

TOWN OF BENNINGTON
ZONING BOARD OF ADJUSTMENT
Minutes of the meeting- February 16, 2009

Present Judy Heddy, Chairperson
 John Tyler
 Joan Schnare

Guests Barry White, Planning Board Liaison
 Peter Hopkins, Code Enforcement Officer
 Steve Stockwell
 Ryan Kulbacki
 Jaimie Crooker
 Richard Edmonds
 Dick Edmonds
 Brent Paradis
 Janet Bramley
 Dee Bramley
 Sharon Hubbard
 Paul Day
 Chris Gladding
 Robert Gladding

Chairperson Heddy called the meeting to order at 7:01 p.m.

As the ZBA did not have a full board in attendance, Mr. Stockwell was given a choice to have his case heard or to reschedule at a later date. Mr. Stockwell agreed to have his case heard as the ZBA had the required quorum.

Mr. Stockwell presented the following points:

The Town does not have an ordinance pertaining to manufactured housing parks.

The Town has an open space ordinance. Moving the location of the proposed building would allow the tree to stay. The existing mobile home is on blocks. A new mobile home will require a foundation or a slab that would kill the tree located close to the building.

Mr. Stockwell's insurance company wants the building placed 50 feet from the tree.

Code Enforcement Officer, Peter Hopkins noted that Mr. Stockwell's building permit had been denied based on the original request for one trailer to be replaced with a like size unit to be moved slightly. As this would present a change in the building footprint, this would be considered a change of use and require a variance.

When asked about possible problems with setbacks, Mr. Stockwell noted that all but one trailer is in appropriate setbacks. It was noted that the map from the building application does not show the location of the trailer. Mr. Stockwell supplied a map with the location noted.

It was noted that a line item on Mr. Stockwell's tax card indicated that the lot has a manufactured house. At the current time the lot has 5 units. Mr. Stockwell stated the he plans to upgrade the units beginning with the oldest one.

Mr. Stockwell presented a 2003 State Regulation on manufactured homes. As the regulation was not current, it could not be used.

The Board was in agreement that a site walk should be done before any decisions were made. The site walk is open to the public and will be scheduled for Saturday, March 7, 2009 at 3:00 p.m.

Code Enforcement Officer Hopkins stated that though the town has no trailer park regulations, the site is in need of much work and is limited to what is currently there. Replacements need to be in the exact same footprint. A licensed installer could be needed and both septic and water must meet today's standards.

There were no comments supporting Mr. Stockwell's request.

The following concerns were expressed;

Ryan Kulbacki noted that any building should follow regulations set by the Town. The current trailer situation is a non-conforming use that is grandfathered. A non-conforming use may not be changed to another non-conforming use.

Janet Bramley stated her concern about the appearance of the area.

Dick Edmunds inquired about the way Mr. Stockwell was being taxed. The lot is listed as a mobile home, not a park.

Sharon Hubbard stated the area is in need of cleaning and that she has a concern about how many trailers will go in.

Dick Edmunds noted that there is a 2-acre minimum for a building lot. If cluster building is allowed for 5 units, 10 acres must be used.

The Board reiterated that the original building permit was for one unit. It was denied which Mr. Stockwell is appealing. Before the permit could be granted, Mr. Stockwell must show an approval for the water and sewer. At this time three septic systems have been approved for single units and one septic system shares two units.

A continuance was scheduled for March 16, 2009 at 7:00 p.m.

The Hearing was closed at 8:06 p.m.

The Board noted that they need clarification from the tax collector on how the property is listed. The Board may only debate the Code Enforcement Officer's decision. The current trailer is

grandfathered but the grandfathering will end at such time as the trailer is removed. The ZBA can send Mr. Stockwell back to the Planning Board. It was noted that at the current time all 5 units on the property have a 911 address of Mountain Road. The units are located on a private road and not on Mountain Road. It was unanimously agreed upon to review the case with Town Council.

Joan Schnare moved that the meeting be adjourned. The meeting was adjourned at 8:37 p.m.

Respectfully Submitted by

Debra Belcher
Zoning Board of Adjustment Recording Secretary