:41 into the Town's Zoning. Ken McKenzie noted that this proposal removes an existing paragraph that is not within the RSA and suggested retaining Section (c)4 which references requirements to bring the road up to Town standards before the Town will accept a road. Chris Meier stated that this paragraph should be relocated as it does not deal with building on private roads.

Amendment #2 to Article VI Section 4. Dennis Sullivan noted that this amendment is to encourage property owners to make their lots more conforming while still retaining grandfathered rights. Ken McKenzie raised the issue of the definition of "lot" within the Zoning Ordinance and stated that "lot of record" should be used. Ken McKenzie stated that the amendment should specify that this applies only to contiguous lots and questioned the status of a lot when a non-conforming and conforming lot is merged. Paul Savchick stated that the lot as merged would be conforming. Ken McKenzie stated that the Board cannot pass an ordinance after the fact of an issue and noted that the Zoning Ordinance does have provisions for building on a road not built to Town specifications. Ken McKenzie questioned why if the merged lots meet the frontage requirement will they not be required to upgrade the road. Dennis Sullivan stated that a property owner could build and then merge the lots. Paul Savchick stated that if a property owners has lots which existing prior to the adoption of Zoning, we are encouraging them to merge the lots to reduce the number of possible buildings while retaining their grandfathered rights. Ken McKenzie stated that if the lot then has the ability to meet the current conditions of the Ordinance, they should have to meet all requirements of the regulations. It was noted that the definition of "lot" needs to be updated to remove "under separate ownership". Dennis Sullivan noted that the Zoning Board of Adjustment can place conditions on their approval to build on a non-conforming lot. Chris Meier suggested changing the wording to "any combination of such lot of record and any other contiguous parcel of land as may have been subsequently voluntarily merged..."

Amendment #3 to Article XIV. Paul Savchick noted that this amendment is to clarify the definition of private roads. Ken McKenzie noted that the Subdivision Regulations already has a definition of private road. It was noted that once this definition is adopted at Town Meeting, the definition within the Subdivision Regulations will be updated.

Paul Savchick explained that the Board will take the suggestions under advisement and closed the Public Hearing at 8:18 pm.

Review of Minutes

The Board reviewed the Minutes of December 9, 2015. ***Dennis Sullivan made a motion, seconded by Thaire Bryant, to accept the Minutes as written. Motion unanimously carried.***

Selectmen's Report

Dick Fortin gave an update on issued Building Permits and explained that the Selectmen are working on zoning violations.

Zoning Ordinance Amendments

The Board reviewed a proposed amendment to Article VII regarding home occupations in an accessory building. It was noted that an accessory building is defined as one that is detached from the residential building. Paul Savchick noted that an attached barn could be just as much an issue as a detached structure. Dennis Sullivan noted that the concern seems to be with the size and/or potential to grow. It was the consensus of the Board to table this proposed amendment and to work on solutions prior to next Town Meeting.

It was the consensus of the Board to update Amendment #1 to include the existing wording from Section I.c(4). ***Dennis Sullivan made a motion, seconded by Thaire Bryant, to put Amendment #1 as amended on the Town Warrant. Motion unanimously carried.***

It was the consensus of the Board to update Amendment #2 to read "The owner of a non-conforming lot of record recorded before the date of this Ordinance, March 6, 1973, or any combination of such lot of record and any other contiguous parcel of land as may have been subsequently voluntarily merged..." It was the unanimous consensus of the Board that permitting the merging of lots and protecting property owner rights is in the best interest of the Town. ***Thaire Bryant made a motion, seconded by Dennis Sullivan, to put Amendment #2 as amended on the Town Warrant. Motion unanimously carried.***

The definition of Private Road was amended to include the following language from the Subdivision Regulations: "New private roads requesting subdivision approval must meet established Town standards." ***Dennis Sullivan made a motion, seconded by Thaire Bryant, to put Amendment #3 as amended on the Town Warrant. Motion unanimously carried.***

Thaire Bryant made a motion, seconded by Dennis Sullivan, to adjourn the meeting. Motion unanimously carried. The meeting was adjourned at 9:55 pm.

Respectfully submitted,

Lianne Boelzner

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