

**TOWN OF EATON
PLANNING BOARD
October 12, 2022**

The Planning Board held their regular meeting at the Eaton Town Hall on Wednesday, October 12, 2022. Present were Chairman Dennis Sullivan, Stanley Dudrick, John Hedden, Judy Wilson, Kevin Conklin, Alternate Thaire Bryant and Selectmen's Representative Ed Reilly. The meeting was called to order at 6:30 pm.

Chairman Sullivan appointed Thaire Bryant to act as a regular member for this meeting and welcomed the new members to the Board. Chairman Sullivan gave an overview of RSA 91-A regarding communications between Board members.

Review of Minutes

The Board reviewed the Minutes of September 14, 2022. ***Stan Dudrick made a motion, seconded by Judy Wilson, to adopt the Minutes as written. Motion unanimously carried by roll call vote.***

Chairman Sullivan read the Public Notice and gave an overview on procedures for the Public Hearing.

Public Hearing – Site Plan Review
John Edge & Community Church of Eaton

At 6:45 pm, Chairman Sullivan opened the Public Hearing on an application from John Edge & Community Church of Eaton for Site Plan Review for a parking lot and sidewalk on Eaton Road (U01-010A and 008).

All notices had been posted, all fees paid and abutters notified. There were no members with a conflict of interest. ***Stan Dudrick made a motion, seconded by Thaire Bryant, to accept the complete application for consideration. Motion unanimously carried by roll call vote.***

Ted Wright and James Hayden of Horizons Engineering were authorized by the property owners to act as agents for this application. Ted Wright gave an overview of the parking area and proposed walkway between the parking and Church lots. Thaire Bryant questioned if permission is necessary as the sidewalk is on property owned by the Town. Ted Wright noted that the walkway is within the State right-of-way.

Ed Reilly questioned the issue of liability if the walkway crosses Town lands and asked if the State will be maintaining the walkway. James Hayden noted that if the walkway is within the State right-of-way, the church will take care of the maintenance. Ed Reilly stated that there are State statutes that cover sidewalks and that Town Counsel should be consulted to make sure the Town is not assuming any liability. Thaire Bryant noted

that it makes sense to split this application into two sections, the parking lot and the walkway. Ed Reilly noted that with the Select Board's approval, a document could be drafted and forwarded to Town Counsel for review to release the Town from any and all liability related to the proposed walkway.

Judy Wilson noted that there is a slope in front of the cemetery and questioned whether materials would be removed as there is not much room. James Hayden stated that there is 13 feet from the edge of the road to the stone wall at the front of the cemetery.

Stan Dudrick questioned whether there will be any signage. Ele Border noted that there will be a sign but no formal plan has been adopted. Joyce Blue noted that there will be lighting for the parking and walkway area but that they will be turned on only for events. Joyce Blue stated that the new lot will be called "Libby's Garden". Stan Dudrick questioned whether the lot will be used for any other activity such as tent events. Joyce Blue stated that the Church does not anticipate any activity other than parking.

James Hayden gave an overview of the gravel parking area and the measures to be taken to protect the wetlands during construction. John Hedden requested that more information be given regarding the surface, drainage and layout. James Hayden explained that there are 36 parking spaces and gave an overview of the drainage/runoff and the vegetative strip. James Haden stated that the plan is to cut and fill to level the parking area. Thaire Bryant questioned whether approval has been granted for the driveway. James Hayden noted that the State is aware of the project but that formal application has not yet been submitted.

Chairman Sullivan questioned the distance between the parking space and the stream. James Hayden noted it is approximately 15 feet. John Hedden questioned whether the trees will be removed. James Haden noted that the only trees to be removed are those in the parking area. Stan Dudrick questioned the chain link fence and James Hayden noted it will be removed.

Chairman Sullivan opened the Public Hearing for public comment. Paul Hennigan questioned the width of the State highway and indicated that it should be shown on the plan so that actual area for the walkway would be seen. Paul Hennigan explained that there is a culvert under the road in that area that could be a liability issue. Ted Wright questioned what measurements should be shown. Paul Hennigan stated that measurements from the centerline of the road to the edge of the right-of-way should be shown. Ted Wright stated that it is a 50-foot right-of-way and that the sidewalk is 16 feet from the centerline of the road and noted that the measurements will be added to the plan. Joyce Blue explained that they met with NHDOT staff on site to review the walkway and were told that it would not be an issue and that the gravel walkway will be an extension of the shoulder. There being no further public comment, Chairman Sullivan closed the public comment period at 7:27 pm.

Judy Wilson questioned whether there would be a shoulder and then the walkway. Ted Wright explained that the walkway will appear to be a widened shoulder. Chairman Sullivan noted that groups should not be walking on the shoulder and that the walkway should be separated from the road.

Stan Dudrick questioned the winter snow melt run off. James Hayden explained that the current direction of run off toward the stream will not be altered. Chairman Sullivan questioned snow storage and James Hayden noted that it could be pushed to the rear of the lot but the lot will not be used during the winter. Ele Border stated that the Church does not anticipate plowing from January through March. Judy Wilson questioned whether salt or sand would be used for the parking area. Ele Border stated that if there are dangerous conditions for the December event, sand would be utilized.

Chairman Sullivan noted that the stream is the property boundary and that the closest parking space is 15 feet from that stream. Chairman Sullivan questioned the impact if the Board enforced a 30-foot setback from the stream. James Hayden noted that they would have to remove approximately two spaces from each side of the lot. Joyce Blue noted that the setback is for structures. Chairman Sullivan stated that he is thinking of the impact to the wetland area. James Hayden noted that due to the sloping, run off would flow toward the greenspace and noted that it is a gravel parking area rather than pavement. Chairman Sullivan closed the Public Hearing at 7:45 pm.

Ed Reilly questioned whether the application can be split so that the walkway is on hold until the issue of liability is determined. Chairman Sullivan noted that a condition could be placed on the approval. Ed Reilly questioned NHDES setbacks for parking areas to the wetlands. Chairman Sullivan noted that the wetlands are not being disturbed but the Board can require that all State setback requirements be met.

The Board conducted the Finding of Fact by utilizing the Site Plan Review worksheet. It was noted that the signs will require a Building Permit from the Board of Selectmen, who will verify proper placement. The Board found that the proposal meets all applicable requirements of the Zoning Ordinance and Site Plan Review Regulations. The Board listed the following conditions for approval:

1. NH DOT driveway permit.
2. Correction of plans (36 parking spaces on Sheet 4 and map number in note 4, District in note 9 and deed references for Edge properties on Sheet 3).
3. Sidewalk liability issue for portion of sidewalk on Town land to be determined and worked out between the Board of Selectmen and applicant.
4. Measurements of right-of-way and sidewalks to be added to plan.
5. Compliance with State setback requirements to the wetlands for parking lot to be added to the plan.

Ele Border stated that the Church does not have money like the Town and that she is unsure the Church's insurance company will accept the liability for the sidewalk. Judy Wilson noted that the Church is creating the sidewalk, thereby creating a possible liability issue. Ed Reilly stated that he would bring the issues of insurance and Town liability for the proposed sidewalk to the Select Board to see if they would agree to contact Town Counsel on those matters.

Stan Dudrick made a motion, seconded by John Hedden, to Conditionally Approve this Site Plan Review application pending the above-listed five conditions. Motion unanimously carried by roll call vote.

Select Board Report

Ed Reilly gave an update on issues being addressed by the Board and noted that a Building Permit for a single-family residence has been issued for Thurston Pond Road.

Conservation Commission Report

Chairman Sullivan gave an update on the Commission and their current projects. Chairman Sullivan noted that the Conservation Cohorts will be holding a presentation on November 17th.

Land Use Regulation Amendments

The Board scheduled a work session for Wednesday, November 2nd, at 1 pm and will work on the following:

1. Housekeeping amendments
2. Home Occupation/Business
3. Proposed amendments to permitted uses (Article V)

Kevin Conklin made a motion, seconded by Thaire Bryant, to adjourn the meeting. Motion unanimously carried by roll call vote. The meeting was adjourned at 8:58 pm.

Respectfully submitted,

Lianne Boelzner

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