

**Town of Bennington  
Planning Board  
Minutes of the Meeting- August 10, 2009**

Present: Jeffrey Rose, Chairman  
Barry White, Vice Chairman  
Joseph Cuddemi, Ex-Officio  
Melissa Stewart

Guest: Peter Martel (8:20 p.m.)

Chairman Rose called the meeting to order at 7:40 p.m.

An update was given for the Zyck daycare. Melissa was given a new cell phone number as the previously given number is no longer in service. Chairman Rose notified the Board that Mrs. Zyck has installed more fencing starting at the existing fencing. Melissa will contact Mrs. Zyck and view the fencing to see if it will provide adequate deterrent.

The Board considered hiring outside assistance for the workforce housing ordinance. It has been suggested by the Selectmen to use Southwest. Southwest has stated that they will not do analysis town by town. At this time, the Board has decided to revisit this topic at the next meeting as they need to know the criteria the State will use in order to move forward with the ordinance. The Board will also look into how to educate the town regarding this ordinance.

Chairman Rose notified the Board that Monadnock Paper Mill has sent notification regarding their upcoming re-licensing for a hydroelectric generating facility. The Planning Board has not heard any complaints or concerns from the public and at this time have no questions for the Paper Mill.

The Board looked at the Rules of Procedures as there is no provision for an excavation application. The Board voted to change the fees from a \$50 file fee and \$50 permit fee to a \$50 file fee and \$100 permit fee. The Board also voted to draft a letter for the next meeting to notify town gravel pit owners of their decision to change the three-year town permit to a five-year permit that will align with the States Alteration of Terrain permit. The Board agreed that they would offer a short term permit and charge a flat \$50 fee to align the permit.

The Board also discussed In-Home Occupancy Fees and Protocols. As the Board has not discussed specifics for the protocols, they did not set a fee at this time.

Barry White notified the Board that as of September 25, 2009 the Federal Emergency Management will issue new maps regarding flood plains. The 1983 map in the Town Hall Conference Room will become obsolete. Building Code Enforcement Officer Peter Hopkins will

need to be notified of the map changes as it involves building inspections. The Selectmen have already been notified.

Minutes from the May 26, 2009 meeting were reviewed and all were in favor of accepting the minutes with the following changes: under "present" Peter Eppig delete "vice-chair", Page 2, Paragraph 8, Sentence 1 change Monday, February 8, 2009 to Monday, February 8, 2010.

Minutes from the July 9, 2009 meeting were reviewed and all were in favor of accepting the minutes as written.

Minutes from the July 27, 2009 meeting were reviewed and all were in favor of accepting the minutes as written.

The next business of order on the agenda was to continue Review of Subdivision Application and Checklist. Chairman Rose notified the Board that Kristie LaPlant has not finished this yet; this will need to be tabled until the Board receives the Application and Checklist from Kristie.

The Board reviewed a letter from Denise French subject Harris Escrow Account. As of today's date there is \$79, 588.39 in the account. Mason and Bertha Harris are requesting the accumulated interest as they feel that they are entitled to it. The account was opened in 1998 with \$50,000 dollars. The Board looked at the following factors:

1. Number of acres permitted? 20
2. Number of acres reclaimed: None
3. 5 contiguous acres or more that are depleted and not currently used or abandoned must be reclaimed

According to the 1998 Excavation Permit Agreement Certificate of Deposit interest accrued should be added to principle. Interest was intended to be kept in the account for reclamation purposes. The Board feels that the areas Harris is not working in need to be reclaimed. To determine if it is appropriate to release any amount of interest over and above the reclamation cost, the Board will look into the following:

1. Contact Mary Pinkham-Langer to inquire if the State inspects and validates reclamation procedure. If not, inquire how other towns handle reclamation.
2. Contact Dennis McKenney to ask his opinion of reclamation of this site and to check reclamation plans notes 11 and 12 as they are missing from the plans the Board has.
3. Look into hiring someone knowledgeable in this field.

Chairman Rose provided the Board with copies of the Municipal Laws Lecture Series.

The Board discussed Driveway Permit Applications. The Board considered adding a line for the Fire Inspector to sign the application. The Board voted to change number 7 regarding performance bonds from \$1,000 to \$1,500. The Board will discuss this Application and work on it further during work sessions.

The Following is on the agenda for the August 24, 2009 Work Session at 7:30 p.m.

1. Naomi Zyck update

2. Work on Driveway Permit Application

As there was no other business the meeting was adjourned at 9:42.

Sincerely,

Karen Bartlett  
Planning Board Recording Secretary