



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

July 15, 2024

The Zoning Board of Adjustment met on Monday, July 15, 2024, at the Town Hall. Present were Vice Chairwoman Carol Mayhoffer, John Border, Stan Dudrick, Hoke Wilson, and Mark Griffin. The meeting was called to order at 6:00 pm.

Review of Minutes

Carol Mayhoffer made a motion, seconded by John Border, to waive the reading of the Minutes and to adopt the Minutes from June 17, 2024, as written. Motion unanimously carried.

Vice Chairwoman Mayhoffer read the Public Notice and gave an overview of the procedure for Public Hearings.

Case # 202403 – Lavori – Variance

At 6:06 pm Vice Chairwoman Mayhoffer opened the Public Hearing on an application from Phillip and Naomi Lavori for a Variance to Article V, Section C.4(c) for relief from the minimum leach field setback for property at Ridge Road (R03-011).

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 leach field and noted that the location of the leach field is 77.5-feet from the nearest wetland, which does meet the State's requirements. John Border noted that the new leach field is across the street from the home and asked about the separation of the lots. Ron Briggs stated that the easement from the state to merge the lots will happen after the variance is granted. Carol Mayhoffer asked if it was going to be a new system and if there was a different option to put in a system that did not require as large of a footprint. Ron Briggs stated that it will be a brand-new system and the footprint will be the smallest possible for the project. Mark Griffin asked if the old system had failed in any way. Ron Briggs stated that it has not failed, but it is extremely old, and the new system will improve the water quality on the lot because it will be significantly upgraded compared to the old system. Mark Griffin asked if there will be any issues with running the piping under the road. Ron Briggs stated that a road agent had been consulted with and had given approval for the project. Ron Briggs also stated that he has experience installing systems that cross streets. Stan Dudrick asked about the risk of leakage into the wetlands. Ron Briggs stated that the new system will be much more efficient than the old system, and that the new system has additional processes built in to better treat the waste before it is disposed of. Ron Briggs also noted that the new system

will be effective for forty or more years. John Border asked about the depth of the groundwater on the property. Ron Briggs stated that the groundwater is approximately 18-24 inches below the surface and that the leach field will be a raised-bed type. John Border asked where the existing leach field was located. Ron Briggs stated that the old leach field is about 50 feet closer to the wetlands and that it is also most likely located in the groundwater itself. John Border asked if there was a location to place the leach field on the lot on the other side of the road. Ron Briggs noted that the system pump requirements in addition to other physical obstacles would make it difficult to install the system uphill from the home.

There being no public present, Vice Chairwoman Mayhoffer did not initiate a Public Hearing.

1. Granting the variance would not be contrary to the public interest. The Board agreed that the proposed leach field is going to an improvement on the existing system and has the potential to improve water quality because it will no longer be in the groundwater.
2. The spirit of the ordinance would be observed. The Board agreed that the application has tried to protect the wetlands as best as possible with the proposed location of the leach field.
3. Granting the variance would do substantial justice. The Board agreed that the applicant has done the best they can do on the lot and granting the variance allows them to use their property in a fair way.
4. For the following reasons, the values of the surrounding properties would not be diminished. The Board stated that the proposed location of the leach field does meet the State's requirements for setbacks. The updated system will also perform better than the existing system and will improve water quality.
5. Denial of the variance would result in unnecessary hardship. There is a fair and substantial relationship between the general public purpose of the ordinance provision and the specific application of that provision to the property because the location does meet the State's standards and the unique shape of the property and the fact that it is surrounded by wetlands makes installation anywhere else not possible.

Vice Chair Carol Mayhoffer made a motion, seconded by John Border, that based on the above findings of fact, the Variance be granted. Motion unanimously carried by roll call vote.

New Business

Stan Dudrick stated that he would like to speak to the Planning Board about changing the Town's setback requirements to match the State's requirements for leach field and septic system placements. Hoke Wilson agreed, stating that the current Town requirements are discouraging people from upgrading their old systems, and changing the Town's setback requirements to match the State's requirements has the potential to improve water quality around the Town.

Carol Mayhoffer stated that she felt like the Zoning Board application could be improved and updated. She referenced the Town of Weare's application and stated that she would like to see the process streamlined with less possibility for applicants to make an error on their paperwork.

John Border made a motion, seconded by Mark Griffin, to adjourn the meeting. Motion unanimously carried. The meeting was adjourned at 6:43 pm.

Respectfully submitted,

Bethany Hicks

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