

**TOWN OF EATON
PLANNING BOARD
October 13, 2021**

The Planning Board held their regular meeting at the Eaton Town Hall on Wednesday, October 13, 2021. Present were Chairman Dennis Sullivan, Peter Klose, Heather McKendry, John Hedden, Stanley Dudrick, Alternate Thaire Bryant and Selectmen's Representative Joyce Blue. The meeting was called to order at 6:00 pm. Chairman Sullivan appointed Thaire Bryant to act as a regular member for this meeting.

Correspondence

Chairman Sullivan noted that members of the Board have received a letter regarding a recent Zoning Board of Adjustment decision and stated that the letter should be reviewed for possible Ordinance updates. The Board reviewed a letter from Paul Hennigan addressing some of the issues in the aforementioned letter.

Voluntary Merger of Lots – McKendry

The Board reviewed an application from Heather McKendry to merge lots U02-015 and U02-014. ***Joyce Blue made a motion, seconded by Thaire Bryant, to approve the Merger. Motion carried, with Heather McKendry abstaining.***

Review of Minutes

The Board reviewed and amended the Minutes of September 8, 2021. ***Joyce Blue made a motion, seconded by John Hedden, to adopt the Minutes as amended. Motion unanimously carried.***

Selectmen's Report

Joyce Blue gave an overview of the Building Permits issued by the Selectmen.

Conservation Commission Report

Heather McKendry explained that Horizon Forestry has completed their cutting on Foss Mountain, Cliff Cabral will be performing dives to seek out any invasive species in Eaton's lakes and the three kiosks on Foss Mountain will be updated.

**Public Hearing – Steep Slope Development (Continued)
Matthew & Tucker Watson**

Chairman Sullivan re-opened the Public Hearing on an application from Matthew and Tucker Watson for Steep Slope Development of a property located on Woodland Acres Road (R05-018). Matthew and Tucker Watson joined the meeting via Zoom.

The Board reviewed plans submitted by HE Bergeron Engineers. Matt Watson explained that there are two options, one with a 10% slope and one with a 15% slope. Matt Watson stated that the driveway with a 15% slope meets NHDOT standards and works best because there is less land disturbed. Matt Watson requested that the Board waive the 10% slope requirement and consider a 15% slope driveway that fits the natural conditions of the land, which is the recommendation of the engineer.

Matt Watson gave an overview of Plan 1A (Sheet C1.11) which has a 2:1 fill with 10% grade and noted that the proposal disturbs quite a bit of land. Matt Watson stated that the intent of the Ordinance is to protect the area but also to minimize damage to the land.

Matt Watson gave an overview of Plan 2B (Sheet C1.14) which has a 3:1 vegetative cover and a 15% grade, which has less permeable surface and erosion. Matt Watson stated that the vegetation is better than the stone fill. Tucker Watson clarified that they are seeking approval for a driveway with a 15% grade. Chairman Sullivan questioned whether the request for a 15% slope is to minimize the damage to the environment and that if the Board does not approve the waiver, then the 10% driveway plan would be put forth. Tucker Watson stated that if the Board does not approve the waiver, they will consider applying for a variance because of the negative impact to the property.

Matt Watson gave an overview of Plan 3B (Sheet C1.16) and explained that work on the driveway began before the adoption of the Steep Slope Ordinance and that this plan is what is currently in place. Matt Watson stated that this proposal is for a 15% grade and 3:1 vegetative fill and stone ditches where needed. Peter Klose questioned why different cut and fill materials for the two different slopes. Matt Watson explained that it is difficult to have vegetation grown on a 2:1 fill and that the 3:1 fill uses the natural vegetation. Heather McKendry questioned if the 15% slope is an average. Matt Watson stated that there is no more than 15% in any area and that the lower section of the driveway would be filled in so that the grade never exceeds 15%. Matt Watson stated that he is seeking approval for a 15% grade driveway with 3:1 vegetative fill and stone where necessary for drainage as there is less damage to the property.

Chairman Sullivan opened the Hearing for public comments; there being none, the public comment period was closed.

Stan Dudrick stated that his understanding is that there is no imminent threat to water and questioned what recourse there would be if there is an erosion problem in the future. Chairman Sullivan stated that an earlier study showed no wetlands. Matt Watson stated that there are no wetlands and no vernal pools. Chairman Sullivan stated that once the driveway is approved, there is no recourse. Tucker Watson stated that the engineer reviewed all possible options and suggested option 3B.

Chairman Sullivan closed the Public Hearing at 6:48 and stated that further deliberations would be postponed until later in the meeting. ***Joyce Blue made a motion, seconded by Peter Klose, to recess the Public Hearing until later in this meeting. Motion unanimously carried.***

Public Hearing – Minor Subdivision

Jeffrey Hertel

At 6:52 pm, Chairman Sullivan opened the Public Hearing on an application from Jeffrey Hertel for a five-lot Subdivision of property located on Brownfield Road (R10-031).

All notices had been posted, all fees paid and abutters notified. No correspondence was received. ***Peter Klose made a motion, seconded by Joyce Blue, to accept the application for consideration. Motion unanimously carried by roll call vote.***

Jeff Hertel explained that the property is 48 acres and that the proposed lots range in size from 5 to 14 acres. Jeff Hertel stated that Eaton's Regulations require HISS mapping but if the lot is more than 5 acres, the requirement can be waived by the Planning Board. Jeff Hertel stated that he is requesting that waiver (submitted formal request) and noted that there is minimum wetland disturbance. Chairman Sullivan questioned whether the soil information on the plan was obtained with a soil survey and Jeff Hertel stated that it was and that the plan has been stamped by the soil scientist.

Chairman Sullivan questioned the accuracy of the property owner information and Jeff Hertel stated that the plan will be updated to reflect current ownership. Chairman Sullivan stated that the flood hazard areas must be shown on the plan, especially since there is a stream running through the property. Jeff Hertel noted that the wetlands are delineated and that he will have the flood zone added to the plan. Peter Klose questioned the driveway locations. Jeff Hertel explained the three driveways that have been approved by NHDOT.

Chairman Sullivan stated that proposed Lot #1 is comprised mostly of soil type 647B – Pillsbury, which cannot be included in the minimum lot size calculations. Chairman Sullivan also noted that soil type 21E – Colton cannot be used in those calculations as the slope is greater than the permitted 25%. Chairman Sullivan suggested that the applicant consider a cluster development if the soils types make it difficult to create separate lots of record.

At 7:18 pm, Chairman Sullivan opened the Hearing for public comment. Dick Stewart stated that a culvert had to be installed during the logging operation and that the 100-year flood zone runs along Brownfield Road.

David Weathers stated that NHDOT only looks at line of sight for the driveway permit and that construction of these proposed driveways will require a Dredge & Fill Permit, which will require HISS mapping. David Weathers stated that the soils on the property at Brownfield Road will be considered hydric and that the State may require mitigation measures. There being no further comment, Chairman Sullivan closed the public comment period.

Chairman Sullivan noted that the Board cannot proceed until further information is presented. ***Thaire Bryant made a motion, seconded by John Hedden, to recess this Public Hearing until 6:15 pm on November 10, 2021. Motion unanimously carried.***

Public Hearing – Steep Slope Development (Reconvened)

Matthew & Tucker Watson

At 7:40 pm, Chairman Sullivan reconvened the Public Hearing on an application from Matthew and Tucker Watson for Steep Slope Development of a property located on Woodland Acres Road (R05-018). Matthew and Tucker Watson joined the meeting via Zoom.

Chairman Sullivan stated that he would consider a driveway slope of 11 to 12% but that 15% seems too steep. Thaire Bryant noted that the 10% required slope is to reduce possible erosion. Chairman Sullivan stated that the 2:1 fill ratio is from NHDES requirements. Chairman Sullivan noted that the driveway entrance is lower than the road, so water coming down the driveway will remain on the property. Stan Dudrick stated that there should be a balance between obtaining the required grade and not destroying the land by using vegetation rather than stone. Joyce Blue noted that the Selectmen walked up the driveway to a landing and questioned whether that has been abandoned. Matt Watson stated that they want the ability to drive a vehicle to the top of the property.

Chairman Sullivan stated that in looking at the plan for a proposed 15% slope there may be less cut and fill but the disturbed area appears to be the same as with a 10% slope. Heather McKendry noted that granting this waiver would set a precedent. Chairman Sullivan noted that each property is considered differently when considering waivers.

Stan Dudrick questioned whether this property is grandfathered. Chairman Sullivan explained the five-year protection statute for properties that have been recently subdivided or granted site plan approval. Matt Watson explained that construction of the driveway started a few years ago when the Selectmen advised him that a driveway permit was not required. Matt Watson stated that during the pandemic work stopped and noted that he asked about grandfathering when the Planning Board review process began. Stan Dudrick noted that the driveway work was in process when the new regulations were adopted which may mean that a compromise should be found. Chairman Sullivan noted that the State Statutes need to be reviewed and that the Public Hearing should be continued until next month. Matt Watson stated that he questioned whether his driveway was grandfathered and that he just spent approximately \$7,000 on engineering plans that may not be necessary. Stan Dudrick stated that the plans show the impact of the different slopes, which is important for the Board. Chairman Sullivan stated that it is not the Planning Board's job to research the issue but the Hearing will be recessed to review the Statutes.

Thaire Bryant made a motion, seconded by Stan Dudrick, to recess this Public Hearing until 6:15 pm on November 10, 2021. Motion unanimously carried.

Regulations

The Board scheduled a work session for November 3rd at 3 pm to work on Zoning Ordinance amendments.

John Hedden noted that he and Peter Klose are working on educational materials for Groundwater Protection.

Joyce Blue made a motion, seconded by John Hedden, to adjourn the meeting. Motion unanimously carried. The meeting was adjourned at 8:46 pm.

Respectfully submitted,

Lianne Boelzner

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