



**Zoning Board of Adjustment
Town of Eaton
Evans Memorial Building
Eaton, NH 03832
603-447-2840**

August 6, 2018

The Zoning Board of Adjustment met on Monday, August 6, 2018 in the Town Hall. Present were Acting Chairman Carol Mayhofer, Robert Bridgham, Robert Malvesta, Heather McKendry and Alternate Nicholas Abramo. The meeting was called to order at 7:00 pm. Chairman Mayhofer appointed Nick Abramo to act as a regular member.

Robert Malvesta made a motion, seconded by Robert Bridgham, to waive the reading and to adopt the Minutes of May 7, 2018 as written. Motion unanimously carried.

Case # 201803 – Matthew Burke & James Thompson – Special Exception

At 7:03 pm Chairman Mayhofer opened a Public Hearing on an application from Matthew Burke & James Thompson for Special Exceptions under Article V, Sections C.3(c), C.4(b) and C.4(c) for property located at 217 Brownfield Road (U02-013). Chairman Mayhofer read the public notice.

All notices required by statute had been posted, fees paid and abutters notified. There were no conflicts of interest.

Chairman Mayhofer noted that the wetlands have not been mapped as required under Article V. Dale McConkey stated that he did not think it was needed as there is State approval for the new system. Paul Savchick stated that Article V Section C.1(b) states that the delineation is required and that the Zoning Board is bound by the wetland delineation and that it is needed because the system is so close to Snow Brook.

Dale McConkey explained that the location of the existing septic tank and the perk test results. Dale McConkey noted that the existing system is deemed failed and that the new system cannot be located anywhere else on the lot.

Paul Savchick noted that the State-approved system is for a two bedroom residence and that the Town has the property listed as a three-bedroom residence. Paul Savchick stated that the Town needs to know where the wetlands are located in relation to the system. Dale McConkey stated that the existing failed system is closer to the brook than the proposed replacement which is designed to make sure it is treated and safe.

Paul Savchick explained that this section of the Zoning Ordinance was updated in 2015 and puts forth a method for delineating wetlands and that if there is any possibility of impacting wetlands, the soils must be mapped.

Dale McConkey stated that there is no other location on the property to place the septic system and that the property owner has the right to replace a failed system. Robert Malvesta questioned if there are any other system designs which would have less impact? Dale McConkey stated that a leach field is required and that it is the smallest size possible.

Heather McKendry explained that the Board must adhere to the regulations and if a wetland delineation map is required, the Board is bound by that requirement. Robert Bridgham stated that the Ordinance allows for a Special Exception to replace a failed system. Chairman Mayhofer stated that a plan must be presented by a certified soil scientist and that once the plan is submitted, a Variance may be needed for placing the tank and leach field too close to a wetland. Robert Bridgham stated that a Variance is not required as the Special Exception is specifically for replacing a failed system. Ed Reilly questioned how the system has been determined to be a failed system. Dale McConkey explained that the system was inspected and the leach field failed and also has a 500 gallon steel drum.

Ed Reilly questioned whether there is any way to design a system that pumps away from the wetlands? Dale McConkey explained that a new system would have to be designed and that there would be more soil disturbance close to the brook. Paul Savchick noted that there are instances where the septic system is placed on abutting properties. Dale McConkey noted that it would then have to cross a State highway and that to meet all setback requirements, it would be expensive.

Chairman Mayhofer explained that the Board needs to see where the wetlands are located so that the impact can be assessed. Robert Malvesta stated that by not replacing the system, there is a greater impact to the wetlands.

Robert Malvesta made a motion, seconded by Robert Bridgham, to recess this Public Hearing until 7 pm on Monday, August 27, 2018. Motion unanimously carried.

Chairman Mayhofer made a motion, seconded by Robert Malvesta, to adjourn the meeting. Motion unanimously carried. The meeting was adjourned at 8:06 pm.

Respectfully submitted

Lianne M. Boelzner

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