

Meeting Notes
North Bennington Planning Commission
Wednesday January 18, 2023

The meeting was held at the Depot office and was called to order at 6:58 PM by Co-Chair, Kim Hall. Other Commission members present were Chris Damon, Bob Howe, Steve Lenox and Mary Rogers. Member Matthew Patterson was unable to attend. Callie Fishburn, BCRC, also attended. Callie is taking over the bylaw modernization effort previously led by Jim Sullivan.

Kim Hall made a motion to accept the Minutes of the November 16th meeting. This was seconded by Chris Damon and so voted.

The Commission reiterated interest in seeking interested members. We find no restriction on the number of members. As we presently have six members, Mr. Damon confirmed the quorum is four.

Some discussion was held regarding the need for a permanent Acting Zoning Administrator. Ms. Fishburn noted that most municipalities do have an acting role and that smaller municipalities often share a Zoning Administrator. Among the benefits of having an Acting ZA is the ability to meet statutory timelines when the ZA is absent. However, the role requires the same level of knowledge and ability as the ZA. The committee decided the matter is best left with the Village Trustees and will ask for such discussion at a future Trustee meeting.

Mr. Hall reported that the changes suggested in November have been made in the current working draft of the bylaw. Other changes to the previous draft include requirements for wireless communication facilities, the text for which came from Crawford NY. The previous table in 4.1 listing requirements for site plan review and conditional use are now detailed in Section 7 in a manner allowing for more clarity and specificity to be developed. Sections 11.1 and 11.2 were added to clarify standards for subdivision and planned unit developments. There is also a worksheet developed to better understand permitted, conditional, and disallowed uses for a long list of possible applications in all zoning districts.

Mr. Lenox had submitted a list of questions on Section 4 which were reviewed by the group. The notes indicate a need to develop a detailed fee schedule. Section 4.1.4, paragraph 2 will be edited to include additional valid reasons for revoking approval of permits.

Mr. Hall proceeded with a page-by-page review starting with Section 4.2.5. The following edits were noted:

- Typo in Line 1
- 4.2.7 now includes Fire Marshal plan approval when applicable.
- 4.2.8 will specify the applicant's approved permit will be posted within 10 feet of the public right-of-way.

There was significant discussion as to whether approved administrative permits should be sent to all abutters. The statute does not require this, only the public postings and posting by the applicant. It would err on the side of caution in terms of communication; however, it may add an administrative burden on the ZA. Presently, the ZA has broad authority to notify abutters should there be known or perceived needs to do so. No final decision was made.

Mr. Hall conveyed to the Commission that Ron Hachey, Village ZA, expressed concern that North Bennington has no building inspector to review projects before a certificate of occupancy is issued and whether this presents a liability issue. Mr. Hall included language in Section 4.2.9 stating the applicant affirms compliance with each specific requirement. Further, the Permitting/Inspections/Standards checklist developed and adopted at the November meeting clearly informs applicants of applicable needs and provides information on obtaining relevant documents. There was some thought about developing a form to be signed by the applicant affirming these specifics when the certificate of occupancy is issued.

The group discussed the merits of having all permits issued for a 2-year period versus the current 1 year period. While this accommodates the current environment of supply chain issues and lack of builders, contractors, and trades people, it may also needlessly extend time for small projects. The current bylaw allows 1 year permits with additional time at the discretion of the ZA. Mr. Damon pointed out that all open permits are reviewed within 90 days of expiration so that appropriate extensions may be granted. Ms. Fishburn was asked to see what other municipalities may be doing about this issue.

The detailed review will commence at the next meeting with Section 4.3.

Ms. Fishburn noted there is a requirement for an annual municipal consultation with Planning Commissions and Bennington County Regional Commission which will be included on the March agenda.

The next meeting is set for Wednesday February 22, 2023. Mr. Damon motioned to adjourn at 8:35 PM, seconded by Mr. Howe and so voted.

Prepared by Mary Rogers

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