

**TOWN OF EATON  
PLANNING BOARD  
June 18, 2025**

The Planning Board held their regular meeting at the Eaton Town Hall on Wednesday, June 18, 2025. Present were Chairman Dennis Sullivan, Kevin Conklin, Judy Wilson, John Hedden and Alternates Peter Klose and Stan Dudrick. The meeting was called to order at 6:00 pm. Chairman Sullivan appointed Stan Dudrick and Peter Klose to act as a regular members at this meeting.

**Review of Minutes**

The Board reviewed and amended the Minutes of May 21, 2025. ***Kevin Conklin made a motion, seconded by Peter Klose, to adopt the Minutes as amended. Motion unanimously carried by roll call vote.***

The Board reviewed and amended the Minutes of June 11, 2025. ***John Hedden made a motion, seconded by Judy Wilson, to adopt the Minutes as amended. Motion unanimously carried by roll call vote.***

**Conservation Commission Report**

Chairman Sullivan gave an update on the Conservation Commission and the blueberry contract status with Emily Lucy. Chairman Sullivan explained that the Commission has reviewed the Wetlands Overlay District draft regulations and have suggested changes regarding the size of the wetlands and how to determine actual buffers. Chairman Sullivan noted that Steve Kafka wants the Planning Board to consider adopting shoreland protection regulations similar to the Town of Conway. Chairman Sullivan gave an overview on the beech tree issues and conducting community gatherings instead of placing an informational kiosk at the Town Beach.

Chairman Sullivan read the Public Notice and explained the procedures for the Public Hearings. Chairman Sullivan stated that he has a conflict of interest for RJ2 Property Maintenance application and will be stepping down for the Public Hearing.

**Scenic Road Tree Cut – Town of Eaton/Richard Mayo**

At 6:15 pm, Chairman Sullivan opened the Public Hearing on an application by the Town of Eaton regarding tree cutting on Potter Road (R02-015-A).

Chairman Sullivan read a request from the Town of Eaton to recess the Public Hearing until the July 16, 2025 Planning Board meeting. ***Peter Klose made a motion, seconded by John Hedden, to recess this Public Hearing until 6:15 pm on July 16, 2025. Motion unanimously carried by roll call vote.***

## **Site Plan Review – Jennifer & Stephen Malvesta**

At 6:21 pm, Chairman Sullivan opened the Public Hearing on an application by Jennifer & Stephen Malvesta for Site Plan Review regarding a proposed Short-Term Rental at 46 Lary Road (R06-024). Chairman Sullivan noted that the plan submitted is not detailed enough to proceed and no waiver has been submitted. Stephen Malvesta submitted a copy of the septic system approval which shows details of the property.

All notices have been posted and published, all fees paid and abutters notified. ***Stan Dudrick made a motion, seconded by Peter Klose, to accept the application as complete for consideration. Motion unanimously carried by roll call vote.***

Stephen Malvesta explained that he and Jennifer want to keep the house and that renting the property will assist with the maintenance costs. Stephen Malvesta stated that Jennifer is living in the house and that there are three bedrooms available to be rented.

Chairman Sullivan read the Notice of Decision from the Zoning Board of Adjustment. Chairman Sullivan questioned whether the property is owner occupied. Jennifer Malvesta stated that she will be at the property when it is rented out. Chairman Sullivan questioned whether she will be staying in the main house. Jennifer Malvesta stated that she will be in the main house and that there is no plumbing in the garage. Chairman Sullivan questioned the number of bedrooms. Jennifer Malvesta stated that there are four bedrooms. Chairman Sullivan noted that the rental ad lists seven bedrooms for rent. Stephen Malvesta stated that they have instructed that the advertisement be taken down because there was confusion and that they were notified today that the ad was removed. Kevin Conklin stated that it should be advertised as “owner on site.” Chairman Sullivan stated that the Town allows for three bedrooms with a maximum of 12 people. Chairman Sullivan noted that the current listing under house rules says that events are allowed and stated that the Town does not permit events and that the use is not allowed. Stephen Malvesta stated that any future listings will note that restriction.

Chairman Sullivan noted that the property has an approved five-bedroom septic system and questioned the parking. Stephen Malvesta stated that parking is available on the driveway in front of the garage and on the lower side of the barn. Kevin Conklin questioned whether Jennifer will be the contact person in case of any complaints. Jennifer Malvesta stated that she is the contact person. Judy Wilson questioned whether Jennifer will be staying on the property every time it is rented and whether they will be sharing the kitchen facilities. Jennifer Malvesta stated that she will probably not eat at the house. Judy Wilson stated that she does not like the fact that the property has already been listed for rent. Stephen Malvesta stated that the property has not been rented.

The Board reviewed an email from Board member Cindy Hall. Peter Klose noted that the septic violation only exists if there are seven bedrooms. Chairman Sullivan questioned where Jennifer would be staying. Jennifer Malvesta explained that she will stay in the bedroom over the attached garage and that the other bedrooms to be rented are in the other section of the house. John Hedden questioned whether the Certificate of Occupancy covers all safety issues. Stephen Malvesta noted that Freedom Fire Chief Rob Cunio does not perform safety inspections in Eaton and that they have contacted Eaton’s Building Inspector, David Pandora, to schedule the necessary inspection.

Stan Dudrick questioned how the applicants plan to replace the current listings. Kevin Conklin stated that VRBO lists as "not owner occupied." Stephen Malvesta stated that other listing pages can be pursued.

At 6:46 pm, Chairman Sullivan opened the Public Hearing for public comment. Paul Hennigan noted that the Zoning Board spoke about the Building Inspector and Fire Inspector as they were under the impression it was covered by Center Conway. Dick Fortin noted that David Pandora performs all life safety and fire inspections in Eaton. Robert Blaney, abutter, expressed concerns regarding vetting of the renters and asked who is going to police the property when there are complaints during rentals. Jennifer Malvesta explained that AirBnB does the vetting and interviewing and that renters must have at least 10 positive reviews, after which the property manager will conduct an interview. Jennifer Malvesta stated that she will be at the property. Stephen Malvesta stated that they have hired a professional to handle the rentals. Robert Blaney noted that the Town does not have a Fire or Police Department and noted that an effort should be made to keep the Town peaceful and free of liability. Chairman Sullivan stated that weddings and functions are not permitted, which will protect the Town.

There being no further comment, Chairman Sullivan closed the public comment period. Judy Wilson stated that the applicants state the property will be owner-occupied during rentals but how will that be verified. Stephen Malvesta stated that it is not intended to be rented every week and that this will be Jennifer's primary home and that they will adhere to every condition. Chairman Sullivan questioned whether this will be Jennifer's primary residence and Jennifer Malvesta stated that it will.

Chairman Sullivan questioned the outdoor lighting. Jennifer Malvesta stated that there are sensor lights on the garage. Kevin Conklin stated that contact information for the Fire Department should be posted. Jennifer Malvesta stated that the smoke and CO detectors are monitored by Pope Security. Judy Wilson questioned access to Crystal Lake and Jennifer Malvesta stated that renters will not have access to the beach. Judy Wilson stated that the access to Crystal Lake statement should be removed from the rental listing.

At 7:06 pm, Chairman Sullivan closed the Public Hearing. John Hedden stated that he is concerned about the listing and noted that it is misleading. Judy Wilson questioned whether pets will be permitted. Jennifer Malvesta stated that one dog could be permitted and stated that the renter must be at least 25 years of age. John Hedden questioned how the Town can monitor if the property owner is on site during rentals. Stephen Malvesta stated that they love this place and that they are not trying to create a bad environment.

The Board reviewed the conditions placed on this use by the Zoning Board of Adjustment. ***Kevin Conklin made a motion, seconded by Stan Dudrick, to approve the application for Site Plan Review to permit for short-term rental of the property. Motion unanimously carried by roll call vote.***

### **Steep Slope Development – Jeff & Erin Perry (Continued)**

At 7:17 pm, Chairman Sullivan re-opened the Public Hearing on an application by Jeff & Erin Perry for development within the Steep Slope Protection Zone on Brownfield Road (R03-040 & 057).

Andy Fisher of Ammonoosuc Survey reviewed the slopes of the proposed driveway and indicated that the maximum slope is 10%. Andy Fisher explained that the cut and fills are no more than 2:1 and that there are two culverts with swales on the downhill side to take care of the stormwater runoff. Kevin Conklin questioned whether the silt fence is the only means of keeping run off from the abutting property. Andy Fisher stated that the fences will be removed once the driveway has been constructed. Chairman Sullivan stated that during a big storm, water might run to the pond on the abutting property. Andy Fisher stated that the retention pond should be adequate.

At 7:27 pm, Chairman Sullivan opened the Hearing for public comment; there was no comment. The Board reviewed a letter from abutter Adam Hicks. Peter Klose questioned the issue of “create a condition of hardship.” Chairman Sullivan noted that it could be a misunderstanding as the Board makes sure all lots are buildable during a subdivision application.

John Hedden questioned whether the application is for driveways for Lot #1 and Lot #2. Andy Fisher explained that the driveway is for Lot #2 but that it is shared and travels across Lot #1. Stan Dudrick noted that last month, a condition of approval was submission of the required written waivers.

At 7:34 pm, Chairman Sullivan closed the Public Hearing. The Board noted that a condition of approval could be submission of the written waiver and corrections to the plan: show “Lot #1” and correct Lot #3 from Lot #4.

Chairman Sullivan stated that he is concerned about the retention pond and keeping runoff from the abutting property. Kevin Conklin questioned the water runoff down the driveway on the low-grade slope. Chairman Sullivan noted that the disturbed soil has more of a chance of erosion. Andy Fisher stated that the grade is being changed but the driveway will be pitched to the side. Stan Dudrick noted that when application is submitted for the driveway on Lot #1, corrections can be made at that time. Chairman Sullivan stated that he is concerned about water going to the pond on the abutting property. John Hedden questioned the size of the retention pond. Andy Fisher stated that it is an adequate size and stated that if it is found to be inadequate, the pond can be enlarged or replaced.

***Kevin Conklin made a motion, seconded by Peter Klose, to approve the Steep Slope Development application with the following conditions: 1. Submission of the required written waivers; 2. Labeling of “Lot #1”; and 3. Correction of Lot #3 label. Motion unanimously carried by roll call vote.***

***Kevin Conklin made a motion, seconded by Stan Dudrick, to authorize Chairman Sullivan to sign plans once all conditions have been met. Motion unanimously carried by roll call vote.***

## **Subdivision – RJ2 Property Maintenance (Continued)**

At 7:43 pm, Vice Chairman Kevin Conklin re-opened the Public Hearing on an application by RJ2 Property Management for a Subdivision on Youngs Road (R04-024). Vice Chairman Conklin noted that the Subdivision has been amended to six lots due to the Boundary Line Adjustment approved last month.

Loralie Gerard of Bergeron Technical Services gave an overview of the Site Specific Soil Mapping completed by Soil Scientist Greg Howard. Loralie Gerard stated the lot size calculations have been revised and that the plan is now the required scale. Loralie Gerard explained the Soil Report, plan notations and the update to the lot calculations, which now reflect the actual soil types found. Loralie Gerard noted that the lot sizes did not change and that the actual soil types created better density results. Judy Wilson questioned whether the original lots were configured using the NRCS mapping. Loralie Gerard explained that she overlaid the NRCS maps originally and that the soil mapping shows it was sufficient for the lot calculations. Peter Klose noted that the north arrow is not correct.

Judy Wilson questioned the wetlands survey that was done during winter months. Loralie Gerard explained that flags were placed in October 2024 and that she collected the flags during December and January. Loralie Gerard gave an overview of the 3 tests to determine wetlands.

Vice Chairman Conklin questioned the intended number of houses. Loralie Gerard stated that each lot will support a four-bedroom house but that the plan only shows setbacks, well and septic systems are possible on each lot. Judy Wilson questioned the Ridgeline and whether houses would be seen from Route 153 or Brownfield Road. Vice Chairman Conklin noted that he does not believe that they can be seen and that it does not affect the Subdivision.

At 8:00 pm, Vice Chairman Conklin opened the Hearing for public comment; there was no comment. Peter Klose questioned the right-of-way on Lot #1. Loralie Gerard explained that it is an old logging road which gives access to John Edge's abutting parcel and that the draft document for the ROW was submitted with the initial application (See Note #9 on plan).

The Board reviewed a letter from abutter John Edge. Vice Chairman Conklin noted that hydrology appears to be the issue which is not addressed in the Town's current regulations. Stan Dudrick questioned how often there would be such a high amount of water running down that the septic system would affect the lake. Vice Chairman Conklin stated that he does not see an issue when reviewing the plan as there are adequate setbacks. John Hedden stated that the building sites are approximately 1000 feet from the lake.

***Peter Klose made a motion, seconded by Stan Dudrick, to approve this six-lot Subdivision as presented. Motion unanimously carried by roll call vote.***

***Stan Dudrick made a motion, seconded by John Hedden, to authorize Vice Chairman Conklin to sign the final plans out of session. Motion unanimously carried by roll call vote.***

***Kevin Conklin made a motion, seconded by John Hedden, to adjourn the meeting. Motion unanimously carried by roll call vote.*** The meeting was adjourned at 8:11 pm.

Respectfully submitted,

*Lianne Boelzner*

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