

TOWN OF BENNINGTON
ZONING BOARD OF ADJUSTMENT
Minutes of the Meeting- September 18, 2017
Minutes approved on October 16, 2017

Present Christopher Clough, Chairperson
Melissa Clark, Vice Chairperson
Sam Cohen
Anthony Parisi

Guests Joseph MacGregor, Conservation Commission
Jonathan Manley, Conservation Commission
Rob McIntyre, New England Signs & Awnings

Chairperson Clough called the meeting to order at 7:12 p.m.

The minutes of the March 20, 2017 meeting were reviewed and accepted as written.

The minutes of the July 17, 2017 meeting were reviewed and accepted with a minor amendment. It was noted that Sam Cohen asked why the July 17 Board minutes did not include his motion, which was seconded and approved without objection, that the Board should always require documentation showing that an applicant is already the owner of the property in question, or an authorized agent of that property. Chairperson Clough replied that that already was the policy, so that motion and vote had been unnecessary. This had taken place at a time when there was much banter and confusion taking place and had not been recorded.

The minutes of the July 24, 2017 meeting were reviewed and accepted as written.

The Public Hearing for a sign variance for Bennington DG located on State Route 202, Map 16, lot 2 was reconvened at 7:30 p.m. The applicant is Rob McIntyre of New England Signs & Awnings and is working for Bennington DG. The previous confusion was reviewed and the Public Hearing proceeded. Mr. McIntyre requested that ZBA Member, Sam Cohen recuse himself as he was not happy with Mr. Cohen's conduct at the July 17, 2017 Public Hearing. Chairperson Clough asked Mr. Cohen to recuse himself as was requested. Mr. Cohen assured the Board and the applicant that he has nothing against Dollar General and was able to hear the variance request without prejudice. The Board continued to hear the application for a variance for Article ix, signs, b9, b10, and b12 dealing with total square feet allowed for a sign, total height, and set back. Mr. McIntyre noted concerns about public safety if the freestanding sign were not placed high enough to be seen in advance. The requested variance is asking for the same standard signage as other Dollar Generals have. The proposed freestanding sign is 20 feet

high, 50.63 square feet and the proposed sign on the building is 43.32 square feet. At this point, Sam Cohen suggested that the ZBA modify the application as the Zoning Ordinance only allows one sign for the building unless there are multiple businesses in that building. Mr. Cohen suggested that a variance also be requested for an additional sign. Chairperson Clough stated that he would need to consult with the Town Attorney to proceed and would like to continue the hearing to September 25, 2017. It was noted that the building may proceed and a sign that fits the ordinance may be put up. Mr. McIntyre stated that this is unfair to Dollar General and asked if the Board could hear the application for just the freestanding sign. The Board agreed to continue. The rules of procedure were reviewed and the Board began reviewing the points of the variance application. Questions from the floor about the need for a higher sign and the true meaning of a hardship were heard. Mr. McIntyre stated that as the site plan was approved for the building, the sign should also be approved. A review of the Planning Board minutes showed that the applicant stated that they would comply with the Town Sign Ordinance. Mr. McIntyre was given a copy of the Planning Board minutes and agreed to a freestanding sign that would meet Bennington's sign codes. The freestanding sign will be 16 feet high and 32 square feet. The application for a variance for a freestanding sign was removed.

The Board continued to hear the variance request for the sign on the building with the addition of a request for a variance from article IX signs, b7, only one sign per building. The total area of the proposed building sign is 43.32 square feet located on the wall at the front entrance of the store. The sign would be shut off one half hour after the store closed each night. The points of the application checklist were reviewed and each voted on and accepted. Sam Cohen made a motion to grant the variance for the additional sign to be located on the front of the building. Anthony Parisi seconded the motion and all were in favor. Chairperson Clough reminded the applicant that the public had 30 days to object to the ruling and that the minutes of the meeting will serve as the notice of findings for the case.

As there was no other business at hand, the meeting was adjourned at 9:20 p.m.

Respectfully Submitted by

Debra Belcher
Zoning Board of Adjustment Recording Secretary