

TOWN OF BENNINGTON
ZONING BOARD OF ADJUSTMENT
Minutes of the Meeting- October 24, 2016
Minutes accepted on November 21, 2016

Present Christopher Clough, Chairperson
Sam Cohen
Steve Osienski
Anthony Parisi

Guests Mary Lou Cassidy
Nevan Cassidy
Glenn Wilson, Water & Sewer Commissioner

Chairperson Clough called the continuation of the Public Hearing for a variance for Map 7, Lot 76 to order at 7:09 p.m.

Commissioner Wilson presented documents showing the 15 foot easement the Water Department has on the property at 25 Acre Street. The water main is currently located 4 feet from the foundation of the house. It was noted that the sewer line is located at the road. The Town water line dates back to the early 1900s and Bennington had no zoning regulations at that time. The Town hooked onto Antrim's sewer line in 1986. There is currently an old drain line that is located across the property. The current owner stated that the house was on the property before the water line. The main part of the house was built around 1896. The applicants noted that they have built the framework for the proposed porch as they had been told by the Code Enforcement Officer that there was no problem with the project. Water and Sewer Commissioner Wilson stated that he has asked for copies of building permits in the past but does not receive them.

Sam Cohen asked if continuing to build the porch would threaten the water line. It was indicated that granting the variance would place no more burden on the waterline. If work needed to be done on the waterline part of the porch would need to be removed. Selectman Osienski noted that this is a Selectman issue.

Mary Lou Cassidy suggested that the Town buy the house. She also asked if it would be possible for the Town to move the waterline. It is unknown why the waterline was put in the present location.

The Board was reminded that the variance is for a set back and was written before the owner had knowledge of the location of the waterline. The shut offs for the waterline are located at either end of the street and can be accessed if a problem arises.

Anthony Parisi suggested that the issue of the location of the waterline be addressed by the Selectmen.

The Board reviewed the five points of the variance and noted that the lot is not unique for the area. Sam Cohen moved to grant the variance noting that the existence of the water line had nothing to do with the proposed variance which was for setback issues. The chances of the water main going in that area are the same as any other area.

The Hearing was closed to public discussion and opened for deliberation at 7:57 p.m. Steve Osienski expressed his concern of granting the variance. Chairperson Clough seconded Sam Cohen's motion and the variance was granted with a vote of 3 to 1 (Steve Osienski opposed, Christopher Clough, Sam Cohen, and Anthony Parisi for).

The Hearing was closed and the meeting adjourned at 8:01 p.m.

Respectfully Submitted by

Debra Belcher
Zoning Board of Adjustment Recording Secretary