

Amended January 14, 2013

TOWN OF BENNINGTON
PLANNING BOARD
Minutes of the Meeting- December 27, 2012

Present David McKenzie, Chairman
Sam Cohen
Jeffrey Rose, Ex-Officio (7:50 p.m.)

Guests John Cronin
Christopher Maple

Chairman McKenzie called the Public Hearing to order at 7:23 p.m. The proposed Zoning Ordinance changes were reviewed. The proposed warrant article will suggest deleting Article VII;k;3 as it is redundant as well as Article VII;k;4 as it is contrary to State law. Article IX;b;5 currently does not allow portable signs, but is not enforced. The proposed definition for a portable sign is any sign that is not firmly or permanently attached to a permanent structure. The Planning Board proposes to allow one portable sign per business. If more than one legally permitted business is located at a property, one sign per business will be allowed to be located on one structure. Christopher Maple noted that the Bennington Country Store has many signs. It is a clear violation of the ordinance. Sam Cohen proposed that a change be made to Article IX;b;13- non-illuminated signs, window posters on buildings to change the word “and” to “or to”. This change would need to be submitted to the Administrator and posted for a Public Hearing. The Board decided to leave the ordinance as it is.

Article X;5- Density and use – The Planning Board presented the proposed changes as described in the December 6, 2012 meeting notes. Commenting on these changes, Mr. Cronin stated that he did not feel that this addresses the problem. The standard of increasing the required frontage is a tool for limiting development. The Village District has limited lot sizes. It was suggested that the Water Resource Protection Zone might need a requirement for commercial and a requirement for residential uses. Mr. Cronin stated that if a three-acre lot were required in the Village District appropriate lot use would be prevented. Mr. Cronin helped to write the existing ordinance and he stated that the ordinance was designed to control the development of residential use. He suggested that the Planning Board find out if the town would like to see commercial use in the Village District. Sam Cohen invited Mr. Cronin to become a Planning Board member. Mr. Cronin declined, but stated that he would help with input if the Board would like to re-write Article X. Chairman McKenzie made a motion to accept the warrant articles as written. Jeffrey Rose seconded the motion and all were in favor. The Public Hearing for the proposed Zoning Ordinance changes was closed at 8:30 p.m.

Chairman McKenzie opened the Public Hearing continuation for the Taste of Texas at 8:30 p.m. Sam Cohen reported that the Zoning Board of Adjustment approved the required variances as temporary variances. It was noted that Steven Osienski stated that the town has granted temporary variances in the past noting the Stockwell case. Jeffrey Rose noted that he did not feel that this case is the same sort of thing as the Stockwell case. The Planning Board reviewed the written decision from the Zoning Board of Adjustment. As the applicant had left the building

after the Zoning Board meeting, there was no applicant available. No new information defining parking area was found in the applicant's folder and the applicant was not available by phone. Jeffrey Rose asked if the Planning Board could override the ZBA, and stated that the Planning Board does not have to approve the application just because the ZBA approved the variances. He further stated that if the Board does not feel that the lot is adequate for the amenities, it does not need to give approval. The Board will seek the advice of Town Counsel. Chairman Mckenzie continued the hearing for January 14, 2013 at 7:00 p.m. at the Bennington Town Hall.

Sam Cohen made a motion to appoint Christopher Maple as a member of the Planning Board to fill the vacancy from Susan Smith's resignation effective immediately. Jeffrey Rose seconded the motion and all were in favor. Christopher Maple was sworn in by the Assistant Town Clerk.

There being no other business at hand, the meeting was adjourned at 8:57 p.m.

Respectfully Submitted by

Debra Belcher
Planning Board Recording Secretary