

TOWN OF BENNINGTON

PLANNING BOARD

Minutes of the Meeting- August 11, 2014

Present        David McKenzie, Chairman  
                  Christopher Maple, Vice Chairman  
                  Jeffrey Rose, Ex- Officio  
                  Sam Cohen

Guest         Eric Manna

Chairman McKenzie called the meeting to order at 7:01 p.m.

The minutes of the July 14, 2014 meeting were reviewed and accepted as written.

Jeffrey Rose reported that Barry White has offered to compile the data that has been collected from the Master Plan survey.

Mr. Manna approached the Board noting that he had been advised by the Code Enforcement Officer that he did not need to have a site plan review done for his boat rental business. If the public will be going to the site, the venture will require a site plan review. Mr. Manna's boat rental business gives an option to put a rental boat in the water on site or at another site. It was noted that a recreational business is not an allowed use in the village district. Both a campground and a boat launch will require a site plan review, which could be done together as one review. Mr. Manna indicated that he is not ready to go before the Board for a site plan review for the campground. Mr. Manna expressed concern that he would lose a lot of business if he were required to stop at this time in the season. Mr. Manna noted that he was operating his business based on an understanding with the Code Enforcement Officer. The Board contacted the Code Enforcement Officer by phone for clarification. The Code Enforcement Officer said that it would be taken care of by the next season, but it would be acceptable to ask Mr. Manna to come in for a site plan review. He noted that he felt it would be acceptable to allow Mr. Manna to continue and not close his business, but would advise him to apply to the ZBA for a use variance. Sam Cohen questioned if the use is recreational as you can launch a boat from your own property. Subsequently the Board discussed the difference between individual use of his land and a commercial enterprise. Also Sam Cohen noted that launching a boat does not change the land. Mr. Manna was not sure if the Code Enforcement Officer was aware of the plan to allow rental boats to be launched from his property. Mr. Manna noted that he provides many demonstrations and charitable activities for churches and fundraisers. Most

of Mr. Manna's business is currently in sales. If he were to be asked to stop his business he would comply, but it would be a hardship. Currently, the mobile home on the property is being used as a temporary office. It was suggested that the Code Enforcement Officer visit with Town Counsel to see if a variance is needed. If a variance were to be granted for the campground, it would cover the boat rental portion of the business. Jeffrey Rose suggested that the case be tabled until such time as the Board could discuss it with the Code Enforcement Officer. He recommended that Mr. Manna apply for a variance for the marina as soon as possible. It was noted that a site plan review takes under consideration things that the Code Enforcement Officer does not look at. Mr. Manna noted that the boat season is mostly over in mid October and that he does not expect much business until the beginning of April. Mr. Manna was advised to apply for a joint ZBA and Planning Board Hearing for a variance and site plan review. This could be done with the need of only noticing the abutters once. Mr. Manna was given a copy of the variance application. It was noted that the Planning Board would be asking for a letter stating the hours of operation as well as a letter from the DOT approving the commercial use of the driveway. Parking will also be looked at. Mr. Manna noted that he has an approved septic, but is currently using a port-a-potty. He said that at such time as the campground is in use, flush toilets will be put in place. The Board noted a concern about building and huts that might later be used as a residence. Mr. Manna stated that he believes that he could build the buildings as condos. If the campground were to fail, Mr. Manna feels he will need an exit strategy. Mr. Manna would not be able to sub-divide and sell the units as this would create non conforming lots. It was suggested that Mr. Manna might not be allowed to have as many cottages on the property as he is planning. Mr. Manna stated that if he cannot have all of the cottages the campground will fail. The Board discussed a potential subdivision. Zoning Ordinances limit the number of dwellings on the property even if it is subdivided. Mr. Manna noted a strong objection to conceivably being allowed to have only 9 residences on the property. Mr. Manna stated that he will give consideration to the buildings and come back for another chat session. The Board reminded Mr. Manna that the cottages will be allowed as seasonal use and that stays of more than 30 days will not be permitted.

In other business, the Board was asked to think about possible zoning changes concerning temporary farm stands. The Board will also be looking at site plan regulations and a connection to trigger site plan reviews as well as reviewing the Master Plan Surveys.

There being no other business at hand, the meeting was adjourned at 9:20 p.m.

Respectfully Submitted by  
Debra Belcher  
Planning Board Recording Secretary