



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

April 15, 2024

The Zoning Board of Adjustment met on Monday, April 15, 2024 at the Town Hall. Present were Steve Larson, John Border, Megan Hoffer, Pam Burns and Mark Griffin. The meeting was called to order at 6:00 pm.

Election of Officers

Steve Larson made a motion, seconded by John Border, to elect Carol Mayhofer as Vice Chair for the ensuing year. Motion unanimously carried.

John Border made a motion, seconded by Pam Burns, to elect Steve Larson as Chair for the ensuing year. Motion unanimously carried.

Review of Minutes

Pam Burns made a motion, seconded by Megan Hoffer, to waive the reading of the Minutes and to adopt the Minutes of December 18, 2023 as written. Motion unanimously carried.

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

Case # 202401 – Kenneth & Marguerite Dean – Variance

At 6:10 pm Chairman Larson opened the Public Hearing on an application from Kenneth & Marguerite Dean for a Variance to Article V, Section C.4(b) for relief from the minimum septic tank setback for property at 276 Cove Road (R01-036).

All notices required by statute have been posted, abutters notified and all fees paid. There were no conflicts of interest. No correspondence has been received.

Ron Briggs, representative for the owners, gave an overview of the proposed septic system and noted that the tank meets the State's required 50-foot setback from the wetland. John Border stated that the note on the plan is incorrect regarding the wetlands. Pam Burns questioned why the tank cannot be relocated. Mark Griffin suggested moving the new tank closer to where the existing tank is located. Ron Briggs stated that the area has more problem soils. John Border stated that the Zoning Ordinance allows for septic systems within the setbacks and that the required 75-foot wetland setback could be met if the tank

were to be moved into the property setback. Ron Briggs noted that moving the tank to the property setback creates depth issues because of the slopes. Ron Briggs noted that during the spring, ground water levels would be higher than the bottom of the tank, which makes the location not suitable.

Mark Griffin questioned the life expectancy of the proposed tank. Ron Briggs stated that it would be 50 years or more and that it is an improvement from the existing system. Pam Burns suggested moving the tank away from the wetland. Steve Larson agreed, stating that it would infringe on the setback of both wetlands. John Border stated that by moving the tank, it would be approximately 65 feet from both wetlands.

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

1. Granting the variance would not be contrary to the public interest. John Border stated that the new system is an improvement. The Board agreed that it is in the public interest to upgrade a septic system. Chairman Larson stated an upgrade cannot be denied so a good solution should be agreed upon.
2. The spirit of the ordinance would be observed. The Board agreed that by maintaining the best setback possible from the wetland, the spirit of the ordinance would be met.
3. Granting the variance would do substantial justice. Megan Hoffer noted that the applicant has the right to use their property. Pam Burns noted that the proposed system is an improvement.
4. For the following reasons, the values of the surrounding properties would not be diminished. The Board agreed that a new septic system would not diminish the value of abutting properties.
5. Denial of the variance would result in unnecessary hardship. Chairman Larson noted that multiple wetlands and slopes limit the available locations for the septic tank. John Border stated that the proposal meets the intent of the ordinance.

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 condition: the proposed septic tank be located so that it is set back 65 feet from both wetlands. Motion unanimously carried by roll call vote. Chairman Larson explained the appeal process for this approval.

Chairman Larson made a motion, seconded by Pam Burns, to adjourn the meeting. Motion unanimously carried. The meeting was adjourned at 6:42 pm.

Respectfully submitted,

Lianne Boelzner

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