

**VILLAGE OF OLD BENNINGTON
PLANNING COMMISSION**

MINUTES
FOR
MONDAY, JANUARY 14, 2019

Members present:

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

Members absent:

Community Members present:

The Village of Old Bennington Planning Commission was called to order by Chair Bullington at 7:10 PM.

First order of business was to accept the November 12, 2018 minutes. The November minutes should have stated on page two; "The Planning Commission is referencing the Village Plan when saying that the Village is committed to maintaining open land". With this addition **Ms. Mazzola moved to accept the minutes as printed, Ms. Buchsbaum seconded the motion, all in favor, unanimous.**

There were no Public Comments.

There was a change of venue due to the key that the Administrative Officer had, no longer fit the lock at the Old Barn. The meeting was moved to Mr. Bullington's home. Dennis will visit the Barn Office to obtain a new key.

WORK SESSION:

Ms. Mazzola reported on Final Plots using Bennington and Manchester's "Land Use & Development Ordinance".

Public Notice – unanimous – waver more info in this area – days of approval – time limit – once approved no time limit – Bennington has a well done area concerning the ability to understand what is needed when applying for a subdivision. It can be used just by clicking on a section for instructions to complete and understand the process. This type of area would be somewhat complicated for the Village and may not work as well.

Manchester Ordinance: Page 66 section 5.5.6 Final Plat Submission Paragraph 2 – "In addition when applicable, the final plat shall be accompanied by a certificate of title showing the ownership of all property and easements to be dedicated to the town. The Development Review Board may require the submission of such other legal data as it deems necessary in the enforcement of these regulations".

Page 66 section 5.5.9o Recording of Plats. "An approved, signed plat must be filed or recorded with the town clerk within 180 days of approval, or approval expires without further action by the town'. Once a plat is properly filed or recorded, the subdivision approval does not expire"

Page 66 section 5.5.10 Revisions to Plats "No changes erasures, modifications, or revisions

shall be made on any subdivision plat after the final approval". In the event a final plat is recorded without complying with this requirement the plat shall be considered null and void".

It was also mentioned about Waivers – Variances that were covered on Page 67 section 5.6 – 5.7. Appeals were covered on Page 71 section 5.11.

The complete text maybe viewed at the Town of Manchester web page.

Mr. Galen reported on Subdivision Regulations using the Town of Bennington, Arlington and Manchester. His focus was on the number of houses, density of lots, and enforcement on Subdividers. Much discussion ensued in regards to Development Envelopes. Sections referenced in the Bennington Subdivision Standards were = Page 129 and 130 Section 8.2 General Standards – subsections 6-C-D-1-2. Page 130/131/133 section 8.3 Protection of Natural/Fragile Features – subsection D-D1-D3, Page 131/132 section 8.4 Preservation of Rural Character – subsections B-1-2-3-E-1-4F-1-2. Page 141/142 section 8.11 Open Space & Common Land – subsection B-5. The complete text can be accessed at the Town of Bennington web page.

Once Mr. Galen went over the areas mentioned the discussion was than directed toward the visibility of this type of regulations ability to help the Village manage growth. How will placement of structures be addressed? Would they be allowed in the rear of the lot only or could they be placed in the middle – front? The issue of property rights and neighbor's rights were discussed.

There was conflicting opinions whether the bylaw should have more teeth upfront or is it sufficient to make most of the decision about the subdivision at the time of Development Review. This would be a blending of the Subdivision and Development Review process at the same time.

^Address Historical under present bylaws;

^Make references back to Zoning Bylaws;

^When subdivision comes before Planning Commission ask "What are your plans?"

^Would there be one or more Development Envelopes?

^Put in context with present Subdivision Bylaws;

^Setup a rejection policy on house placement on lot (or not)

^Open land needs some teeth for enforcement.

Mr. Bullington submitted nine points for the Commission to consider. Mr. Bullington and Mr. Galen agreed on the concept of the revisions but differed on how to implement and carryout the enforcement of the bylaw. It was not decided whether this would be done in the actual bylaw or through interaction with the sub-divider. This will be worked out in the coming meetings.

Mr. Bullington's nine points:

1 Density & Lot Layout

a Lower densities of possible future development may be required based on site limitations, the visibility of the lots proposed to public streets and neighboring properties, and the possible impact on the rural residential character of the Village;

b. Corner lots shall generally have sufficient width to permit a front yard setback from each road;

c. Lots of irregular shapes (curves, jogs, dig-legs, etc.) shall not be created unless absolutely warranted by conditions of topography, the location of natural features, on existing roads.

d. Side lot lines shall generally be at right to straight roads, or radial on curved roads;.

2. Disclosure of Subsequent Development Plans – Such indications shall include at minimum a written description of the proposed type of intensity of use, access, and schedule for development..

3. All land to be subdivided shall, in the judgement of the Planning Commission and where

necessary the other governmental agencies referenced in this bylaws, be of such nature that it can be used for the intended purpose(s) as stated in the application without danger to public health or safety, the environment, neighboring properties and the character of the Village.

4. The subdivision of land shall be designed to maintain the historic context of the site, as defined by historic structures located on the property and in the immediate vicinity of the site, and to minimize the impact of possible new development on the historic and architectural integrity of historic resources. Subdivision boundaries, lots and the location of possible development envelopes should be configured to reflect the historic settlement pattern of nearby historic structures or clustered to minimize the contrast between contemporary and historic development.

5. The Planning Commission shall consider the location of development envelopes and associated possible development relative to potential visibility and availability of less visible locations on the site. The location of development shall be restricted to minimize visibility as viewed from Village roads and existing development.

6. Development envelopes located within view of Village, State or private roads shall be located to avoid prominent placement within the foreground.

7. Unless otherwise indicated for safety reasons, there shall be only a single curb-cut onto a public road.

8. Newly subdivided property will remain untouched, in its current state, until a site development plan has been approved by the Planning Commission.

9. Proposed lots should be configured so any new primary residential construction can face and be parallel to existing or proposed streets and private roads.

Mr. Bullington and Dennis will work on incorporating the suggestions into the present Subdivision Bylaw and bring that back to the next meeting for review by the Commission members.

Dennis presented a zoning permit to be used in the Village. The Commission at this time saw no problem with Dennis using this form.

Dennis presented a Certificate of Compliance form to be used once the project is completed. The Commission at this time saw no problem with Dennis using this form.

Ms. Mazzola moved to adjourn the meeting. Ms. Coseo seconded the motion; all in favor, unanimous. Meeting adjourned at 9:30 PM.

Respectfully submitted:

Dennis C. McCarthy
Administrative Officer
01/18/2019