

North Bennington Planning Commission  
Wednesday September 20, 2023

The meeting was held at the Depot office and was called to order at 7:00 PM by Co-Chair, Mary Rogers. Other Commission members present were Chris Damon, Kim Hall, Steve Lenox, and Joe Macbeth. Members Matthew Patterson and Bob Howe were unable to attend. No members of the public were present.

The Commission noted that the meeting agenda was not posted to the website in error and that August minutes were physically posted rather than the current meeting. Mr. Hall requested revisions to the current agenda to include:

- Annotated District Map
- Draft Revisions Spreadsheet comparing 2013 and 2023
- Max Schiffner photo of Powers and Fountain
- Reschedule the October meeting

Mr. Hall made a motion to accept the Minutes of the August 16th meeting with no corrections or revisions. This was seconded by Mr. Damon and so voted. Ms. Rogers abstained since she did not attend the August meeting.

Mr. Hall showed a photo of the fountain square area he saw on Facebook. The photo was taken and posted by Mr. Max Schiffner. Commission members agreed this would be an appropriate cover photo for the final draft bylaw but we should obtain Mr. Schiffner's permission to use it. Mr. Macbeth will try to contact the photographer via Facebook.

An appendix was added to the draft that aligns each titled section of the current draft with the same or similar section of the 2013 bylaw. It was noted that Section 7.3 of the 2013 bylaw will be added as a footnote in the current draft.

The commission reviewed the present district map. Mr. Hall suggested some revisions to include:

- Expand the historic district to include one parcel at the corner of Frederick St and College Ave.
- Change two parcels on Park Street currently in a conservation district to VR 20.
- Change four parcels on State Route 67 currently in the VR 120 and VR 40 Districts.

The purpose of these changes clarifies the use of land adjacent to the Village Center. Commission members discussed the merits of notifying owners of the targeted parcels of the draft proposals. While the designation should not affect current use or property value, such notification would give owners an opportunity to comment should they have land use plans that may be non-compliant with the suggested designation.

The Commission would like to have a map of proposed districts overlaid with water and sewer service. Ms. Rogers will contact appropriate parties to have such a map developed by the October meeting if feasible.

A number of miscellaneous revisions to previously reviewed sections made by Mr. Hall to provide additional clarity and note reference information were discussed. These include:

- Section 3 lacks a definition for Short Term Rental. The Family Child Care Home definition appears to be covered under the definition for Care Home, Adult or Child.
- Section 4.2.12 clarifies an applicant's appeal process.
- Section 4.6.4 Text was added to more fully align with statute.
- Sections 5.1.3 allows the DRB to extend permit application review periods to accommodate State and/or licensed expert review.
- Section 5.1.4 adds identification of permanent pond overflow and spillway provisions.
- Section 5.1.6 clarifies frontage and access for lots having access to public streets or highways.
- Section 5.1.10 allows for Highway Department approval of screening and fencing along public street frontage.
- Section 6.1.1 comments on how historic context and current regulatory requirements impact district classifications.
- Section 6.2.2.1, footnote 16 pertains to controlling short term rentals. Footnote 20 details conditions for developing dwelling units in historic industrial buildings. Footnote 21 identifies standards for retail sales and businesses in historic industrial buildings.
- Section 7.1.3 now sites a national standard.
- Table 12.4.2.1 list numbers and types of dwelling units for Cottage Court development.

Other than short-term rentals, all of the above edits were agreed to by members present. The Commission debated to pros and cons of short-term rentals, agreeing that some control is important but not identifying a best practice for doing so. Footnote 16 will appear as follows in the final draft:

16. Short-Term Rentals lodgings (STRs) are a conditional use (see Section 7.2.8) and shall conform to the following conditions:
  - a. STRs shall not occupy more than three percent of all parcels of the Village.
  - b. STRs shall not be permitted in districts other than the VR120 Districts.
  - c. STRs shall not exceed one new guest lodging rental every two weeks.
  - d. STRs shall only be permitted in the primary residence of the parcel owner.
  - e. Sleeping accommodation units shall not exceed 4 or be provided with more than 3 beds per unit

Mr. Damon suggested the current draft be reviewed to ensure that language regulating keeping commercial and construction vehicles on residential properties is consistent with 3012 bylaw and cited items 11 and 12 under Section 4.1 of the latter.

Due to scheduling conflicts, the October meeting will take place on Thursday October 26th at 7:00 PM at the Village Depot. The previously published meeting date is Wednesday October 18<sup>th</sup>.