

TOWN OF BENNINGTON  
PLANNING BOARD  
Minutes of the Meeting- January 24, 2011

Present        Jeffrey Rose, Chairman  
                  Melissa Stewart, Vice Chairman  
                  Barry White  
                  Sam Cohen  
                  Philip Germain, Ex-Officio

Guests        Peter Martel  
                  Christopher Kavenaugh  
                  Michael Kavenaugh

Chairman Rose called the meeting to order at 7:35 p.m.

Mr. O'Connor was not present for the scheduled chat session.

The minutes of the December 13, 2010 meeting were reviewed and accepted as written.

The minutes of the January 3, 2011 meeting were reviewed and accepted with minor changes.

It was noted that the plat for the Joshi project has been received and filed with the State. The applicant has been given a list of items to complete to fulfill the requirements for a certificate of occupancy.

Michael Kavenaugh approached the Board at 7:49 p.m. to discuss the permitted uses of his property located on Francestown Road, Map 10 Lot 37. Mr. Kavenaugh's son resides at the property and is a single parent looking for a way to support his family while having the ability to stay at home. The property is located in the Rural Agricultural zone with a portion of the property located in the Water Resource Protection Zone. It was determined that an auto repair shop would not be an allowed use at this location. One possible use might be a saw mill operation. The Board will get clarification on the possibility of a buffer zone to the Water Resource Protection Zone as well as an interpretation of a divided lot. The Board noted that the next probable step would be to address the ZBA. Mr. Kavenaugh expressed concern of what other rulings have expanded on allowed uses and how does case law support the uses.

The Board reviewed the Non-Binding Referendum. A header was added to identify it as well as the addition of a yes, no, or no opinion box to be added to question number one.

An update was given on the Town Vacancies for the Planning Board that will appear on the March ballot. Both a three-year position and a two-year position are open.

The Planning Board has received a notice of a lot merger on Bible Hill Road.

The Board reviewed the pending Driveway Regulations. A letter from JB Mack of South West Regional has been received addressing the driveway opening width requirements. It is suggested that residential areas may require narrower openings to maintain rural appeal. The Board compared regulations from surrounding towns. The Board suggested that apron should be between 24 feet and 28 feet wide at the road edge for a single family residential property. All other properties shall be 30 feet wide at the road edge. Illustrations will be added to help clarify the requirements.

The Board noted that a flat fee should be added for starting to construct a driveway without a permit. The violation of regulations shall be changed to read “ A violation of these regulations shall be punishable by a fine of Two Hundred Seventy-Five Dollars (\$275.00) for the first offense and Five Hundred Dollars (\$500.00) for each subsequent offense if not corrected within five business days from Town notification. Each day that such violation is found to have continued after the date upon which the violator receives written notice from the Town shall constitute a separate offense.”

An update on the Stockwell case was heard. Mr. Stockwell met with the Selectmen and Peter Hopkins. A timeline will be written.

No update was heard no the Rymes property.

There being no other business at hand, the meeting was adjourned at 10:07 p.m.

Respectfully Submitted by

Debra Belcher  
Planning Board Recording Secretary