

TOWN OF BENNINGTON  
ZONING BOARD OF ADJUSTMENT  
Minutes of the Meeting- May 3, 2010

Present        Peter Martel, Chairperson  
                  Chris Clough, Vice Chairperson  
                  Steve Osienski  
                  Sam Cohen  
                  John Paradise, Alternate

Guests         Leigh Bosse

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

John Paradise was made a voting member for the meeting.

Chairperson Martel updated the Board about a letter that was sent to Town Counsel with questions from the Board concerning the Joshi Hospitality Group case. The Board reviewed the questions as well as a review of the case to bring Steve Osienski up to date.

The minutes of the April 19, 2010 meeting were reviewed and accepted with changes.

Mr. Bosse approached the Board noting that Mr. Joshi is not willing to merge the two current lots that the motel buildings are currently on and lot 17 that the lodge is on. Mr. Bosse strongly expressed that thirty-two units are being converted, not created.

The abutting property of Mr. Gray was mentioned and it was noted that this was a residential situation and not a short-term stay such as a vacation. It was questioned how a guarantee can be made that the length of a stay can not continue past thirty days. This will be put in the condo agreement for these units as well as a limit to one vehicle to a unit. There was no mention of a method of enforcement.

A plan was presented showing the proposed layout for the parking area. The layout showed thirty-five parking spaces, which included two handicap spaces. It was not known if the dimensions met with code or not. It was also noted that the layout was not to scale. The Code Enforcement Officer should be asked to review the layout. There was a question about the need to have the building also be handicap accessible. It was noted that most motel type buildings have all handicap units on the ground level. Sam Cohen stated that a property that satisfies the Town's ordinances and concerns about density and parking does not suddenly violate those ordinances and concerns just because its legal ownership changes from a thirty-two unit motel to a thirty-two unit condominium association. Steve Osienski stated that he believes this is in fact a use change. Mr. Bosse stated that the reason that Joshi Hospitality Group has applied for a variance is due to a volatile history between Mr. Joshi and the Code Enforcement Officer. Mr. Bosse referred to RSA 356B:5 stating that he believes that changing the motel units to condo units would be allowed. The ZBA will need to research this. The Board will also research the history of the lot line. Mr. Bolduc stated that the Bennington Planning Board approved a

subdivision to the property in 1973. The ZBA will look into this further. Chairperson Martel reported that Town Counsel has suggested that the Town may want to make a stipulation that the lots become merged. Chairperson Martel noted that in his understanding the motel was not in violation but the new situation is in need of a variance as it is non-conforming. It was noted that one lot will conform in frontage and acreage but the lot that holds the lodge will be left as a non-conforming lot. There has been no record found of any of the lots being merged. The Town has treated the lot with the lodge on it as a separate lot for tax purposes only. The lodge had been used as the office for the motel giving the appearance of the lots having been merged. The applicant is recorded as strongly objecting to a forced lot merger. The ZBA will need to refer to Town Counsel before continuing. The Planning Board records will be researched for a possible record of merger. Vice Chairperson Clough suggested that it might be possible to do a lot line merger with an easement for the driveway.

As research is needed, a continuance was scheduled for May 17, 2010 at 7:30 p.m. at the Town Hall.

Sam Cohen made a motion to adjourn the meeting. All were in favor and the meeting was adjourned at 9:14 p.m.

Respectfully Submitted by

Debra belcher  
Zoning Board of Adjustment Recording Secretary