

TOWN OF BENNINGTON
PLANNING BOARD
Minutes of the Meeting- January 14, 2013

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

Guests Annie Leger
 Holly Mecheski

Chairman McKenzie called the meeting to order at 7:05 p.m.

The minutes of the December 6, 2012 meeting were reviewed and accepted with minor changes.

The minutes of the December 17, 2012 meeting were reviewed and accepted with minor changes.

The minutes of the December 27, 2012 meeting were reviewed and amendments made. The minutes were placed on hold to be reviewed at the next meeting.

David McKenzie asked if the Planning Board has addressed the possibility of changing the building lot size from 100 square feet to 200 square feet for the need of a building permit. The Planning Board chose not to change the requirement. It was also noted that the sign ordinance would need to be re-written in the future.

The Taste of Texas Hearing was called to order at 7:39 p.m. Holly Mecheski provided verbal information about the proposed location of the port-a-potty, parking area dimensions, and parking spaces. The driveway is 20 feet wide, 155 feet long, and 30 feet at each entrance with the intention of having 3 parking spaces. The port-a-potty will be located directly in line with the building behind the existing garage. Ms. Mecheski was asked to provide the Board with an updated drawing showing the parking lot measurements, parking spaces, and the location of the port-a-potty.

The Board has received information from the Town's Attorney regarding a temporary approval. A temporary variance was granted giving a 5-year time frame. If the Taste of Texas wants to continue operation after 5 years, they will need to re-apply.

Jeffrey Rose stated that he would like the ZBA to re-hear the case noting that he has no issue with the temporary approval, but would like to see the multiple use of the property addressed. It was also noted that there is light use of the property. The present 2-foot setback could also be revisited.

David McKenzie stated that the ZBA cannot hear concerns that are not a zoning violation. He also noted that a variance should not be granted if there is a reasonable alternative.

Sam Cohen stated that forcing an applicant to spend money is a hardship and suggested that the ZBA should be present to hear what the Planning Board feels the ZBA should do.

Jeffrey Rose noted that in the past the ZBA has granted a variance before the Planning Board has had knowledge of the case. The Planning Board thought that since the variance had been granted, they could not deny the application. That is not the case. If the Planning Board feels that there is too much on one property, they can ask the Selectmen to have the case re-heard.

David McKenzie noted that the Board had been presented with all the information it needs to proceed. The applicant will return with a new, more professional drawing containing the additional information about the parking and port-a-potty in a larger format.

Sam Cohen suggested that the written decision note the uniqueness of the situation.

The Hearing was continued to January 28, 2013 at 7:30 p.m. at the Bennington Town Hall.

David McKenzie will check to see if it is appropriate for new Planning Board member, Christopher Maple to sit on the case, as he was not present at previous meetings. It was noted that it is possible for Mr. Maple to review the minutes of the meetings.

Chairman McKenzie presented a survey plan for the Saint Patrick's Church property that was received. This is a formality and will be filed. Mail was also received concerning the Monadnock Hydro-Electric Project. This is also a formality.

Sam Cohen invited Annie Leger to become a member of the Planning Board noting that she has been a resident for 6 years and is currently a realtor. Annie was somewhat hesitant and David McKenzie suggested that she attend a few more meetings to become more acquainted with the Planning Board.

In other business David McKenzie gave the members of the Board a copy of the Planning Board report for the Annual Town Report for review.

There being no other business at hand, the meeting was adjourned at 8:45 p.m.

Respectfully Submitted by

Debra Belcher
Planning Board Recording Secretary