

TOWN OF BENNINGTON  
ZONING BOARD OF ADJUSTMENT  
Minutes of the Meeting- March 19, 2012

Present        Peter Martel, Chairperson  
                 Christopher Clough, Vice Chairperson  
                 Sam Cohen  
                 Barbara Moorehead  
                 Steven Osienski  
                 John Paradise, Alternate

Guests        Jeffrey Rose, Planning Board  
                 Joseph Cuddemi, Selectman  
                 David McKenzie, Planning Board  
                 Susan Smith, Planning Board  
                 Norman Harris  
                 William Brown  
                 Sandy Brown  
                 Richard Reed  
                 Ray D'Amante, Counsel for Zaremba Group  
                 Christopher Holde, Zaremba Group  
                 Sean McDowell, Noblis Engineering  
                 Ann Shaw  
                 Ashley Saari, Monadnock Ledger Transcript  
                 Barry White

From 6:30p.m. to 7:10 p.m. the ZBA met in non-meeting mode for a phone conference with Town Counsel.

Chairperson Martel called the meeting to order at 7:14 p.m.

The minutes of the February 20, 2012 meeting were reviewed and accepted as written.

Chairperson Martel opened the Hearing for the Zaremba Group/ Dollar General Variance Request at 7:15 p.m. Sam Cohen recused himself from the Hearing and John Paradise was appointed as a voting member of the Board. An introduction was made of the Planning Board members and the ZBA members present as well as the applicant.

Mr. D'Amante presented a request for five variances for the property located at 169 State Route 202 in the Water Resource Protection Zone. The proposed building at the site would be a retail store designed for once a week tractor trailer truck delivery. Mr. D'Amante stated that no sprinkler system is required in the building. The five variances being applied for are lot size, the use of hazardous materials, the percentage of impervious surface on the lot, parking space size, and Article X, 5 which refers to single family homes only in the Water Resource Protection Zone. A summary containing the key themes for the variance requests was handed out to the ZBA. The Dollar General proposes to build a storm water filtration system that will direct the

storm water to the aquifer. It was stated that the water would return to the aquifer cleaner than when it entered the system. The parking space size required is 10 feet x 20 feet. A variance to have parking spaces 9 feet x 20 feet was requested noting that cars are smaller and compact spaces could accommodate them. Mr. D'Amante stated that half the cars in the United States are compact cars. It was stated that Article X, 5 limits the area to single family homes. The retail store would present less of a burden on the environment than a family residence would.

The second variance requested was concerning the use of toxic chemicals. The retail store would be selling common household cleaners in small packaging. It was not felt that this is the type of toxic material the ordinance is addressing. The store personnel would be trained in the proper manner in which to clean-up any spills that might happen.

In an overview it was noted that the lot is a pre-existing lot of record in the Village district and should be allowed by the use of the Dollar General as long as the goals of the Water Resource Protection Zone can be met. The retail store is in the spirit of the ordinance and in the public's best interest as it is a country style business and will bring jobs and retail business to the area. Substantial justice would be served by granting the variances because of the location of this lot and no gas tanks would be installed. An option of a country style porch was offered and it was stated that the building would not diminish the value of surrounding property. The building would have buffer plantings, filtered lights, traffic controls, storm water controls, and noise buffering. The unnecessary hardship presented was that the size of the lot does not allow the requirements to be met. The site will achieve the goals and denial of the variances would prevent its use.

The discussion was opened to the floor. Steven Osienski asked how the discharge system would work and how the Town could be assured that the proper maintenance would be done. The system will meet State standards and will be maintained periodically. A noise buffer would be required as there is a neighbor on both sides of the lot. The lighting will have filters and will be shut off one half hour after the store closes. It was suggested that a study be done on the impact on the surrounding area as well as a traffic study.

The water treatment system was explained as a passive system to treat the water. After the water is collected from the roof and pavement it will collect and settle in the system where the oil and grease can be skimmed off. It is possible that an outside professional could look at the system.

The cleaners that are sold in the store are not the type of toxic chemicals that the ordinance is referring to. Mr. D'Amante was asked for a list of chemicals that might be used in the maintenance of the building or other chemicals that might be used that could get into the environment.

Richard Reed asked why this lot in Bennington was selected. A Dollar General is looking at building in Hillsborough and other towns in the area. A concern was expressed regarding fire hazards due to hardware store type chemicals. It was noted that the Contoocook watershed is second in the state at risk. This fragile ecosystem can not tolerate an accident. Though half of the cars in the United States might be compact cars, New Hampshire has a high percentage of pickup trucks and suvs. There are many better locations for this type of retail store.

There was a question about the snow removal. The current plan is to push the snow to the back of the lot. As the snow melts it will run off. The melt off from the parking lot will be treated, but the melt off that goes down the storm drain will not. The location of the storm drain is not stated as of yet, but may be located in the front area. The storm drain will be separate from the septic system.

Barry White asked how the trucks would be unloaded. The loading dock will be located in the back of the store. Trucks will be unloaded with a pallet jack. Mr. White noted that the household chemicals while in lots on pallets are bulk storage and there is a possibility of a chemical spill. It was suggested that the 2005 Master Plan be examined to see how a retail business of this type would fit into the plan. Mr. White also asked how the Town would know if the filtration system failed and if there was a guarantee for the maintenance. It was suggested that inspections of the system be mandated and reports made to the Fire Department.

A concern was expressed that since the filtration system is gravity fed, there is a possibility of discharge flooding the property of the abutters.

Mr. D'Amante was given a list of additional information requested by the Board.

- 1, Real estate study
- 2, Detailed information on the filtration system- an independent expert will be consulted.
- 3, Revised plan for parking

It was noted that the ZBA holds the right to chose independent experts and will take the applicants concerns into account.

Steven Osienski made a motion to continue the Hearing on April 2, 2012 at 7:15 p.m. at the Bennington Town Hall. Christopher Clough seconded the motion and all were in favor.

There being no other business at hand, the meeting was adjourned at 9:34 p.m.

Respectfully Submitted by

Debra Belcher  
Zoning Board of Adjustment Recording Secretary