

TOWN OF BENNINGTON
PLANNING BOARD
Minutes of the Meeting- January 8, 2018
Draft

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

Guests James Cleary
 Dennis McKenney
 Todd Wheeler
 Scott Liljeberg
 Casey Greene
 Josh Boucher
 Bill Kimball
 Kenny Desaulniers
 Anne Trow
 David Desaulniers
 George Chicione Jr.
 Cory Lawrence
 Jonathan Charlonne
 Tyler Howe
 Melissa B. Howe
 Dan Trow
 David Hardwick
 David Hardwick Jr.
 Meredith Hardwick

Chairman McKenzie called the meeting to order at 7:08 p.m.

The minutes of the December 11, 2017 meeting were reviewed and accepted as written.

Chairman McKenzie opened the Public Hearing for proposed Zoning Ordinance changes at 7:15 p.m. Chairman McKenzie presented the proposed Home Business ordinance that may replace the current Home Occupation Ordinance. It was noted that the Planning Board was asked to update the ordinance by the Code Enforcement Officer. The Chairman opened the discussion to the public.

A general concern was expressed by the public that the proposed ordinance could be used in the future as a stepping stone for more restrictions and a catapult for disputes between neighbors. Listing the measurement of violations as common sense was questioned as there is no way of measuring and the enforcement is left up to personal opinion. The hours of operation were questioned as there are situations such as childcare where the hours of operation need to be expanded. It was noted that the intent of the Planning Board was to provide a regulation which is less restrictive than the previous regulation. The overall consensus of the public present was that the regulation that was in place was working and that it should be left alone. The Planning Board noted proposed ordinance changes that would loosen the current restrictions such as allowing a home business to use out-buildings. Dennis McKenney suggested that the Planning Board show the language in the old ordinance so that the public may compare it to the proposed changes. There is a legal wording that must be used on ballots and it does not allow for this comparison. It was also noted that the ordinance does not address the fact that many home businesses use a residential open space such as a backyard along with the buildings. The public opinion suggested that the Planning Board remove the hours of operation and the list of possible infractions such as noise that are subject to personal opinion.

Sam Cohen made a motion to replace proposed Zoning Article XVII, Section 14, b.2 with a statement that it must comply with State and Federal regulations. Donald Trow seconded the motion and all were in favor.

Sam Cohen made a motion to remove the hours of operation from proposed Zoning Article XVII, Section 14, b.5. Christopher Maple seconded the motion and a vote was taken. The motion passed with a 4 to 1 vote in the affirmative (Jeffrey Rose – no; Sam Cohen, David McKenzie, Donald Trow and Christopher Maple- yes).

Sam Cohen made a motion to add “as well as open land on the property” to the proposed Zoning Article XVII, Section 14, b.3. Donald Trow seconded the motion and all were in favor.

It was noted that the Planning Board will make the approved changes for the proposed zoning Article XVII, Section 14 and a second Public Hearing will be scheduled for January 29, 2018 and 7:15 p.m. at the Bennington Town Hall.

The proposed changes to the Sign Ordinance allowing businesses to have a second sign, one on the building and one freestanding were presented to the public. There were no objections and the proposed changes will go before the registered voters at the Town Election.

As there was no other business at hand, the meeting was adjourned at 9:11 p.m.

Respectfully Submitted by

Debra Belcher
Planning Board Recording Secretary