



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

June 19, 2023

The Zoning Board of Adjustment met on Monday, June 19, 2023 at the Town Hall. Present were Chairman Steve Larson, John Border and Alternates Pam Burns, Joel Wasserman and Hoke Wilson. The meeting was called to order at 6:00 pm. Chairman Larson appointed Alternates Pam Burns, Joel Wasserman and Hoke Wilson to act as regular members for this meeting.

Election of Officers

John Border asked for nominations for Chair. Pam Burns nominated Steve Larson. Steve Larson accepted the nomination. ***Joel Wasserman made a motion, seconded by Hoke Wilson to appoint Steve Larson as Chair. Motion unanimously carried.***

Steve Larson nominated Carol Mayhofer as Vice Chair. ***Pam Burns made a motion, seconded by Steve Larson to appoint Carol Mayhofer as Vice Chair. Motion unanimously carried.***

Review of Minutes

Pam Burns made a motion, seconded by John Border, to waive the reading of the Minutes and to adopt the Minutes of January 30, 2023 as written. Motion unanimously carried.

Atty. Autumn Kish requested that the Variance application be heard first. There being no objections, the order of Public Hearings was revised.

Chairman Larson read the Public Notice.

Case # 202302 – George Diller – Variance

Chairman Larson opened the Public Hearing on an application from George Diller for a Variance to Article V Section E of the Zoning Ordinance to allow construction of a residential home and driveway within the Steep Slope Protection Overlay Zone on Crystal Lake Road (R03-055).

All notices required by Statute have been posted and abutters notified. There were no conflicts of interest. No correspondence has been received.

Chairman Larson gave an overview of the Public Hearing procedures and stated that any decision of the ZBA can be appealed as set forth in RSA 677.

George Diller explained that he purchased the property in 1973 as now wants to build a retirement home and indicated that the entire parcel is within the Steep Slope Zone. George Diller stated that the road was improved several years ago under the direction of the Town and that from the cul-de-sac to the McKenzie property is a private road. George Diller explained that the lower portion of the property is within the Shoreline Protection District and a permit has been filed with the State.

George Diller noted that he met with the Planning Board for a preliminary review and was directed to seek a Variance from the Zoning Board due to the slopes. John Border noted that the plans show these slopes as too steep for construction. Steve Larson noted that is why a Variance is required and that any approvals can be conditional upon Planning Board approval. Paul Hennigan noted that a denial has not yet been officially given so the ZBA should not be hearing this case. Chairman Larson noted that the Planning Board directed the applicant to seek a Variance so the Planning Board could review the site plans.

The Board reviewed the statement of reasons submitted by George Diller addressing all conditions for granting the Variance. John Border questioned whether all aspects of the Ordinance will be reviewed by the Planning Board. Chairman Larson stated that the ZBA is only looking at whether the applicant can proceed with the Planning Board because there is no reasonable alternative building location. John Border noted that he believes the proposed location contains 15% slopes. Chairman Larson stated that the Planning Board will go through the specifications required to develop within a steep slope area. Pam Burns noted that great effort has been made to minimize the impact to the slopes.

Finding of Facts:

1. Granting the Variance would not be contrary to the public interest. Pam Burns noted that the public interest is to make sure there is no damage to the surrounding area and that the property drainage is installed, which it appears the surveyor has addressed. The Board agreed and noted that the project does address the drainage and slopes.
2. The spirit of the Ordinance would be observed. The Board agreed that the applicant is doing everything possible to develop the site within the Ordinance.
3. Granting the Variance would do substantial justice. The Board noted that the applicant cannot build anywhere else on the site and that steps are being taken to address drainage.
4. The value of surrounding properties would not be diminished. The Board noted that the proposal is for one residential house on a 10-acre lot, which will not impact the surrounding properties.
5. Unnecessary Hardship. Pam Burns noted that if a Variance is not granted, the applicant cannot use the property. Joel Wasserman noted that the applicant is designing the house to minimize the impact. The Board noted that there is no other

option for constructing a single-family residence on this property due to the steep slopes. The Board found that the proposed residential use is reasonable within this residential zone.

Chairman Larson noted that any approval should be conditional upon Planning Board approvals. ***Pam Burns made a motion, seconded by John Border, that based on the above Finding of Facts, to approve the application for a Variance to Article V, Section E, conditional upon Planning Board approval of the proposed plan. Motion unanimously carried by roll call vote.*** Chairman Larson stated that per RSA 677, any one has the right to appeal this decision within 30 days.

Steve Larson made a motion, seconded by Pam Burns, to adjourn the meeting. Motion unanimously carried. The meeting was adjourned at 7:03 pm.

Respectfully submitted

Lianne M. Boelzner

Lianne M. Boelzner