

TOWN OF BENNINGTON
PLANNING BOARD

Minutes of the Meeting- November 13, 2017

Minutes accepted on December 11, 2017

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

Guest Dennis McKenney

Chairman McKenzie called the meeting to order at 7:00 p.m.

The minutes of the October 9, 2017 meeting were reviewed and accepted with a minor correction.

Chairman McKenzie expressed a concern about the Home Business Ordinance and if it should apply to businesses such as a logging operation. It was expressed that a business that does not have people visiting the property should not be restricted to the same restrictions as those of a home business. An example of this is parking requirements. The Board discussed the parking requirements in the present draft of the Home Business portion of the Zoning Ordinance. Chairman McKenzie made a motion to modify Section b.5. of the Home Business Ordinance to read: Adequate off-street parking must be provided for employees, and for business visitors, who may arrive and depart the property no earlier than 8:00 a.m. nor later than 9:00 p.m. If the home business allows such visitors to arrive or depart after sunset, there must be adequate lighting for safe movement to and from the parking area(s). Sam Cohen seconded the motion and all were in favor.

Sam Cohen made a motion to replace Zoning Article IX, Section B.7, signs with the following: A legally established business may have one sign attached to the building and one freestanding sign on the lot. If the lot contains more than one legally established business, their freestanding signs must all be mounted on the same freestanding structure. Christopher Maple seconded the motion and all were in favor.

Sam Cohen made a motion to change the first sentence of the Driveway Regulations, Section II A.- Standards to read: The Driveway Permit is to be issued before a Building Permit is applied for and before any entrance to the lot is constructed, or before an existing, but unpaved driveway is paved. Christopher Maple seconded the motion and all were in favor.

Chairman McKenzie noted that he invited Dennis McKenney to the meeting to clarify the land use application for lot line adjustments and mergers on Gillis Hill Road (Map 19: Lot 3 and Lot 21A). A list of possible problems with lot size was brought to the attention of the Planning Board by the Deputy Administrator. Mr. McKenney gave an overview of the proposed project on Gillis Hill Road which includes the swapping of property between Mr. Valentin and Mr. Hardwick to increase Mr. Valentin's property and allow Mr. Hardwick access to two existing back lots that he owns as well as a lot merger. It was noted that the lot merger is not required to be done at a Public Hearing. A concern that was expressed by the Deputy Administrator was that the proposed merged lots belonging to Mr. Valentin would not become a conforming lot in area. Mr. McKenney stated that he believes that the RSA is speaking to land use not lot size. The merger decreases the non-conformance in regards to area. The Planning Board will consult legal advice on this issue. The Board reviewed the application for completeness. It was noted that a waiver was requested for test pits noting that a soil analysis map was used to show that the soil is well drained and the lots in question are over 5 acres each. Other waivers that were requested are the requirement for a soil scientist and information on the condition of surrounding land. Jeffrey Rose proposed that the Planning Board do a site walk to determine the need for a test pit. Mr. McKenney noted that he submitted the application in early September and needed to call the Town Office to find out why nothing had been done. He suggested that the Planning Board consider the application as substantially complete reserving the right to require a perk test as may be determined by a site inspection. A site walk was scheduled for Saturday, November 18, 2017 at 3:00 p.m. to meet at the junction of Gillis Hill Road and the old discontinued road. Mr. McKenney brought to the attention of the Planning Board a concern about the possible need for three of the Planning Board Members to recuse themselves from the Public Hearing. One of the Board Members is a relative of one of the property owners and two other Board Members are abutters. In light of the possible shortage of Board Members, it was agreed upon that the scheduled Public Hearing be moved to December 11, 2017.

As there was no other business at hand, the meeting was adjourned at 9:15 p.m.

Respectfully Submitted by

Debra Belcher
Planning Board Recording Secretary