

TOWN OF BENNINGTON
PLANNING BOARD
Minutes of the Meeting- December 16, 2013

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

Guests Dennis McKenney
 Jonathan Manley
 Robyn Manley

Chairman McKenzie called the meeting to order at 7:02 p.m.

The minutes of the December 9, 2013 meeting were reviewed and accepted with amendments.

Chairman McKenzie opened the Public Hearing for the Manley sub-division. It was noted that the Planning Board cannot approve the application as the lot is located on a class VI road. The applicant may apply to the ZBA for a variance. Mr. McKenney suggested that the Planning Board could waive the requirement for the sub-division. Chairman McKenzie noted that the Planning Board cannot grant the sub-division as the regulation states that you cannot sub-divide on a class VI road. Mr. McKenney stated that this is not fair to landowners.

The Planning Board reviewed the application for the sub-division for completeness. The property is a 106 acre lot owned by Mrs. Manley and her sisters. It is the applicant's desire to break the lot up into several pieces. Mrs. Manley would like to retain the northern pieces to abut her Bible Hill Road property. Two of the proposed lots would be remote parcels located on a class VI road. The Board discussed options for the applicant such as creating back lots or declaring the class VI road lots as non-buildable lots. Mr. McKenney noted that the applicant could apply for a lot line adjustment if a sub-division was approved. Jeffrey Rose suggested that the Board contact the Town Attorney for clarification on writing a stipulation for a non-building lot. It was suggested that a provision be written stating that the lots are un-buildable until such time as the road is upgraded to class V standards. Minor corrections and additions were asked for by the Planning Board. Mr. McKenney will add a note to the plat noting the direction and slope of the ground as well as changing the labeling of a class IV road to class VI and note lot is developed land (not un-developed). Waivers were granted for the need of contour lines at 5 foot intervals and a soil overlay. Requirements dealing with construction such as septic approval and test pits were declared not applicable. Christopher Maple made a motion to accept the application as complete. The motion was seconded by Jeffrey Rose and all were in favor.

The Planning Board will write a letter to the ZBA to present their opinion that if the ZBA were to require that lots be labeled un-buildable, a stipulation stating until such time as the road is upgraded and approved as a class V road.

It was noted that the Board will require the plat corrections to deny the application. At such time, it is recommended that the applicant apply for a variance from the ZBA.

Jeffrey Rose made a motion to continue the Public Hearing to December 30, 2013 at 7:30 p.m. at the Bennington Town Hall. Sam Cohen seconded the motion and all were in favor.

There being no other business at hand, the meeting was adjourned at 8:40 p.m.

Respectfully Submitted by

Debra Belcher
Planning Board Recording Secretary