

TOWN OF BENNINGTON
PLANNING BOARD
Minutes of the Meeting- October 22, 2012

Present Susan Smith, Vice Chairman
Sam Cohen
Jeffrey Rose, Ex-Officio
David McKenzie

Guests Peter Martel
Aaron Wechsler, Representative for David Blanchard

Vice Chairman Smith called the meeting to order at 7:05 p.m.

The minutes of the October 8, 2012 meeting were reviewed and corrections made. Vice Chairman Smith made a motion to review the minutes after the corrections have been made. Sam Cohen seconded the motion and all were in favor.

The Blanchard Sub-Division Hearing was opened at 7:30 p.m. It was noted that the application was accepted as complete and the fees have been paid. Mr. Wechsler approached the Board to address the seven pending items. He noted that it is customary to have the project approved before the mylars are printed and the pins are set. Mr. Wechsler is also waiting for State sub-division approval. The lot is a 2 plus acre buildable lot with 200-foot frontage. The abutters have been noticed and an ad for the Public Hearing placed in the local paper. No public was present at the hearing. Susan Smith made a motion to approve the application conditional of preparing the mylar and setting pins. It was noted that all registration and recording fees are to be paid by the applicant. David McKenzie seconded the motion and all were in favor. It was noted as a matter of clarification that per RSA 672:3 of the sub-division regulations that an abutter is anyone who lives within 200 feet of the proposed property. The hearing was closed at 7:54 p.m.

It was noted that clarification is needed for the sub-division fees in the Rules of Procedure. The regulations currently list a fee of \$250 plus \$150 for each additional lot created. Fees for notification of the abutters need to be clarified as well as a fee for advertising in the local paper. Jeffrey Rose made a motion to modify the Rules of Procedure to include "The applicant is responsible for fees incurred for public notification". This would be placed in 13.5 and the current 13.5 moved to 13.6 and 13.7. Susan Smith seconded the motion and all were in favor.

The Planning Board discussed a proposal for a site plan review for a food vendor business on a .9 acre lot located at map 16, lot 9 to be named Taste of Texas. The business is a take out business and currently has a food vendor's license. The owner has noted that the Planning Board has looked at the site in the past, but there is no record of this. The business is located in the Rural/ Agricultural District as well as the Water Resource Protection Zone. A building permit has been issued for a roof. The structure has been approved, but the business has not. There is a building on the lot which has had an antique business that is grandfathered as it is a small lot. It was proposed that a joint meeting be scheduled with the Planning Board and the Zoning Board of Adjustment. It was noted that variances would be required. The property is not surveyed. There

is no record of variances that have been granted in the past. There is no indication that the business has been active in the past year. A new owner is renting the business. It was suggested that the Selectmen send a letter stating the reasons that variances would be required. Sam Cohen made a motion to ask the Code Enforcement Officer to inform the applicant of what approvals or variances would be required. Jeffrey Rose seconded the motion and all were in favor. Peter Martel noted that he is in contact with the applicant and that they are not ready to go before the Planning Board. Peter Martel recommended that the application should be withdrawn at this time. He will contact the applicant and copy the Planning Board.

Sam Cohen needed to leave at 8:45 p.m. Jeffrey Rose stated that the Board needs to vote for a new Chairman, but it would be wise to have a full Board for the vote. Susan Smith agreed to continue as acting Chairman for the Dollar General case. David McKenzie stated that he would be willing to become Chairman. Jeffrey Rose made a motion to accept Susan Smith as acting Chairman and David McKenzie as acting Vice Chairman at this time. Susan Smith seconded the motion and all were in favor.

There being no other business at hand, the meeting was adjourned at 9:10 p.m.

Respectfully Submitted by

Debra Belcher
Planning Board Recording Secretary