

TOWN OF BENNINGTON
ZONING BOARD OF ADJUSTMENT
Minutes of the Meeting- August 6, 2024
Minutes accepted on September 3, 2024

Present Melissa Clark, Chairperson
 Christopher Clough, Vice Chairperson
 Peter Martel
 Jeffrey Rose-by speaker phone

Chairperson Clark called the meeting to order at 7:05 p.m.

Chairperson Clark expressed her concern about sharing information between Board members through email outside of public meetings. Peter Martel noted that he disagrees.

Peter Martel made a motion to allow Jeffrey Rose to participate in the meeting via speaker phone as provided by RSA 91a:2III. Christopher Clough seconded the motion. All were in favor.

The minutes of the June 18, 2024 meeting were reviewed. A list of proposed amendments to the minutes was presented. The proposed amendments will be included in the file with the minutes. Going further, the Board reviewed the proposed amendments to the minutes. It was proposed that the lot size of the property is not relevant to the variance and should be removed. It was noted that as this was part of the discussion at the meeting, it should remain in the minutes. Jeffrey Rose noted that the minutes should reflect what is said and discussed at the meeting. Peter Martel made a motion to delete the sentence in the minutes referring to the lot size. There was no second to the motion.

Peter Martel made a motion to correct the typo “fact was’ to read “facts were” at the bottom of page one of the minutes. Melissa Clark seconded the motion and all were in favor.

Peter Martel made a motion proposing that the variance question be identified by underlining it. Melissa Clark seconded the motion and all were in favor.

A discussion was held about the wording of the responses to the variance questions. It was noted that often the response given by the applicant is captured in the meeting minutes. Jeffrey Rose made a motion to include a notation to identify what the applicant statements were. Melissa Clark seconded the motion and all were in favor.

It was noted that the State wants single family homes to be able to have ADU (auxiliary dwelling units) units. The town has adopted attached ADU units. Peter Martel suggested clarification by changing "The spirit of the ordinance is to prevent overcrowding" to identify the ADU as still looking like a garage or barn with a second floor. Melissa Clark made a motion to change the phrase in question to "Building on top of the garage prevents the hardship related to waterfront setbacks as well as the burden of being "attached". A better solution is being offered in that it stays away from the waterfront issue and retains the appearance of a single family home, just as any other garage with a living space above it would." Peter Martel seconded the motion and all were in favor.

Melissa Clark made a motion to accept the minutes as amended. Christopher Clough seconded the motion and all were in favor.

Peter Martel submitted a document proposing that all documents provided for a meeting be included with the meeting minutes. It was noted that all documents are currently on file. They are not included on the website. Peter Martel strongly advised that all documents be available on the Town website. Christopher Clough noted that the case file is not part of the minutes. The minutes are part of the case file. Melissa Clark suggested that a list at the end of the minutes could be included to show what documents are included in the file. Melissa Clark also asked if there was an inventory of the documents available. As there is not inventory list at this time, it might be a good action item to do in the future. Peter Martel proposed that every case have a document list. The bottom all meeting minutes shall have a list of the documents that have been presented. Peter Martel proposed that all documents be scanned and attached to the minutes so that they can be posted on line.

The ZBA Board discussed the requirement of site visits. It was not clear if a site visit needs to be done with each case and if the entire board needs to attend or just individuals. Peter Martel noted that he understood that the Board has to do a site visit and that if the Board goes as a group, it is a meeting and needs to be noticed and minutes taken. Melissa Clark will contact the Municipal Association to find out if site visits are required and the rules governing them. It was suggested that if site visits are required, the application should be changed to reflect that a site visit will occur after the application has been accepted. Jeffrey Rose suggested that the Board give the applicant the option of the Board doing a visit together or individually. You must have permission to do a site visit and if the Board attends a visit it is a public meeting and the public has a right to attend.

It was noted that the next meeting will be held on September 3, 2024 at 7:00 p.m. at the Bennington Town Hall.

As there was no other business at hand, the meeting was adjourned at 8:57 p.m.

Respectfully Submitted by

Debra Belcher
Zoning Board of Adjustment Recording Secretary

Documents on file at Bennington Town Hall:

- Proposed amendments to June 18, 2024 minutes
- Proposed attachment and site visit requirement