

**TOWN OF EATON
PLANNING BOARD
February 9, 2022**

The Planning Board held their regular meeting at the Eaton Town Hall on Wednesday, February 9, 2022. Present were Chairman Dennis Sullivan, Peter Klose, Heather McKendry, John Hedden, Stanley Dudrick and Selectmen's Representative Joyce Blue. The meeting was called to order at 6:00 pm.

Review of Minutes

The Board reviewed the Minutes of January 12, 2022. ***Joyce Blue made a motion, seconded by Heather McKendry, to adopt the Minutes as written. Motion unanimously carried.***

Selectmen's Report

Joyce Blue gave an update on the Budget Hearing and proposed elderly property tax exemption that will come before voters at Town Meeting.

Correspondence

Chairman Sullivan read the Zoning Board of Adjustment Notice of Decision for Holly & Michael Henault, who were granted a Variance for setbacks pertaining to the septic system and leach field. Stan Dudrick explained that the Zoning Board had no concerns after a presentation by Soil Scientist Greg Howard. It was noted that the Zoning Board has recommended that the Planning Board review the Town's setback requirements compared with the State's requirements. Tom Costello questioned whether the Board will be reviewing the setbacks. Chairman Sullivan noted that the Board will review the issue during the year and explained the process for changing the Zoning Ordinance.

Chairman Sullivan read the Zoning Board of Adjustment Notice for Emily Bridgham, who was granted a Special Exception for a short-term rental with the condition that the septic system be inspected in the spring.

Chairman Sullivan explained the procedure for the upcoming Public Hearings.

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

At 6:15 pm, 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 & Tucker Watson joined the Hearing via Zoom.

Chairman Sullivan noted that the Watsons requested a continuance last month to confer with Counsel and noted that a video has been submitted for the Board to review. The Board watched the video at this time.

Tucker Watson stated that the Board recognized grandfathering on the driveway approximately halfway up but that he still feels the driveway should be grandfathered to the top. Tucker Watson explained that an alternate driveway plan was submitted and discussed because they were told to stop construction and that the driveway was subject to the newly adopted Steep Slope Ordinance.

Tucker Watson shared pictures taken in June 2019, which shows the excavator at the ridge and noted that it was always their intent to construct the driveway to the top. Matthew Watson explained that during the Selectmen's site visit, he threw out options so that he could keep working as he had taken time off from work and rented equipment.

Chairman Sullivan stated that the picture shows that work was clearly done to the logging road and that it appears to be an access road to bring materials to a building site. Matt Watson stated that the Board cannot use the flat area in the driveway to make a decision. Chairman Sullivan stated that there would have been no reason to create a flat parking area if the intent was to continue the driveway to the ridge.

Peter Klose stated that in reviewing the November letter from Counsel, grandfathering does apply and that the interim plan should not be considered. Stan Dudrick agreed and noted that the Watsons have made sincere efforts to comply with the Town's requests. Chairman Sullivan stated that Counsel deemed that only the lower half of the driveway was grandfathered. Peter Klose stated that the plan for a driveway only halfway up to the ridge was generated to adhere to pressure from the Town to comply with the Steep Slope Ordinance. Matt Watson stated that it was always the intent to construct the driveway to the ridge and that pictures show trees removed and work to the driveway, all before a Building Permit was issued.

At 6:44, Chairman Sullivan opened the Hearing for public comment. Peter Klose stated that Counsel deemed the driveway grandfathered. Stan Dudrick noted that it is on a private road and that the applicants are trying to protect the environment. Tucker Watson stated that they have demonstrated intent and actual work to the driveway and stated that grandfathering should apply to the entire driveway.

At 6:51 pm, Chairman Sullivan closed the Public Hearing. ***Joyce Blue made a motion, seconded by Stan Dudrick, to recess the Public Hearing until later in the meeting, at which time deliberations would take place. Motion unanimously carried.***

Public Hearing – Subdivision (Continued)

Jeffrey Hertel

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

It was noted that applicant was not present at the meeting with no prior notification despite being advised to let the Town know if a continuance would be needed. ***Stan Dudrick made a motion, seconded by John Hedden, to deny the application without prejudice based on failure to appear or notify the Town of a requested continuance. Motion unanimously carried.***

Public Hearing – Subdivision **Michael & Holly Henault**

At 6:58 pm, Chairman Sullivan re-opened the Public Hearing on an application from Michael & Holly Henault for a two-lot subdivision on Youngs Road (R04-028-B).

Burke York, representative for the Henaults, explained that the Variance granted by the Zoning Board allows the subdivision to meet NHDES standards. Chairman Sullivan noted that the setbacks were the only noted issue.

At 7:05 Chairman Sullivan opened the Hearing for public comment. Tom Costello question the road frontage of the proposed lot. Burk York stated that is approximately 400 feet.

At 7:08 Chairman Sullivan closed the Public Hearing. ***Stan Dudrick made a motion, seconded by Peter Klose, to Grant Subdivision Approval conditional upon State Subdivision approval. Motion unanimously carried.***

Public Hearing – Site Plan Review **Emily Bridham**

At 7:13 pm, Chairman Sullivan opened the Public Hearing on an application from Emily Bridham for Site Plan Review of a short-term rental/transient lodging at 2620 Eaton Road (R04-018).

All notices had been posted, all fees paid, and abutters notified. Heather McKendry recused herself due to a conflict of interest. ***Joyce Blue made a motion, seconded by John Hedden, to accept the complete application for consideration. Motion unanimously carried.***

Emily Bridgham gave an overview of the property and rental history. Emily Bridgham stated that she was unaware of the Town approval process until recently. Emily Bridgham stated that there have never been issues with the well or septic system and has never received complaints from neighbors. Peter Klose questioned whether she stays at the house and Emily stated that they do use the house. Joyce Blue expressed appreciation to Emily Bridgham for seeking compliance with Town regulations.

At 7:20 pm, Chairman Sullivan opened the Hearing for public comment. Nora Keith stated that she lives across the street and noted there have been no issues. Tom Costello spoke in favor of the application.

At 7:32 pm, Chairman Sullivan closed the Public Hearing. ***Peter Klose made a motion, seconded by Joyce Blue, to Grant Site Plan Review Approval conditional upon***

inspection of the septic system in the spring, which proves that the system is functional and adequate. Motion unanimously carried.

Public Hearing – Steep Slope Development (Continued)

Matthew & Tucker Watson

At 7:45 pm, 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) for Board deliberations. Matthew & Tucker Watson joined the Hearing via Zoom.

John Hedden noted that grandfathered rights do exist but there is limited clarity as to what exactly is grandfathered. Joyce Blue stated that she was at the site visit in the fall of 2020 and noted that work had been done to the driveway to the ridge and feels that the entire driveway should be grandfathered. Stan Dudrick noted that he has not walked the property but agrees that the entire driveway should be grandfathered as their intention for a driveway to the top was made known during the building process. Heather McKendry noted that it was the intent to convert the logging road to a driveway and that work was done before adoption of the Steep Slope Ordinance, thereby making the driveway grandfathered.

John Hedden questioned the impact of this decision. Chairman Sullivan stated that prior to the adoption of the Steep Slope Ordinance, no driveway permit was needed as it is located on a private road. Heather McKendry noted that NHDOT allows for a 15% grade. Chairman Sullivan stated that their intent was to construct a parking area and then utilize a path through the woods to access the top of the property. Stan Dudrick stated that the Watson submitted a plan because they were trying to comply with the Town's regulations and did not know about grandfathering at that time. Chairman Sullivan stated that the extension of the driveway from the parking area is not grandfathered and noted that he exchanged emails with Counsel, who concurred with that decision.

Peter Klose stated that there is equipment at the ridge of the property and questioned how it got there if there is no driveway. Stan Dudrick noted that the Board was awaiting further clarification from Counsel. Tucker Watson stated that they did not pursue the matter further with their attorney as they thought the pictures and videos would be sufficient evidence. Peter Klose stated that Counsel should give the Board a definite answer as to what exactly is grandfathered.

John Hedden made a motion, seconded by Heather McKendry, to recess this Public Hearing until 6:15 pm on March 9, 2022. Motion unanimously carried.

Joyce Blue made a motion, seconded by John Hedden, to adjourn the meeting. Motion unanimously carried. The meeting was adjourned at 8:43 pm.

Respectfully submitted,

Lianne Boelzner

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