

TOWN OF BENNINGTON  
ZONING BOARD OF ADJUSTMENT  
Minutes of the Meeting- January 16, 2017  
Draft

Present Christopher Clough, Chairperson  
Melissa Clark, Vice Chairperson  
Sam Cohen  
Steven Osienki

Guests Austin Turner, Bohler Engineering  
Andrew Comollo, Lisciotii Development  
Richard Reed

Chairperson Clough called the meeting to order at 7:10 p.m.

The minutes of the November 21, 2016 meeting were reviewed and accepted with a minor amendment.

The Public Hearing for a use variance at Map 16, Lot 2, located on State Route 202 was called to order at 7:15 p.m. The developer is proposing a commercial retail project to be located in the rural/agricultural zone. It was noted that the Master Plan identifies the Route 202 corridor as a desirable location for commercial business. Mr. Reed expressed concern about losing the rural character of the area. The developer stated that they are looking to build the building to lease to a national auto parts store or a national retail store. It was stated that the developer is not at liberty to disclose the identity of the possible lessee.

The Board reviewed the 5 variance questions. The proposed project is not contrary to public interest as the Master Plan states a desire to attract business along Route 202. The proposed project is keeping in the spirit of the ordinance as it is located outside of Town and is in a commercially developed area. Granting the variance would do substantial justice as zoning prohibits commercial use in the desired locations, as well as the fact that the most of the site was previously cleared and would require less alterations to the area. The values of the surrounding properties would not be diminished as the proposed property is located beside Rymes Heating and Oil and Rymes tank storage lot. There is an unnecessary hardship as there is no fair and substantial property along the Route 202 corridor that does not present the same variance issue. The proposed project would be in harmony with the surrounding business. It was noted that the property cannot be used in strict compliance with the zoning regulations. Mr. Reed expressed a major objection to the variance noting that there is no need for that kind of facility. He suggested that land is available in Antrim. Sam Cohen noted that the Zoning Ordinance is specific and the

Board needs to know what kind of facility is being proposed. The proposed structure will be a 9400 square foot building for retail use. It was noted that over time the tenant of commercial retail space can change.

The Public section of the Hearing was closed and the Board entered into deliberation. On question 1, whether the proposed plan is contrary to public interest: it was noted that the proposed location is in an area where no one else will develop. Through there were no specifics on the identity of the retail business, a site plan review will be needed and questions will be answered at that time. Question number 2, the spirit of the ordinance: it is in keeping in the spirit of the ordinance as it will be surrounded by other businesses. Question number 3, is there substantial justice being done: the proposed building will fit in with what is already there. Question number 4, that it does not diminish the values of surrounding properties: the proposed project will fit in with the other properties near it. Question number 5, an unnecessary hardship: there is no other property available that would not require a variance and there is not likely to be any other use for the property.

Sam Cohen asked what a 9400 square foot building would look like. The applicant gave a few examples of like size buildings such as the O'Reilly's Auto Parts in Hillsborough. Most likely the building would have one tenant.

Steven Osienski suggested that the Board bring case # 2016-2 to a vote. Chairperson Clough asked the applicant if they would prefer to wait until there was a full board to go to a vote as one member was not present due to sickness. The applicant agreed to proceed.

Steven Osienski made a motion to approve article 1 of the variance. Sam Cohen seconded the motion and all were in favor.

Steven Osienski made a motion to approve article 2 of the variance. Melissa Clark seconded the motion and all were in favor.

Melissa Clark made a motion to approve article 3 of the variance. Steven Osienski seconded the motion and all were in favor.

Christopher Clough made a motion to accept article 4 of the variance. Melissa Clark seconded the motion. The motion passed with a 3/1 vote (Christopher Clough- yes, Melissa Clark- yes, Steven Osienski- yes, Sam Cohen- no).

Steven Osienski made a motion to accept article 5 of the variance. Melissa Clark seconded the motion and all were in favor.

As all of the conditions of the variance were satisfied, the variance was granted. It was noted that Mr. Reed strongly objected to the decision that was made. The Public Hearing for case # 2016-2 was closed at 8:57 p.m.

In other business, Mr. Reed was asked if he had any interest in becoming a Zoning Board of Adjustment Alternate. Mr. Reed accepted the invitation. He will be appointed by the Selectmen at their meeting Wednesday night.

As there was no other business at hand, the meeting was adjourned at 9:14 p.m.

Respectfully Submitted by

Debra Belcher  
Zoning Board of Adjustment Recording Secretary