

TOWN OF BENNINGTON
PLANNING BOARD
Minutes of the Meeting- July 13, 2009

Present: Jeffrey Rose, Chairman
Barry White, Vice Chairman
Melissa Stewart
Joseph Cuddemi, Ex Officio

Guests: Peter Martel, ZBA Liaison
Peter Hopkins, Code Enforcement Officer
Leigh Bosse, Representative for Joshi Hospitality
Stephen Stockwell

Chairman Rose called the meeting to order at 7:37 p.m. The meeting was immediately recessed to reconvene at 15 Pierce Hill Road to review a landscaping/fencing issue.

The meeting resumed at 8:15 p.m. with a chat session with Leigh Bosse, representative for Joshi Hospitality. A proposal to convert the property formerly known as the Highland Inn to vacation condos was presented. It was stated that there would be no footprint changes. A short history was given on the building, as not all Planning Board members were aware of the background of the former motel. The motel was built between 20 and 30 years ago. Mr. Joshi purchased the motel about 15 years ago. There was a fire 7 or 8 years ago that has had the damage repaired to an acceptable standard. The proposal for the condo units is to have the entrance in the back of the building. There would be 2 sofa beds in each unit instead of beds as the units are intended as vacation stay units. There would be no closets in the units and the kitchen area would consist of a mini fridge, a microwave and a hot plate. It was noted that the building though sitting empty is structurally acceptable.

Code Enforcement Officer, Peter Hopkins stated that a plan had been accepted to add outside stairwells on both ends of the building. Mr. Joshi was not happy with the outside stairwells and got a second opinion. The Fire Marshal is now requiring the building to have a sprinkler system installed.

Possible restrictions for the building were discussed. A 30-day restriction on stays may be imposed to prevent the unit from being used as a residence. The sale price for each unit is proposed to be \$100,000. The Board was concerned that once a unit is sold, it would be used as a residence and not as a vacation unit.

Peter Martel asked if the proposal has gone before the ZBA for a variance yet. Peter suggested that a variance might be beneficial as the first step. Peter stated that the applicant does not need a concrete plan to go before the ZBA for a variance.

It was noted that the proposed condo units would require a site plan review and a sub-division. There would be fees for each unit and the need for a professional engineer. It was also noted that

a variance would be need as the project does not meet current codes. Mr. Bosse asked for a list of the code requirements and was told that he should refer to the State life safety codes for condos.

At 9:02 p.m. Stephen Stockwell approached the Board for a chat session regarding a possible OSRD at his Mountain Road property. Mr. Stockwell would like to borrow an acre from an adjoining lot he owns to add to his present lot of 14 acres to make a 15-acre lot. This would make it possible to allow Mr. Stockwell to upgrade his units without obtaining a variance for a non-conforming lot. The lot is presently on a class-6 road. The Town Ordinance does not allow a sub-division on a class 6 road. Permission would be needed to upgrade the existing road to a class-5 road and bring it before the Town to accept it as such. It was noted that Mr. Edmunds had agreed to upgrade the road to get to his house. Mr. Stockwell presented plans drawn by Mr. Todd to the Board and had Mr. Todd on the phone to answer any questions the Board might have. The proposal would give 5 individual lots. The ZBA has given a variance so that Mr. Stockwell may move an existing trailer. Mr. Stockwell stated that he could move or destroy the trailer and replace it with a new building. The goal is to go from a non-conforming lot to a conforming lot. It was noted that once an OSRD is established, it could not be sub-divided. Mr. Stockwell stated that he would like a condition that if he could acquire more property, he would be able to sub-divide and incorporate the smaller lot into the OSRD.

There was a question about the difference between common space and open space. Common space can be used by an individual or the public such as septic systems or a well, open space in left undeveloped and used as conservation land. Streets and driveways are not open space.

It was noted that per the DES the well that is currently on the property is sufficient. The septic system is a community system. The Board stated that it would be preferred that there were separate septic systems. Mr. Stockwell stated that the banks now prefer a common system. As per code it was stated that each lot would support its own septic. A perk test would need to be done on each lot and the road would need to be brought up to Town standards with the possibility of being paved. It was noted that an independent review would likely be required. The next step for Mr. Stockwell would be to submit an application with a finished plan. The Selectmen will check with Town Counsel about the road and the Planning Board will get cost estimates from an independent engineer for the review. Mr. Stockwell left a copy of his plans with the Planning Board.

The Board discussed the viewing of the Zyck property at 15 Pierce Hill Road. Mrs. Zyck has stated to the Board that she did not receive a notice of decision and does not know anything about it. As the notice of decision was mailed and did not return as undeliverable, it is thought that it was received. The plan that was approved by the Planning Board clearly shows a fence that is required. The Board discussed the possibility of moving the location of the fence so long as the entire length of the front wall is covered. Melissa will contact Mrs. Zyck about the details of the fencing.

In other business, the Board received information from Felix Kagi including an article about noise that he felt was pertinent to the ski area. Information was received about the 68th annual conference to be held on November 18 through November 20. The Board also received information on an application from the Paper Mill for a 5-year renewal. As was getting late the

minutes of the June meeting were tabled. It was noted that the Selectmen have accepted a motion to have the ZBA re-hear the Rex Gray case noting the possibility of setting a precedence for a review board to re-hear the same case twice.

There being no other business at hand, the meeting was adjourned at 11:00 p.m.

Respectfully Submitted by

Debra Belcher
Planning Board Recording Secretary