



**Zoning Board of Adjustment  
Town of Eaton  
Evans Memorial Building  
Eaton, NH 03832**

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October 16, 2023

The Zoning Board of Adjustment met on Monday, October 16, 2023 at the Town Hall. Present were Chairman Steve Larson, Vice Chair Carol Mayhofer, Megan Hoffer, John Border and Stan Dudrick. The meeting was called to order at 6:05 pm.

**Review of Minutes**

***John Border made a motion, seconded by Stan Dudrick, to waive the reading of the Minutes and to adopt the Minutes of June 19, 2023 as written. Motion unanimously carried.***

Chairman Larson read the Public Notice for tonight's meeting. 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.

**Case # 202303 – Parilla – Special Exception/Variance**

Chairman Larson opened the Public Hearing on an application from Thomas & Heidi Parilla for a Special Exception as provided for in Article VI, Section 5 and/or a Variance to Article IV, Sections B.9 and C of the Zoning Ordinance to allow the demolition and re-construction of a single-family residence, demolition of three sheds and construction of a single-car garage within the setbacks on a non-conforming lot at 74 Breezy Point Road (R01-032).

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

Mark McConkey gave an overview of the proposed project and reviewed the submitted plan. Mark McConkey explained that the existing residence will be demolished and a new residence constructed further from the side boundary and lake. It was noted that the proposed residence will have a second story. Mark McConkey noted that the three existing sheds will be removed and that a one-car garage will be constructed. Mark McConkey stated that this non-conforming lot only has a small envelope that meets all setbacks and that no structure could be constructed to meet all requirements but that the plan is to make the structures more conforming. Chairman Larson noted that the existing structures pre-date Eaton's Zoning Ordinance and are, therefore, grandfathered. Chairman Larson further stated that once the structures are demolished, grandfathering rights will be lost.

Mark McConkey stated that the lot is within the Shoreland Water Quality Protection Act but that the proposed structure meets State setback requirements.

Mark McConkey explained that a septic design will be submitted to the State for approval and requested that NHDES approval be a condition of the ZBA decision.

Mark McConkey explained that the residence is relocated to a center position (left and right) and further away from the shoreline, which meets State requirements. Chairman Larson stated that to meet the intent of the Ordinance, the applicant must make the effort to respect the setback requirements and to meet the requirements as much as reasonably possible. Chairman Larson noted that no portion of the proposed residence falls within the buildable area of the lot and questioned why the structure cannot be located further back on the lot. Mark McConkey stated that everything is a compromise and that looking at existing structures in the neighborhood, they are all within the shoreland setback. Chairman Larson noted that the 125-foot setback from the lake might be achieved if the septic system was moved closer to the road. Mark McConkey stated that the property owners were in hopes that the Town would find this proposal favorable as the residence was moved farther from the shoreline to meet State setback requirements.

Mark McConkey suggested that the Hearing be recessed and that he would develop a new plan. John Border stated that the plan does look better but that effort should be made to move the residence further from the lake. Carol Mayhofer stated that the Town voted to disallow a second story on non-conforming structures. Chairman Larson noted that with new construction, the applicant must show an attempt to make the structure conforming to the setback requirement as much as reasonable possible. Mark McConkey requested a continuance to submit a better proposal.

***Chairman Larson made a motion, seconded by John Border to recess this Public Hearing at the request of the applicant until Monday, November 6, 2023 at 6 pm. Motion unanimously carried.***

### **Correspondence**

The Board reviewed a letter from Robert Barker & Timothy Ostendorf regarding a Home Occupation. The Board referred the matter to the Board of Selectmen.

***John Border made a motion, seconded by Stan Dudrick, to adjourn the meeting. Motion unanimously carried.*** The meeting was adjourned at 6.56 pm.

Respectfully submitted

*Lianne M. Boelzner*

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