



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

June 16, 2025

The Zoning Board of Adjustment met on Monday, June 16, 2025, at the Town Hall. Present were Chairman Steve Larson, John Border, Pam Burns, and Joel Wasserman.

Minutes

The Board reviewed the Minutes from April 21, 2025. ***John Border made a motion to waive a reading of the Minutes and to accept the Minutes as written, seconded by Pam Burns. The motion passed by unanimous roll call vote.***

Chairman Steve Larson noted that only four Board Members had shown up for the meeting and explained the procedure to proceed to Jennifer and Stephen Malvesta. Jennifer And Stephen Malvesta stated that they were willing to proceed with only four Board Members. Chairman Steve Larson called the meeting to order at 6:10 PM and then read the Public Notice and gave an overview of the procedure for Public Hearings.

Case #202502 Stephen and Jennifer Malvesta Special Exception

At 6:15 pm Chairman Larson began the Public Hearing on an application from Stephen and Jennifer Malvesta. The Malvestas are requesting a Special Exception to Article IV, Section V, for a Short-Term Rental Property at 46 Lary Road.

All notices required by statute have been posted, abutters notified, and all fees paid. There was no correspondence received. There are no conflicts of interest from the Board.

Jennifer and Stephen Malvesta answered questions about their petition for a Special Exception.

- 1. The property must be owner occupied:** Jennifer Malvesta stated that she will be living on the property in a separate space above the attached garage while the home is being rented. Jennifer Malvesta also stated that she plans to be living on the property for approximately three weeks per month. Paul Hennigan commented that two of the properties are still under Bob Malvesta's name, and the other two properties are under Nancy Malvesta's name and questioned whether the property could be rented out by Stephen and Jennifer. Jennifer Malvesta stated that the bank had just confirmed that all the properties were now in a trust, and that the information is probably just not updated online yet.
- 2. A short-term rental property shall contain no more than three bedrooms for rent, and the bedrooms shall be located within or attached to the single-family unit:** Stephen Malvesta stated that only three main rooms will be available for rent. Pam Burns stated that the VRBO rental listing for the

property is stating that the home has seven bedrooms for rent. Stephen Malvesta stated that their rental agent jumped the gun on publishing the listing before they were ready, and that he has asked for the listing to be taken down until the proper approvals have been obtained. Stephen Malvesta also stated that the house has eight rooms, only three bedrooms will be rented. Pam Burns asked if the property had been booked since it had been listed. Stephen Malvesta stated that it has not been rented, and that the listing had been pulled since they were notified of their mistake. Paul Hennigan stated that the property listing is still up on the site as of the time of the meeting, and that the listing is advertising the home with seven bedrooms and sleeping twenty-two people per night. Stephen Malvesta replied that the listing should not be up, and he can prove with correspondence that he has asked for the listing to be taken down.

3. **Rental periods shall be for up to thirty consecutive days:** Stephen and Jennifer Malvesta both agreed to this requirement.
4. **The short-term rental shall be subject to Site Plan Review by the Planning Board:** Stephen and Jennifer Malvesta both agreed to this requirement.
5. **Parking shall adhere to Article V, Section D of the Zoning Ordinance:** Chairman Steve Larson clarified that the Zoning Ordinance requires two parking spaces for the owner of the property, and one parking space per bedroom rented. Jennifer Malvesta stated that the driveway on the property is very long and has plenty of room for all parking spaces required. Chairman Steve Larson reminded the applicants that in the winter, adequate space for parking needs to be address when removing snow, so that vehicles can easily get out of the driveway in the event of an emergency. Stephen and Jennifer Malvesta agreed to this requirement.
6. **The applicant shall submit for review an Application for Approval to the State of NH Department of Environmental Services Subsurface Systems Bureau in accordance with NH RSA 485-A:38 and shall include one of the following:**
 - a. **Evidence that the existing sewage disposal system meets the minimum design requirements of the NH Subsurface Systems Bureau for the proposed sewage load:** Chairman Steve Larson stated that the Malvestas had provided the required septic information to the Board. John Border noted that the septic approval from the State is for a five-bedroom home and asked if there was a second septic system since the Malvestas listed the home as having seven bedrooms. Jennifer Malvesta stated that there are not seven bedrooms in the home. Stephen Malvesta repeated that the VRBO rental listing stating seven bedrooms was a mistake, and that they will only go forward with the requirements the Zoning Board will lay out for them. John Border asked if there was a second septic system for the living space above the garage. Stephen Malvesta stated that the living space is above the attached garage and therefore is tied into the main septic system for the home. John Border asked if the living space above the garage is included in the five-bedroom septic limits, and Stephen Malvesta confirmed this. Paul Hennigan spoke up and stated that the septic system requirements should be a condition of approval in this case.

7. **Use Limitation- the short-term rental property shall not be used for any other hospitality or business-related uses:** Stephen and Jennifer Malvesta agreed to this requirement.
8. **All buildings and facilities must comply with all New Hampshire building, life safety, fire, and energy codes:** Stephen and Jennifer Malvesta agreed to this requirement. Jennifer Malvesta stated that there are smoke and carbon dioxide detectors hardwired in the home. Chairman Steve Larson stated that the building inspector will inspect the property. Paul Hennigan stated that the Fire Chief needed to be the one to do the fire code inspection. Stephen Malvesta requested the phone numbers for the building inspector and fire chief (Bethany Hicks provided these phone numbers).
9. **There shall be no occupancy of the rental units until the Board of Selectmen have issued a Certificate of Occupancy:** Jennifer and Stephen Malvesta agreed to this requirement.

Chairman Steve Larson made a motion, seconded by John Border, that based on the above findings of fact, the Special Exception for Article IV, Section V of the Zoning Ordinance be granted with the following conditions:

1. ***There will be no more than three rooms for rent at any time.***
2. ***The site plan will be reviewed and approved by the Eaton Planning Board.***
3. ***Approval from the Building Inspector that all buildings and facilities comply with all New Hampshire building, life safety, fire, and energy codes.***
4. ***The Eaton Board of Selectmen issue a Certificate of Occupancy.***
5. ***Caretaker contact information will be shared with the Selectmen.***
6. ***In January of each year, a summary showing that New Hampshire State Rooms and Meals Tax has been paid will be provided.***

The Motion passed by unanimous roll-call vote.

Note: The Zoning Board of Adjustment has indicated that all conditions are to be satisfied within sixty days of the date of this meeting.

Chairman Steve Larson made a motion, seconded by Pam Burns, to adjourn the meeting. The motion passed by unanimous roll call vote. The meeting was adjourned at 6:45 PM.

Respectfully submitted,

Bethany Hicks

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