

**VILLAGE OF OLD BENNINGTON
PLANNING COMMISSION**

MINUTES
FOR
MONDAY, AUGUST 13, 2018

Members present:

Robert Bullington, Chair; Nancy Coseo; Suzanne Buchsbaum; Mary Pat Mazzola; Dennis McCarthy, Administrative Officer

Members absent:

Galen Jones

The Village of Old Bennington Planning Commission was called to order by Chair Bullington at 7:00 PM.

First order of business was to appoint Dennis as secretary for the Commission. Ms. Mazzola moved to appoint Dennis as secretary. Ms. Buchsbaum seconded the motion, all in favor, unanimous.

Ms. Mazzola moved to appoint Mr. Bullington as Chair for the Commission and to appoint Mr. Jones as Vice Chair should he accept the position. Ms. Coseo seconded the motions, all in favor, unanimous.

Dennis had given the Commission a list of boundary line adjustment bylaws from seven different Towns. Dennis rated the boundary line adjustment bylaws in the following:

- 1 Town of Winhall
- 2 Town of Dorset
- 3 Town of Landgrove
- 4 Town of Bennington
- 5 Town of Manchester
- 6 Town of Rupert
- 7Town of Shaftsbury

The Commissioners had reviewed the bylaws and were comfortable with the ratings that Dennis had given.

The Commission discussed the Subdivision Bylaws in general and specifically about line adjustments. Dennis had asked the Commission what terminology they would want to use for the line adjustment. After some discussion the Commission decided to use Boundary Line Adjustment.

Dennis also asked the Commissioners what definition they would want to use when defining Boundary Line Discussion. After reviewing the other Town

Bylaws they decided to use the definition from the Town of Landgrove. The definition is as follows:

“A Boundary Line Adjustment is a method of adjusting boundary lines between contiguous lots without creating additional lots and without creating nonconformities in the resultant lots.”

The Commission all discussed the need for a Mylar map versus paper maps. The Commission decided that a Mylar map would be appropriate for a Boundary line adjustment. They also will use the following definition for Mylar Map:

“A Boundary line adjustment map of the Final Plat drawn in pen and ink on a sheet of Mylar paper for recording with the Town Clerk.”

The Commission also decided that the requirement to meet a Boundary Line Adjustment versus a Subdivision would be the following, and that these requirements would be in bullet format.

Required criteria:

To qualify for a Boundary Line Adjustment, the requested adjustment must meet all of the criteria outlined here within. The Planning Commission will directly review requests that fail to adhere to one or more of the following criteria:

- The adjustment creates no additional lot (s);
- No nonconformities are generated within the resultant lots (i.e. no violations of existing regulations for lot size, building setback, lot coverage, etc. as a result of adjustment);
- No change in access or right-of-way to either lot;
- No effect on existing or projected water supply or wastewater disposal systems;
- The Boundary Line Adjustment is not more than twenty (20) percent larger than the original property;
- If the Boundary Line Adjustment adds more than twenty (20) percent in area to the original property the Planning Commission may review the proposal at a regular meeting;
- Each lot owner shall file with the Administrative Officer two (2) copies of the Boundary Line Adjustment application form, and four (4) copies of the survey showing the adjustment.
- The applicant shall submit a Mylar for endorsement by either the Administrative Officer or the Planning Commission before filing with the Town Clerk;
- When the added area is more than twenty (20) percent to the original property, the applicant or authorized agent (confirmed in writing) must attend any regular meeting at which the Planning Commission plans to conduct an informal Sketch Plan Review of the application and establish procedures and fees and determine the information to be submitted.

Required date:

To obtain a Boundary Line Adjustment permit, the applicant must submit

the following documentation to the Administrative Officer:

- A detailed written request and description for the proposed adjustment, signed by all property owners and the applicant;
- A site plat showing all existing features, including but not limited to built structures, roadways, driveway and access points, parking and pedestrian walks, water and wastewater facilities, easements, and natural features such as wildlife habitat, aquifer recharge areas or springs, streams, wetlands and flood hazard areas;
- Copies of any required state and local permits, (with the Town Clerks recording date, book, and page number) including but not limited to proof of compliance with state wastewater regulations;
- Draft deeds or draft boundary line agreements shall be submitted to define the revised lots;
- Copy of deed (s) and any restrictive covenants for the properties affected by the boundary line adjustment with the Town Clerk's recording date, book, and page number;
- Cop of the Mylar showing the lots on a single page as they existed before the boundary line adjustment and after
- The Mylar shall depict the lots marked before and after.

Request Approval;

The Administrative Officer shall review the adjustment to confirm adherence to the Zoning Bylaw, Town Plan, and any other applicable requirements. After review, the Administrative Officer may grant provisional approval for a Boundary Line Adjustment by way of a written decision. Granting of a Boundary Line Adjustment permit shall be contingent upon the applicant filing a written approval from the Administrative Officer, revised deeds for affected properties, and a final Mylar plat of the boundary adjustment in the Town Clerk's office within ninety (90) days of the date of conditional approval. The Mylar plat does not have to be prepared by a licensed surveyor, but it must accurately display all information pertinent to the application in a comprehensive and detailed manner.

The Commissioners made the point to make sure that Boundary Line Adjustment must be referenced in the Town Plan and Zoning Bylaws and that natural and open areas are most important to the Village. This was stressed often.

The Commission also talked about the length of time that has gone by without any revisions to the Subdivision Bylaws. The last time they were updated was February 1999. The Commission asked Dennis to be the liaison between them and Bennington Regional Commission, and the first thing they would like Dennis to research is what the changes that may have been made to subdivision bylaws from 1999 to now. Dennis will research this and report back to the Commission.

Dennis was also asked to research the three forms of public meetings. The discussion was centered on the ability to hold other meetings than just regular meetings. Dennis will research this and report back to the Commission.

The Commission decided that the Village would be better served if they concentrated on revision of the Subdivision bylaws instead of just revising one part of the bylaw. The Commission will work on revising the entire bylaw and the work done already on Boundary line adjustment is the first part of the revision.

Dennis brought up the fact that the Zoning Bylaw talks about posting a notice at the site where a permit has been granted. Dennis showed the Commission a copy of the permit he uses in another community. The Commission will evaluate this at a later date.

Ms. Buchsbaum moved to adjourn the meeting. Ms. Coseo seconded the motion; all in favor, unanimous. Meeting adjourned at 8:45 PM.

Respectfully submitted:

Dennis C. McCarthy
Administrative Officer
08/16/2018

Recognition:

The Commission used wording from the following Town bylaws:

The Town of Dorset

The Town of Landgrove

The Town of Winhall