

**TOWN OF EATON
PLANNING BOARD
July 13, 2022**

The Planning Board held their regular meeting at the Eaton Town Hall on Wednesday, July 13, 2022. Present were Chairman Dennis Sullivan, Peter Klose, Stanley Dudrick, John Hedden, Heather McKendry and Selectmen's Representative Ed Reilly. The meeting was called to order at 6:30 pm.

Review of Minutes

The Board reviewed and amended the Minutes of June 8, 2022. ***Heather McKendry made a motion, seconded by Peter Klose, to adopt the Minutes as amended. Motion unanimously carried.***

Board of Selectmen Report

Ed Reilly gave an update on Building Permits issued and the newly-amended Town Land Use Ordinance and permit application.

Conservation Commission Report

Heather McKendry gave an update on the Conservation Commission, current methods for soliciting donations and updates to the website.

Public Hearing – Scenic Road
Town of Eaton

At 6:47 pm, Chairman Sullivan opened the Public Hearing on an application from the Town of Eaton to remove a tree on Foss Mountain Road, a designated Scenic Road pursuant to RSA 231:158. Chairman Sullivan explained the process for the Public Hearing. Due to a conflict of interest, Chairman Sullivan stepped down for this Hearing.

All notices have been posted and abutters notified. No correspondence was received. ***Stan Dudrick made a motion, seconded by Heather McKendry, to accept the application for consideration. Motion unanimously carried.***

Ed Reilly explained that the tree in question is dead and located at the turn-around on property owned by Marnie Cobbs. Marnie Cobbs stated that the tree does not appear to be dangerous and expressed concern that removal of the tree is so that the turn-around can be enlarged. David Weathers noted that if the Town knows the tree is a potential danger and does not take action, the Town could be liable for damages. Dennis Sullivan recommended that Ed Reilly recuse himself. Ed Reilly objected and stated that he

wanted to vote on the application. After much discussion, Ed Reilly recused himself from the vote. Heather McKendry noted that the tree is potentially a liability to the Town if not taken down. John Hedden stated that the tree is on private property and that the liability is on the property owner.

There being no further public comment, Vice Chairman Klose closed the public hearing at 7 pm. ***Stan Dudrick made a motion, seconded by Peter Klose, to approve the request to remove the tree. The vote was 2 yes, 2 no. John Hedden made a motion, seconded by Stan Dudrick, to vacate the vote and continue this application to August 10th at 6:45 pm. Motion unanimously carried.***

Public Hearing – Subdivision **Jeffrey Hertel**

At 7:05 pm, Chairman Sullivan opened the Public Hearing on an application from Jeffrey Hertel for a four-lot subdivision on Brownfield Road (R10-031). Chairman Sullivan explained the process for the Public Hearing.

All notices have been posted, fees paid and abutters notified. No correspondence was received. ***Peter Klose made a motion, seconded by Stan Dudrick, to accept the application for consideration. Motion unanimously carried.***

Wes Smith of Horizons Engineering submitted a letter from Jeffrey Hertel authorizing Van Hertel and Wes Smith to act as authorized representative for this application. Van Hertel gave an overview of the project and noted that the proposal is for four lots and that the HISS study has been completed. Chairman Sullivan noted that the plan needs to be amended to show correct ownership of the subject lot and to correct the address of an abutter.

Chairman Sullivan stated that the Board has reviewed the test pit report and asked if the data could be clarified. Wes Smith gave an overview of each test pit and the estimated seasonal highwater table. John Hedden questioned the driveways in regards to the mapped wetlands. Van Hertel stated that there is a culvert that was approved for the logging operation and stated that NHDES would rather the culvert not be disturbed. Peter Klose questioned the slope on Lot #3. Wes Smith noted it was an average of 7-1/2% slope and does not exceed 15% slope. Chairman Sullivan stated that the Town's regulation does not permit anything above a 10% slope. Van Hertel explained the proposed driveway construction, which will keep the slope under 10%.

At 7:27 pm, Chairman Sullivan opened the Hearing for public comment. Richard Stewart questioned whether a wetlands permit was obtained before installing the culvert. Van Hertel noted that the State was notified and explained that logging requirements are different. Van Hertel noted that he will submit a copy of the notification to the Town for the files. David Weathers stated that any culvert installed for an intent to cut must be removed after the logging operation is completed. David Weathers explained that the culvert does not meet State specifications and that a permit from NHDES will be required for the driveway. Van Hertel stated that the soil scientist will be asked to submit

a permit application for the driveway and culvert. Chairman Sullivan stated that the Town's regulation requires approved access for each lot.

Jeanne Basile stated that she would like her property lines clarified as there are new markings. Wes Smith noted that the trees are blazed along the property boundary. Van Hertel noted that additional flags can be used at the property line to make the actual boundary clearer.

David Weathers noted that there is no description of the soil types and asked if there is a chart to cross-reference for more information. Wes Smith stated that a listing can be provided. Chairman Sullivan asked whether a report from the Soil Scientist has been submitted. Wes Smith questioned why the report is needed as it is an additional cost to the applicant. Stan Dudrick noted that the plan shows buildable lots, but that there could be an issue with the culvert. Chairman Sullivan noted that the responsibility of the Planning Board is to approve lots that are buildable. Heather McKendry questioned whether the driveways will be installed prior to selling them. Van Hertel noted that the driveway for Lots #3 and #4 would not be constructed. Van Hertel stated that if conditional approval is given for the project, he would pursue NHDES approval for the shared driveway culvert for Lots #1 and #2. Heather McKendry stated that she wants to make sure that someone does not install a driveway that does not meet Town requirements regarding grades. Wes Smith stated that a note could be added to the plan. Ed Reilly questioned whether the intent is to obtain NHDES approval without actually installing the culvert. Van Hertel stated that he would have the culvert installed. Wes Smith noted that wording can be added to the plan and deeds regarding the shared driveways. Wes Smith also noted that the Wetlands Permit number will be added to the plan.

John Hedden questioned the location of the septic system on Lot #1. It was noted that the system will be shown in a slightly different location to make sure that the required wetland setbacks are met.

There being no further public comment, Chairman Sullivan closed the Public Hearing at 8:09 pm. Chairman Sullivan noted that due to the number of outstanding items to be addressed, he would rather continue the Hearing than grant Conditional Approval. John Hedden noted that if there is an issue with the wetland crossing for the driveway, it could alter the design of the lots and would rather know if the proposal is approved by NHDES.

The following is a list of items to be addressed:

1. Correction of property owner information for the subject lot.
2. Correction of abutter mailing address.
3. Correction of test pit numbers and location.
4. The 4K area shown on the plan for septic systems to be no closer than 125-feet from any wetlands.
5. Addition of plan notes regarding the shared driveways and language to be inserted into the property deeds.

6. Note on the shared driveway for Lots #3 and #4 regarding construction to meet Town Steep Slope Ordinance requirements.
7. NHDES approval for a culvert in the shared driveway for Lots #1 and #2.
8. Plans to be stamped by the Soil Scientist.
9. Wetlands Permit number to be added under the wetland notes.

John Hedden asked about information on the soil types and Wes Smith stated that he will provide that information to the Board.

John Hedden made a motion, seconded by Stan Dudrick, to continue this Public Hearing to August 10th at 6:45 pm. Motion unanimously carried.

Stan Dudrick made a motion, seconded by Heather McKendry, to adjourn the meeting. Motion unanimously carried. The meeting was adjourned at 8:53 pm.

Respectfully submitted,

Lianne Boelzner

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