

TOWN OF BENNINGTON
ZONING BOARD OF ADJUSTMENT
Minutes of the meeting- December 27, 2012

Present Sam Cohen
Steve Osienski
Melissa Clark
John Paradise

Steve Osienski called the meeting to order at 7:06 p.m. Melissa Clark and John Paradise were appointed as voting members for the Zoning Board of Adjustment for the meeting. Sam Cohen made a motion for Steve Osienski to be acting Chair for this meeting. The motion was seconded and all were in favor.

Steve Osienski presented the Board with a written copy of the Notice of Decision for the variances requested for the Taste of Texas hearing. He noted that it was a temporary variance. It was noted that a variance follows the property not the ownership of the property. Sam Cohen made a motion to approve the Notice of Decision with modifications. The motion was seconded and all were in favor. The final Notice of Decision is attached to these minutes.

There being no other business at hand, the meeting was adjourned at 7:25 p.m.

Respectfully Submitted by

Karen Bartlett
Zoning Board of Adjustment Recording Secretary

**Zoning Board of Adjustment
Bennington, New Hampshire**

December 27th 2012
Decision for Variances submitted by Grace Trow
For Property #479 Route 202
Map #16, Lot #9

Board Members:

Sam Cohen
Melissa Clark
John Paradise
Christopher Clough
Steve Osienki

Variance Labeled Multi-use Article 7 Para. C

Decision:

The board concluded that there was no article in the land use and zoning articles which stated that multiple uses of a property were prohibited. Examples were given regarding residential and farming and residential and business. Therefore the board has decided that no variance was necessary and the variance application was dismissed.

Variance Labeled Set-back Article 7 Para. C

Decision:

The board concluded that although the use has only a two foot setback, that it would be granted under the following conditions:

- 1.) Only temporary structures may be placed, The town building inspector will interpret the temporary nature of any structure.
- 2.) Before starting construction or placement, the activity will be reviewed by the town building inspector.
- 3.) If the granted variance has not been exercised within 180 days it will be revoked. The decision as to whether the variance was exercised is based on the town building inspector's opinion.
- 4.) The applicant will re-apply for the same variance in five years from the date of this variance.
- 5.) The temporary structure will be limited in size and placement to the current concrete pad.
- 6.) Any expansion of the use shall be reviewed by the planning board and the zoning board of adjustment.

Variance Labeled Impervious structures Article 10 Para. 5

Decision:

The board concluded that although the use is in the water resource overlay was prohibited, because of its temporary nature it will not impact the intent of the law. The variance will be granted under the following conditions:

- 1.) Only temporary structures may be placed, The town building inspector will interpret the temporary nature of any structure.
- 2.) Before starting construction or placement, the activity will be reviewed by the town building inspector.
- 3.) If the granted variance has not been exercised within 180 days it will be revoked. The decision as to whether the variance was exercised is based on the town building inspector's opinion.
- 4.) The applicant will re-apply for the same variance in five years from the date of this variance.
- 5.) The temporary structure will be limited in size and placement to the current concrete pad.
- 6.) Any expansion of the use shall be reviewed by the planning board and the zoning board of adjustment.

Variance Labeled Lot Size Article 10 Para. 5 Decision:

The board concluded that although the use is in the water resource overlay was prohibited, because of its temporary nature it will not impact the intent of the law. The variance will be granted under the following conditions:

- 1.) Only temporary structures may be placed, The town building inspector will interpret the temporary nature of any structure.
- 2.) Before starting construction or placement, the activity will be reviewed by the town building inspector.
- 3.) If the granted variance has not been exercised within 180 days it will be revoked. The decision as to whether the variance was exercised is based on the town building inspector's opinion.
- 4.) The applicant will re-apply for the same variance in five years from the date of this variance.
- 5.) The temporary structure will be limited in size and placement to the current concrete pad.
- 6.) Any expansion of the use shall be reviewed by the planning board and the zoning board of adjustment.

Variance Labeled Frontage Article 10 Para. 5 Decision:

The board concluded that although the use is in the water resource overlay was prohibited, because of its temporary nature it will not impact the intent of the law. The variance will be granted under the following conditions:

- 1.) Only temporary structures may be placed, The town building inspector will interpret the temporary nature of any structure.
- 2.) Before starting construction or placement, the activity will be reviewed by the town building inspector.
- 3.) If the granted variance has not been exercised within 180 days it will be revoked. The decision as to whether the variance was exercised is based on the town building inspector's opinion.
- 4.) The applicant will re-apply for the same variance in five years from the date of this variance.

- 5.) The temporary structure will be limited in size and placement to the current concrete pad.
- 6.) Any expansion of the use shall be reviewed by the planning board and the zoning board of adjustment.

Conclusion:

It was noted, by this board, That all of the above variances, except Multi-use, were approved with specific conditions. If these conditions are not met or are deemed in any way illegal they shall be considered in force as far as possible, subject to be reviewed by the ZBA with 90 days of this decision. The applicant, the board of selectmen or any abutters may appeal this decision within thirty days of this decision.