

Meeting Notes
North Bennington Planning Commission
Wednesday May 17, 2023

The meeting was held at the Depot office and was called to order at 6:56 PM by Co-Chair, Mary Rogers. Other Commission members present were Chris Damon, Kim Hall, Steve Lenox, and new member Joe Macbeth. Members Matthew Patterson and Bob Howe were unable to attend. No members of the public were present.

Mr. Damon made a motion to accept the Minutes of the April 19th meeting with no corrections or revisions. This was seconded by Mr. Lenox and so voted.

Mr. Hall welcomed Mr. Macbeth and noted he and Mr. Macbeth had met May 15th to discuss some of the history of the current commission, its purpose, and some progress to date. Notes of that conversation were provided to the commission and are available upon request. Ms. Rogers and Mr. Patterson are now ex-officio members.

Ms. Rogers that the Rules of Procedure for the Planning Commission, adopted August 2022, will be reviewed, and re-adopted at the June meeting. Mr. Hall asked that the document be posted on the website at that time. Ms. Rogers agreed.

Mr. Hall reviewed Section 5.1.12 Wireless Telecommunication Facilities, noting that other municipalities are grappling with what controls localities can enforce in this arena. Some points of discussion included:

- Section 5.1.12.3 notes zoning permits cannot be required from landowners leasing land for telecommunication facilities, but a Letter of Intent can be required. Ms. Rogers asked if there were other potential uses for a Letter of Intent. Mr. Damon stated that the request for such a letter already exists for other uses.
- Section 5.1.12.3 should state an annual meeting with the Assessor's Office and landowner "may" be requested.
- Section 5.1.12.16.4 – Property Owner Acknowledgement Form should include a space for a printed name as well as a signature.
- The Commission agreed that much of this section may be legally challenged at some point and enforcement may be challenging. However, the Commission felt the need to ensure public safety in an uncertain environment is necessary.

The Commission began discussion of Section 6, Districts. Members reviewed a large map identifying the various types of districts within the Village. Mr. Hall noted that the Commission has authority to redefine districts if beneficial to the overall review of both the bylaw and Village Plan. A line-by-line discussion of the Summary Use Table for Village Residential Districts commenced.

- Mr. Damon noted that perhaps some clarification of the term "permitted use" is needed. He has encountered numerous instances explaining that permitted use means it is allowable but still requires a permit application.
- Mr. Damon felt that Village Residential should be just that – residential – and other types of development or uses be limited.
- Mr. Damon cautioned to be cognizant of whether requirements for Site Plan Review (a permitted use for that District but needing to satisfy Section 7.1 criteria per the DRB) or

Conditional Use Review (only permitted if it meets Section 7.2 criteria as determined by the DRB) is most appropriate.

- Members reviewed approximately half of the table and will resume discussion at the next meeting.

Mr. Hall briefly introduced Section 7, noting that this section will include specific review requirements and recommendations for Site Plan Reviews and Conditional Reviews. The Commission indicated that their preference was for a degree of latitude in the requirements rather than highly specific criteria.

The next meeting is set for Wednesday June 21, 2023 at 7:00 PM at the Depot Office.

Mr. Damon motioned to adjourn at 8:34 PM, seconded by Mr. Lenox and so voted.

Prepared by Mary Rogers

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