

Meeting Notes
North Bennington Planning Commission
Wednesday April 19, 2023

The meeting was held at the Depot office and was called to order at 7:02 PM by Co-Chair, Mary Rogers. Other Commission members present were Chris Damon, Kim Hall, Bob Howe, and Steve Lenox. Member Matthew Patterson was unable to attend. No members of the public were present.

Mr. Hall made a motion to accept the Minutes of the March 15th meeting with corrections clarifying the March meeting deferred review of Section 5.1.12 and that discussion ended with Section 5.1. This was seconded by Mr. Lenox and so voted.

Ms. Rogers noted that 24V.S.A. ss4322 requires a planning commission have “not less than three nor more than nine voting members”. It further states “the legislative body of a rural town...shall be nonvoting ex officio members of a planning commission.” There is a resident potentially interested in joining the planning commission. If interest remains, and an appointment is made by the Trustees, Ms. Rogers and Mr. Patterson could be deemed non voting members and voting members would total five. Members of the public interested in learning more about the commission and its work should seek contacts on the website, www.villagenorthbennington.org.

Mr. Hall reviewed enhanced checklists to aid a zoning administrator and a zoning permit applicant. An earlier version of the checklist was discussed in November 2022. The versions reviewed at this meeting are specific to what review the proposed project would require and would narrow down action steps required by both ZA and applicant and provide links to required information. Drafts of the six checklists are attached to these minutes.

As requested in March, Mr. Damon proposed revisions to several sections in 5.1. Mr. Hall suggested some further edits. Section 5.1.7 – Paved Areas may have some rewording since there was confusion that paved structures include not just roads and driveways but walks, ramps, stairs/steps, patios, terraces, courtyards. Commission members had no other questions on Section 5.1.

Mr. Hall provided a comprehensive overview of the current Statutes pertaining to Communications towers/facilities and interaction (or lack thereof) with zoning regulations. FCC prevents municipalities from regulating the siting of wireless communications facilities but does give substantial deference to what is stated in the municipal plan. There appears to be some gray area where zoning regulations can be applied to responsibilities and obligations of a landowner. A draft of Section 5.1.12 – Wireless Communication Facilities was reviewed. Important points include requirements for a landowner leasing to a company for communication facility siting, limiting such facilities to the education campus district, and filing a zoning application for informational purposes. The subsection continues to be edited, and further review will be required.

The commission proceeded to a review of Section 5.2. Comments included:

- Revise Section 5.2.1 since accessory dwellings are no longer conditional under State law
- Section 5.2.3.3 – add “registered”
- Look at requirement for water and sewer for all dwellings
- 5.2.5 – add the need for water connection and remove the reference to a deed

- 5.2.6 – Home Occupations – add “not limited to” in the last paragraph.
- Mr. Hall noted that Ron Hachey, ZA suggested referring to a “certificate of completion” versus “certificate of occupancy” in the document because the ZA does not engage in actual inspections. Rather, reliance is made on owners certifying certain requirements are met.

The next meeting is set for Wednesday May 17, 2023.

Mr. Damon motioned to adjourn at 8:38 PM, seconded by Mr. Howe and so voted.

Prepared by Mary Rogers

WWW.villagenorthbennington.org