



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

December 2, 2019

The Zoning Board of Adjustment met on Monday, December 2, 2019 in the Town Hall. Present were Chairman Steve Larson, Carol Mayhofer, Robert Malvesta, Heather McKendry, Meg Hoffer (alternate) and Holly Fortin (alternate). The meeting was called to order at 7:00 pm. Since there were six Board members in attendance Chairman Steve Larson excused alternate Holly Fortin.

Carol Mayhofer made a motion, seconded by Heather McKendry, to waive the reading and to adopt the Minutes of December 3, 2018 as written. Motion unanimously carried.

Case #2019-01 – Timothy Ostendorf and Robert Barker Special Exception

At 7:05 pm Steve Larson opened a Public Hearing on an application from Tim Ostendorf & Bob Barker for a Special Exception to Article VII, Home Occupations and Home Businesses for property located on Towle Hill Road (R07-010). Carol Mayhofer read the public notice.

All notices required by statute had been posted, fees paid and abutters notified. There were no conflicts of interest. Carol Mayhofer read a letter of support from neighbors Donna Friedman & Hillel Stavis. She also read correspondence from the Town of Freedom expressing their concerns regarding the exception since the subject property is segmented by the municipal boundary of Eaton and Freedom.

Timothy Ostendorf presented the application. Before he began Steve Larson confirmed that the applicants intend to live in the residence located on the property. Tim Ostendorf then asked ZBA member Heather McKendry whether she would like to recuse herself since he believes her mind is already made up against allowing the exception. Heather stated that she does not have a set opinion and would like to hear what he had to say.

The applicants intend to rent a barn located on their property for events and weddings. Rentals will be seasonal and are not expected to take place more than one night per weekend. The maximum number of people attending events will be 100. Their advertising will specify that the venue is appropriate for 70-80 people. They do not plan to rent the house in conjunction with events held in the barn. Music will end by 9:30 pm and events by 10:00.

They will not require a restaurant license or liquor license to operate the business since all events will use contracted caterers. They will not install a septic system since they plan to use portable toilets which will be out of sight behind the barn. The barn has 5 means of

egress and will have fire extinguishers on site. There is a well in the barn if water is needed in the event of a fire. A \$1,000,000 liability policy will be in place. To minimize the impact of traffic they will transport guests in their van whenever possible. A parcel of land will be removed from current use to accommodate additional parking.

The venue is expected to be used in conjunction with their existing business, The Inn at Crystal Lake. They are hoping to use the event venue to boost revenue at the Inn which has been negatively impacted by short term rentals. Tim said that he and Bobby have received a lot of support from neighbors.

No other attendees spoke in support of the project.

Kenneth Cargill spoke in opposition to the special exception. He stated that he is not opposed to the proposed use but that it is not a conforming use in a Rural Residential District nor is the use available by special exception. He also believes that the applicants need to address subdivision requirements for the Town of Eaton and zoning compliance issues with the Town of Freedom. He presented a memorandum to the Board detailing his concerns and stated that the job of the Zoning Board of Adjustment is to apply the ordinance as written.

Robert Malvesta made a motion, seconded by Carol Mayhofer to adjourn the Public Hearing to give the applicants a chance to review and respond to Atty. Cargill's memorandum. Motion unanimously carried.

The public hearing will be continued on Monday, January 6, 2020 at 7:00 pm.

Robert Malvesta made a motion, seconded by Steve Larson, to adjourn the meeting. Motion unanimously carried. The meeting was adjourned at 7:32 pm.

Respectfully submitted,

Eleanor R. Border

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