

TOWN OF BENNINGTON  
PLANNING BOARD  
Minutes of the Meeting- October 8, 2012

- Present        Susan Smith, Vice Chairman  
                  Sam Cohen  
                  David McKenzie  
                  Jeffrey Rose, Ex- Officio
- Guests         Gary Biales, Zaremba Group  
                  Ray D'Amante, representative of Zaremba Group  
                  Sean McDowell, Nobis Engineering  
                  Chris Nadeau, Nobis Engineering  
                  Peter Hopkins, Building Inspector  
                  Tim Farrell, resident  
                  Bill Brown, resident  
                  Diana Wollen, abutter  
                  Mike Butler, resident  
                  Jane Butler, resident  
                  Lori O'Brien, abutter  
                  Joseph O'Brien, abutter  
                  Amy Wing, resident  
                  Christine Myhaver, abutter  
                  Zach Harrison, resident  
                  Nick Warren, resident  
                  John Cronin, resident  
                  Mike Roina, resident/ Fire Chief  
                  Richard Reed, resident  
                  Peter Martel, resident  
                  Chief Steve Campbell/ Police Chief

Vice Chairman Smith called the meeting to order at 7:04 p.m.

The minutes of the September 24, 2012 meeting were reviewed and accepted as written.

Vice Chairman Smith opened the Public Hearing for the Dollar General Site Plan Review at 7:08 p.m. An introduction of the Planning Board members was made. The Board began with a review of the project to determine possible regional impact. David McKenzie noted a concern for impact on the river and property downstream of the project. Jeffrey Rose made a motion to declare that the project does not pose a regional impact. Sam Cohen seconded the motion. A vote was taken (3- yes, 1- no). The motion passed and the project was deemed to have no regional impact.

The Board began a review of the application for completeness. The abutters have been noticed, the hearing was advertised in the local paper on September 27, 2012, and payment has been received. David McKenzie was appointed to mark the official copy of the checklist. The

applicant agreed to point out items on the plat for the Board. Aerial photos were used and abutter Lori O'Brien asked how current the photos were. It was noted that Google Map was used.

After discussing each item on the checklist, David McKenzie made a motion to accept the application as complete pending the submission of a floor plan and a possible need for a storm water system specialist. Jeffrey Rose seconded the motion and all were in favor.

Representative of Zaremba Group, Gary Biales, approached the Board with a presentation for Dollar General. It was noted that the proposal is to merge two residential lots in the Village District to build a Dollar General. Presently there are two driveways, which will be changed to one driveway. Mr. Biales stated that a traffic study has been submitted to the State but that the State has not responded at this time. It is projected that there will not be a large flow of traffic due to the business. The proposed parking area will be located in the front and side of the store with the store entrance located in the center. It was noted that the parking spaces would meet code. The driveway will comply with the town driveway requirements. One large delivery truck would be scheduled per week with smaller trucks on a separate schedule.

The property when merged would consist of 2.08 acres with 321 feet of frontage. The property drains from front to back. The applicant proposes the placement of a 6-foot privacy screen on either side of the property. It was noted that the lighting is designed not to light the abutting properties. The main lights would be on timers, turning off half an hour after closing. The lighting on the signage would also be on timers. Abutter Diana Wollen asked if the trees on the property line would be left to absorb sound. It was noted that some trees would be cut and a fence would shield the property. The proposed finished building would be a metal building with a relatively flat roof with three doors sitting lengthwise on the property. The front of the building would be 16 feet high and the back of the building would be 14 feet high. The doors would be located in the front, side, and back of the building.

David McKenzie stated that the lot does not comply with the zoning regulations. Attorney Ray D'Amante challenged the intent of Zoning Article X. Mr. D'Amante stated that Article X paragraph 5 speaks to residential uses not commercial. Attorney D'Amante submitted copies of letters written to Mr. Hopkins and Mr. Cronin regarding a phone discussion. It was noted that the proposed business would use less water than a residential property. The Dollar General proposes to have two toilets and a drinking fountain. Building Inspector, Peter Hopkins stated that in his opinion no variance would be needed. Attorney John Cronin, who helped to write the ordinance stated that no variance would be needed and that the intent of the ordinance was not to prohibit commercial uses. Paragraph 4 does not say that no commercial buildings are allowed. The intent was a concern for overdevelopment of the area to protect the aquifer.

Resident Richard Reed expressed his concern for the aquifer noting that the Contoocook Valley is high on the list of threatened areas in the United States. He noted the possibility of fuel spillage or the potential hazard of a fire in a hardware store.

Resident Jane Butler stated that in her opinion a Dollar General is "just a 9100 square foot grocery store and is not appropriate in this area."

Abutter Diana Wollen stated that State Statute notes that surrounding property value will not be diminished. Mrs. Wollen has a shop on her property that has been made to look like residential property. She stated that she would like to see the façade changed to appear more residential. There is also a Dollar General 9 miles away from the proposed site.

It was noted that the proposed site consists of two non-conforming lots, which are grandfathered. The two lots that would be merged must meet the zoning requirements. The Planning Board is seeking advice from the Town's Attorney.

It was suggested that the area be looked at has the speed limit of 35 mph but traffic goes much faster than that. Abutter Lori O'Brien stated that she is very concerned about the huge impact the project will have on her property. Abutter Joseph O'Brien noted that the proposed septic, trucks and lagoon would all be on the south side of the property where his house is located. The runoff from the property presently goes onto the abutter's property. It was proposed that there is a plan to alter the runoff.

Jeffrey Rose noted that the Planning Board would need to look at the Zoning Ordinance concerning hazardous and toxic storage as well as density and use and the merging of two lots creating a non-conforming lot. It will be determined if there will be a need for a variance.

David McKenzie made a motion to continue the hearing to November 12, 2012 at 7:00 p.m. at the Bennington Town Hall. Jeffrey Rose seconded the motion and all were in favor.

The meeting was adjourned at 9:03 p.m.

Respectfully Submitted by

Debra Belcher  
Planning Board Recording Secretary