



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

July 18, 2022

The Zoning Board of Adjustment met on Monday, July 18, 2022 in the Town Hall. Present were Chairman Steve Larson, Carol Mayhofer, Robert Malvesta, Alternates Pam Burns and Stan Dudrick. The meeting was called to order at 6:05 pm. Chairman Larson appointed Alternates Pam Burns and Stan Dudrick to act as regular members for this meeting.

Election of Officers

Vice Chair Mayhofer opened the elections for Chair. ***Robert Malvesta made a motion, seconded by Pam Burns, to nominate Steve Larson as Chair for the ensuing year. Motion unanimously carried.*** Steve Larson accepted the nomination.

Steve Larson made a motion, seconded by Pam Burns, to nominate Carol Mayhofer as Vice Chair for the ensuing year. Motion unanimously carried. Carol Mayhofer accepted the nomination.

Review of Minutes

Robert Malvesta made a motion, seconded by Pam Burns, to waive the reading of the Minutes and to adopt the Minutes of February 7, 2022 as written. Motion unanimously carried.

Chairman Larson read the Public Notice and gave an overview of the procedure for Public Hearings.

Case # 202203 – Corey Lebeuf – Variance

At 6:15 pm Chairman Larson opened the Public Hearing on an application from Corey Lebeuf for a Variance to Article V, Section C.4(c) for relief from the minimum leach field setback for property at 3 Old Portland Road (R11-033). Corey Lebeuf submitted a letter from Soil Scientist Peter Cooperdock addressing the five conditions for granting the Variance.

All notices required by statute have been posted and abutters notified. There were no conflicts of interest.

1. Granting the variance would/would not be contrary to the public interest. Chairman Larson read information from Peter Cooperdock's letter stating that granting of the variance would not be contrary to public interest. Noah Coleman stated that the poorly drained soils exist mostly in the lower portion of the property because of beavers. Noah Coleman explained that the proposed system has a high absorption rate and proven that the pollutants are non-contaminating. David Sorensen noted that he has the same system and there have been no issues.
2. The spirit of the ordinance would/would not be observed. Chairman Larson read information from Peter Cooperdock's letter stating that the spirit of the ordinance would be observed because of the Advance Enviro-septic leaching system.
3. Granting the variance would/would not do substantial justice. Chairman Larson read information from Peter Cooperdock's letter stating that there would be substantial justice because there would be less disturbance of steep slopes and woodlands. Pam Burns questioned if the intent is to leave the vegetation along Brownfield Road. Noah Coleman stated that the vegetation would remain intact.
4. For the following reasons, the values of the surrounding properties would/would not be diminished. Chairman Larson read information from Peter Cooperdock's letter stating that there would not be any impact to property values.
5. Denial of the variance would result in unnecessary hardship. Chairman Larson read information from Peter Cooperdock's letter giving reasons why denial of the variance would result in hardship. Chairman Larson stated that the proposed system meets State requirements, which are based on science to protect groundwater.

Chairman Larson opened the Public Hearing for public comment. David Sorensen stated that he has no issue with granting the variance as he has the same septic system and questioned why the Town has a greater setback than the State. Stan Dudrick explained that the Planning Board reviewed this setback and has decided to leave the requirement until such time as it becomes common for the Zoning Board to review and grant variances. There being no further comment, Chairman Larson closed the Public Hearing.

Chairman Larson made a motion, seconded by Pam Burns, that based on the above findings of fact, that the Variance be granted with the following conditions: 1. The septic system be constructed in accordance with the State-approved plan; 2. The Advance Enviro-septic leaching system be installed; 3. The 75-foot setback from the wetlands be maintained. Motion unanimously carried by roll call vote.

Case # 202204 – Bassett & Conklin – Special Exception

At 6:43 pm Chairman Larson opened the Public Hearing on an application from Lorraine Bassett & Kevin Conklin for a Special Exception as provided for in Article VII, Section C for a Home Business at 461 Stewart Road (R12-001-H).

All notices required by statute have been posted and abutters notified. There were no conflicts of interest.

Kevin Conklin gave an overview of the proposed usage for on-site workshops of 6 to 10 people for two days about 8 times per year. Kevin Conklin noted that overnight accommodations would be at either the Snowvillage Inn or Murphy's B&B.

Chairman Larson opened the Hearing for public comment. There being none, Chairman Larson closed the Public Hearing. The Board reviewed the conditions:

1. The Home Business will be carried on by residents of the premises.
2. The Home Business will not alter the character of the neighborhood or reduce the value of any surrounding properties.
3. There will be no external evidence and no adverse effect on the environment or surrounding properties.
4. There shall be no outdoor display of goods or storage of materials.
5. The residence will not provide window displays.
6. There will be no change in the exterior appearance of the residence.

Chairman Larson made a motion, seconded by Robert Malvesta, that based on the foregoing findings of fact, the Special Exception from Article VII, Section C of the Zoning Ordinance be granted subject to the following conditions: The approval is for up to 10 people, 10 times per year, with duration of no more than 2 days per session. Motion unanimously carried by roll call vote.

Case # 202205 – Wilkins – Variance

At 7:00 pm Chairman Larson opened the Public Hearing on an application from Tristan & Lisa Wilkins for a Variance to Article IV, Section B(9) for relief from the setback to Hatch Pond on property at 2553 Eaton Road (R04-005).

All notices required by statute have been posted and abutters notified. There were no conflicts of interest.

Tristan Wilkins gave an overview of the property and the steps from the house to Hatch Pond, which is down a very steep slope to the water. Tristan Wilkins explained that the stairs were contracted out a few years ago and he was unaware that it was an issue until he was contacted by the Selectmen.

Chairman Larson opened the Hearing for public comment. There being none, the Public Hearing was closed.

1. Granting the variance would be contrary to the public interest. Chairman Larson stated that safety is the issue because the hill is so steep but noted that the deck does not address safety concerns. Tristan Wilkins stated that he would be willing to reduce the size of the decks. Carol Mayhofer noted that in the past, stairs were built into the land so that they are not visible from the water. Carol Mayhofer stated that the view of these stairs is not in public interest. Pam Burns questioned if there is a way to reduce visibility with vegetation. Tristan Wilkins stated that he would be willing to stain or paint the stairs to make them less visible. Stan Dudrick questioned what is permissible. Chairman Larson stated that walkways and stairs are for access, but the large decks

add to the footprint and are not permissible. Robert Malvesta stated that this is a reasonable encroachment of the setback because there is no other safe way to access the water.

2. The spirit of the ordinance would be observed. Chairman Larson noted that the stairs are acceptable but that the decks need to be reduced.
3. Granting the variance would do substantial justice. The Board noted that NHDES allows for safe access to the water.
4. For the following reasons, the values of the surrounding properties would not be diminished. The Board noted that if measures are taken to reduce the visibility, it would not visually impact the surrounding properties.
5. Denial of the variance would result in unnecessary hardship. The Board discussed the issue of access to the water and steepness of the terrain. Carol Mayhofer suggested painting the stairs a dark color so they are less noticeable. Chairman Larson noted that the Board can impose conditions if they are reasonable and justified. Carol Mayhofer noted that this property is particularly steeper than the surrounding properties.

Chairman Larson made a motion, seconded by Pam Burns, that based on the above findings of fact, that the Variance be granted with the following conditions: 1. The existing decks should be removed or reduced to the width of the stairs; 2. The final design of the stairs are to be inspected by the Building Inspector to ensure they adhere to building and life safety codes; 3. Measures to be taken to reduce the visibility of the stairs. Motion unanimously carried by roll call vote.

Robert Malvesta made a motion, seconded by Stan Dudrick, to adjourn the meeting. Motion unanimously carried. The meeting was adjourned at 7:50 pm.

Respectfully submitted

Lianne M. Boelzner

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