

**TOWN OF EATON
PLANNING BOARD
August 20, 2025**

The Planning Board held their regular meeting at the Eaton Town Hall on Wednesday, August 20, 2025. Present were Chairman Dennis Sullivan, Vice Chair Kevin Conklin, John Hedden, Cindy Hall, Judy Wilson, and Selectmen's Representative John Schmerfeld. The meeting was called to order at 6:00 pm.

Preliminary Discussion

Colton Dow joined the Board to discuss property on Brownfield Road and explained that the lot was sold with a driveway but it was not constructed. Chairman Sullivan stated that the Subdivision approved a driveway location but not construction as the lot contains steep slopes. Colton Dow questioned whether a Building Permit can be approved without driveway approval. Chairman Sullivan stated that is correct and noted that there is a short section of the driveway that would have to be reviewed due to the slopes and that the driveway would need to remain under a 10% grade. Colton Dow questioned whether engineered plans are required, which would take more than a month and, therefore, not permit a foundation to be installed before winter. Colton Dow questioned whether a Building Permit could be issued and that no Certificate of Occupancy would be granted until driveway approvals are obtained. Dick Fortin stated that the Selectmen do not like to issue permits without all necessary approvals. Colton Dow stated that the driveway could be built using a transit to monitor grades. Chairman Sullivan explained that the Subdivision plan only shows a possible location for a driveway but to obtain driveway approvals, a plan will need to show actual slopes, grades and cut & fills. John Hedden stated that the Planning Board reviews the plans so a fully engineered plan showing the details is the best way to proceed. Chairman Sullivan noted that a surveyor can prepare the plan, but sometimes there is not enough information.

Case #202507 Scenic Road Tree Cutting (Continued)

At 6:25 pm, Chairman Sullivan re-opened the Public Hearing on an application by the Town of Eaton/Richard Mayo for Scenic Road Tree Cutting on Potter Road (R02-015-A). John Schmerfeld stated that Mr. Mayo and the Town have not yet settled on a proposal for the road. ***John Schmerfeld made a motion, seconded by Kevin Conklin, to close the application without prejudice. Motion unanimously carried by roll call vote.***

Review of Minutes

The Board reviewed the Minutes of July 16, 2025. ***Kevin Conklin made a motion, seconded by John Hedden, to adopt the Minutes as written. Motion unanimously carried by roll call vote.***

The Board reviewed the Minutes of July 22, 2025. ***Kevin Conklin made a motion, seconded by John Hedden, to adopt the Minutes as written. Motion unanimously carried by roll call vote.***

Selectmen's Report

John Schmerfeld gave an overview of the three Building Permits issued.

Conservation Commission Report

Chairman Sullivan gave an update on the Commission and the recent blueberry harvest. Chairman Sullivan gave an overview of upcoming projects, community outreach for water quality, the Potter Road boat launch and the water bar on Willis Bean Road. Chairman Sullivan stated that the Commission reviewed the proposed amendment to the Wetland regulations.

Chairman Sullivan noted that water testing has continued on Thurston Pond and Crystal Lake. Cindy Hall stated that it would be comforting to beachgoers if the water at the beach was tested a second time each month at the center of the beach. John Schmerfeld noted that the Conservation Commission could make that request to the Selectmen for budgeting next year.

Administration

The Board was given a current Town Fee Schedule for review and further discussion. It was noted that the current cost of certified mailing is higher than the fees charged. The Board will discuss and make a recommendation for the Selectmen to hold a Public Hearing.

Wetlands Overlay Zone & Short-Term Rental Proposed Amendments

Conservation Chair Paul Nuccio joined the Board to discuss the proposed amendment to the Wetlands Overlay Zone and explained that in other Towns the affected wetland size is 10,000 to 20,000 square feet (sf) rather than the 40,000 sf in the proposed regulation. Paul Nuccio also explained that other Towns have a 25-foot vegetative buffer and an additional 50-foot setback, giving a total of 75 feet for a wetland setback. Paul Nuccio noted that other Towns conducted studies and identified different levels of wetlands and set the setbacks accordingly.

John Hedden questioned the recommendation for a vernal pool. Paul Nuccio stated that the size of the target wetland should be reduced to 20,000 square feet with a 25-foot buffer and additional 50-foot setback. Paul Nuccio stated that vernal pools should have a 100-foot buffer. Kevin Conklin questioned the impact to properties on Crystal Lake. Paul Nuccio stated that there are new shoreline regulations at the State level for protections.

Cindy Hall questioned whether there are any studies that support the recommendation to reduce the wetland size to 20,000 sf for buffers. Judy Wilson questioned how many wetlands there are in Town over 20,000 square feet. John Hedden noted that a stream could meet that qualification and that it would have to state clearly that the 20,000 sf could be on one property or contiguous properties.

Paul Nuccio stated that the larger the buffer, the better. Chairman Sullivan stated that the 100-foot proposed buffer is from the State model. Cindy Hall stated that if the Conservation Commission's recommendation is based on science, the documentation should be submitted to the Planning Board.

Kevin Conklin stated that he is not clear on why a property owner cannot manage the wetland. Cindy Hall noted that constructed ponds do not fall under these regulations. Kevin Conklin stated that if a stream runs through a property, the proposed buffers could take away use of the property. Dick Fortin noted that requiring soil testing will help determine wetland size as soils hold water differently. Cindy Hall stated that the Board should hold meetings to explain to residents how this regulation will affect their property.

Chairman Sullivan stated that the Board agrees that water quality needs to be protected but minimize limits to the use of property. Chairman Sullivan noted that there definitely should be protection around large wetlands, a buffer around year-round streams, but that perhaps a smaller buffer for seasonal/intermittent streams. Paul Nuccio stated that the use of buffers and setbacks would give more flexibility. John Schmerfeld stated that buffers handle different protections such as grass, shrubs, etc. John Hedden stated that most rain fall ends in the lakes, which should drive elimination of items such as fertilizers and pesticides.

The Board requested that it be clarified that property owners can mow their lawn. Cindy Hall proposed "meadow management" and requested information on why protection of a smaller wetland is better than the proposed 40,000 square feet.

It was the general consensus of the Board to reduce the affected wetland to 20,000 sf and add language to permit "mowing" in the buffers. Paul Nuccio stated that buffers need to remain in their natural state. John Hedden stated that it needs to be clear as to what can be done in the buffer.

John Hedden stated that he is concerned with a 100-foot buffer as it reduces the use of property. Cindy Hall stated that if the buffer must remain "natural" it means that whatever grows in that area must remain. Kevin Conklin stated that it should not be so restrictive and should permit a property owner to "manage" that area.

John Hedden suggested that a description be prepared of how to navigate through the Zoning Board, Planning Board and Conservation Commission (Section 9) to make sure it is user friendly. John Hedden stated that there are significant marshes that are not on the map, which will need to be updated and that the issue of wetlands crossing property lines needs to be clear. Kevin Conklin stated that he favors the 25-buffer because it resolves some property management issues.

The Board scheduled a work session for Wednesday, September 3rd, at 3 pm to continue working on this amendment and to also review the draft Short-Term Rental amendment.

John Schmerfeld questioned where the language for the proposed STR regulation was obtained. Dick Fortin stated that the Town should not have to keep track of rentals. Chairman Sullivan stated that the Town website could house an on-line database, which does not create extra work for staff unless an issue arises. Kevin Conklin stated that the only way the Town knows if there is an issue is if someone complains. Chairman Sullivan stated that this information is needed for verification if there is a complaint. John Hedden stated that this regulation needs to be manageable and enforceable for the Selectmen or their designee. Cindy Hall stated that this information could bring the Town closer to knowing what is being rented. John Schmerfeld stated that an explanation sheet will be needed as this amendment will be reviewed by Town Counsel.

John Hedden made a motion, seconded by Judy Wilson, to adjourn the meeting. Motion unanimously carried by roll call vote. The meeting was adjourned at 8:16 pm.

Respectfully submitted,

Lianne Boelzner

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