

1 BENNINGTON DEVELOPMENT REVIEW BOARD MEETING
2 BENNINGTON FIRE FACILITY
3 130 RIVER STREET
4 BENNINGTON, VERMONT 05201

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6 TUESDAY, JUNE 02, 2015

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8 MINUTES

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10 BOARD MEMBERS PRESENT: Charles Copp-Chair; Barry Horst-Vice-Chair ; Bill Barney;
11 Dan Malmborg; Milt Surdam; Ron Alderman; Charles Kokoras

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13 ABSENT: *None*

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16 ALSO PRESENT: Dan Monks-Zoning Administrator; (2) citizen;

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18 At 6:30 P.M., Charles Copp called the meeting to order.

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22 **1. MINUTES OF MAY 19, 2015**

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24 No corrections or comments regarding the May 19, 2015 minutes.

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26 **Motion:** *Milt Surdam moved to approve the minutes of May 19, 2015 as submitted.*
27 *Barry Horst seconds motion. The motion passed unanimously.*

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30 **2. INTERESTED PERSONS – APPEAL RIGHTS – READING OF WITNESS’ OATH**

31 Dan Monks read this oath to all those present.

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34 **3. DISCLOSURE OF EX PARTE COMMUNICATIONS AND CONFLICTS OF**
35 **INTEREST**

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37 None this evening

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40 **4. ALDI, INC., 10 KOCHER DRIVE**

41 Dan Monks summarized this project noting this was the second of two required hearings.
42 At the last meeting this project was granted Preliminary Approval.

43 The applicants stepped forward and stated there had been no changes to this project

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45 The Board had no questions at this time.

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47 **Motion:** *Dan Malmborg motioned to move into Deliberative Session. Barry Horst*
48 *seconded the motion. The motion passed unanimously.*
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5. COUNTRYSIDE MANAGEMENT CORP & STEWART’S SHOPS CORP, 636 MAIN STREET

Dan Monks summarized this project noting the applicant is seeking a Developmental Design Plan Approval for a new building and location for a gas station and convenience store.

Chris Potter, Stewart’s representative, stepped forward to present. He noted they are currently under contract to purchase the property located at 636 Main Street. When this is complete they will demolish the existing building and remove the existing underground storage tanks. This will make way for a new 3,975 square foot building for the convenience store and a 20 x 79 gas canopy. The canopy will house (3) new fuel dispensers. There will be (2) entrances to the building and a patio and picnic tables available for light snacking. This plan also accommodates (2) curb cuts along Main Street. All sidewalks and curbing along this property shall be replaced and all new landscaping.

Mr. Potter continued by stating the lighting will all be LED fixtures and utilizes the existing utility pole on site. The existing water and sewer taps will also be utilized. Signage will include (2) 17 square foot building signs and (1) 21-foot monument sign in almost the exact location the current monument sign.

Dan Malmborg asked if each curb cut would be two-way. Ron Alderman asked if the main entrance would be on the East Side. Mr. Potter confirmed both of these. Charlie Copp asked if the drawings were correct showing the electrical would be on the west side of the building. Mr. Potter again confirmed this.

Bill Barney asked what the other features were on the west side. Mr. Potter noted these would be refrigeration compressors and a wall mounted HVAC. Mr. Barney asked if these would be screened from view. Mr. Potter stated they would be screened by a row of trees. Mr. Barney had concerns regarding commercial compressor noise level. He asked that they consult with the manufacturer of the compressor to find out the decibel output.

Charlie Copp noted that all of the drawings need a graphic scale. Barry Horst asked if they had available a color photo available showing what this might look like from the street. Mr. Horst asked if they had a recently constructed building of similar look available for viewing.

John Mahar stepped forward noting his family owns the building and business next door. They are concerned the removal of the existing hedgerow, which borders the two properties, may damage their new driveway. Their family also has concerns regarding light pollution and noise levels. Mr. Mahar also asked if the gas canopy was actually allowed.

Dan Monks stated that the canopy is allowed but only because this project/business is replacing an already existing gas station. It was noted that the lights will be almost completely on the east side of the property and therefore will be mostly screened by the building and existing shrubs. They do also meet the lighting requirements and are lower in brightness. Mr. Monks noted they have asked the applicant to return with the manufacturer’s decibel output of the compressors so that they may address any potential noise issues. There is a noise ordinance already in existence in Bennington that requires no higher than 55 decibels (at night is the lowest level).

Sam Restino, Bennington resident stepped forward with some concerns. He stated he supported the project but was concerned with parking traffic on Main Street and the pedestrian traffic this new facility may attract. Mr. Monks stated the applicant is only required to address on-site parking and has done so appropriately.

Chris Potter noted that the hours of operation are expected to stay the same. They are 4:30am to 11:00pm. The hedge that currently exists between this property and the Mahar’s may

99 be able to be saved. If during construction there is no interference they will keep the existing
100 hedgerow. However, if the root system interferes, they will need to remove them. Any damage
101 to the Mahar's driveway in that process they will repair for them. Mr. Monks then requested the
102 applicant report to the Board a traffic report of any expected changes.

103 John Mahar questioned the setback of the new building in relation to their property. It
104 was noted that the drawings currently show (7) feet. Mr. Monks stated that the minimum is (10)
105 feet. This will need to be addressed or a variance must be applied for.

106 Dan Monks reviewed the list of items the applicant needs to address at the next meeting
107 (in no particular order). They are as follows:

- 108 1- Noise level concerns (report compressor decibel output)
- 109 2- Graphic scales on all drawings
- 110 3- Protection of neighbor's driveway
- 111 4- Traffic Count/impact numbers
- 112 5- Confirmation of hours of operation
- 113 6- Pictures of similarly built Stewart's buildings
- 114 7- Work with HPC for a common ground on few issues (ie. windows)
- 115 8- Clarify (in writing) attempts will be made to save the existing hedgerow
116 between this property and the Mahar property. If it cannot be salvaged a
117 replacement shall be made and damages to driveway shall be addressed
- 118 9- Minimum setback of (10) shall be addressed with either a change or a
119 variance application.

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121 The Board had no questions at this time.

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123 **Motion:** *Barry Horst motioned to have a continuance to next meeting. Charles Kokoras*
124 *seconded the motion. The motion passed unanimously.*

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126 Chris Potter asked when all the listed items needed to be submitted. Dan Monks stated
127 they needed to be submitted by Friday June 5th, 2015. If they are not available at that time the
128 applicant may request a "continuance" to the next scheduled meeting thereafter.

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131 **6. ROBERT KOBELIA, 3015 WEST ROAD**

132 Dan Monks noted this was the second of the required hearings. There were concerns
133 presented at the last meeting. Charlie Copp noted it would have been helpful to have the current
134 documents (presented this evening) earlier for proper review.

135 Mr. Kobelia apologized for the late submittal. He then noted he requested again for a
136 representative of VTrans to attend this meeting but was turned down. Theresa Gilman submitted
137 a letter and noted if any Board member wanted to meet on-site she was available during normal
138 business hours.

139 Mr. Monks noted there had been (3) previous issues.

- 140 1- If the temporary-portable sawmill meets the definition of a "sawmill"
- 141 2- Safety access questions
- 142 3- Details lacking in the storage and location of materials and operation

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144 Charlie Copp asked what the pictures submitted were of. Mr. Kobelia noted that he has
145 one of two options on this site. One is a temporary-portable mill. The other is of a permanent
146 mill. The picture is what a permanent mill might look like.

147 Mr. Kobelia continued by noting that the location will be near his actual home in nice
148 location near barn. He noted that VTrans approved the site distance and stated that it could be
149 improved even more if he worked with his neighbor to move his "Hay for Sale" sign. Mr.
150 Kobelia stated he wants to start with a temporary mill and if it goes well he is asking the Board if
151 he can build a permanent one.

152 Charlie Copp asked how long it would take for him to know if he would want to build a
153 permanent one. Mr. Kobelia stated he should know in about two years.

154 Ron Alderman noted that the plan submitted is for (1) thing. There are not (2) options.
155 The Board should address only what is going to happen now. If the applicant wants to build a
156 permanent plant later then he should have to come before the board again at that time. Mr.
157 Alderman asked Mr. Kobelia to clarify what he is requesting NOW. Mr. Kobelia stated a
158 temporary-portable mill is what he is requested now.

159 Bill Wicks asked if a hedgerow could be installed between his property and the
160 applicant's so to obstruct the view.

161 Milt Surdam also asked for the applicant to clarify what he is requesting. They have
162 heard a lot about the lumber business in general. Mr. Kobelia stated what he submitted was a
163 "Master Plan". He is requesting a temporary mill with full disclosure of what he plans for future.

164 Barry Horst asked how many acres the business would occupy. Mr. Kobelia stated it
165 would center around (7) acres out of the (65) he owns. Mr. Horst then asked if the applicant
166 thought he accurately answered all the questions related to the required "Land Use Regulations".
167 Mr. Kobelia stated he did believe so.

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169 The Board had no questions at this time.
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171 ***Motion:*** *Barry Horst motioned to close this hearing and move into Deliberative Session.*
172 *Charles Kokoras seconded the motion. The motion passed unanimously.*

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176 **7. OTHER BUSINESS**

177 As appointments were recently made, re-organization was necessary for the Chair and
178 Vice-Chair of the Board

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180 ***Motion:*** *Ron Alderman motioned to keep Charlie Copp as Chair and Barry Horst*
181 *as Vice-Chair of the Design Review Board (DRB). Dan Malmborg seconded the motion. The*
182 *motion passed unanimously.*

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184 There was no other business this evening.

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187 ***Motion:*** *Barry Horst motioned to close the meeting. Charles Kokoras seconded the*
188 *motion. The motion passed unanimously.*

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192 Respectfully submitted,

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194 Linda E. Bermudez

195 Secretary