

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

5
6 TUESDAY, OCTOBER 21, 2014

7
8 MINUTES
9

10 BOARD MEMBERS PRESENT: Charles Copp-Chair; Bill Barney; Ron Alderman; Dan
11 Malmborg; Charles Kokoras

12
13 ABSENT: *Barry Horst-Vice-Chair; Milt Surdam;*

14
15
16 ALSO PRESENT: Dan Monks-Zoning Administrator; Lawrence Frank, Architect &
17 Representative for SVC; Matt Moore, Housing Vermont; Jason Dolmetsch, MSK Engineering;
18 Linda Bermudez Recording Secretary; Keith Witcomb, Bennington Banner; (34) citizens
19

20
21 At 6:30 P.M., Charles Copp called the meeting to order.
22

23
24 **1. MINUTES OF SEPTEMBER 16, 2014 & OCTOBER 7, 2014**
25

26 No corrections or comments regard September 16, 2014 minutes.
27

28 **Motion:** *Ron Alderman moved to approve the minutes of September 16, 2014 as*
29 *submitted. Bill Barney seconds motion. The motion passed unanimously. (Barry Horst & Milt*
30 *Surdam absent)*

31
32
33 An addendum was asked to be added to the minutes of October 7, 2014 by the Shires
34 Citizen Group. Dan Monks noted they can be attached to this evening's minutes, but not added
35 to the previous meeting's minutes. Please see those notations attached to this evening's minutes
36 (10/21/14).

37 Ron Alderman asked if October 7, 2014 meeting minutes noted Milt Surdam had recused
38 himself from the Shires agenda item. This had been noted in the *Disclosure Ex parte*
39 *Communications & Conflicts of Interest* agenda item. No further corrections or comments regard
40 October 7, 2014 minutes.
41

42 **Motion:** *Ron Alderman moved to approve the minutes of October 7, 2014 as submitted.*
43 *Bill Barney seconds motion. The motion passed unanimously. (Barry Horst & Milt Surdam*
44 *absent)*

45
46
47
48 **2. INTERESTED PERSONS – APPEAL RIGHTS – READING OF WITNESS' OATH**

49 Dan Monks read the oath.

50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98

3. DISCLOSURE OF EX PARTE COMMUNICATIONS AND CONFLICTS OF INTEREST

There were none this evening.

4. SOUTHERN VERMONT COLLECT, 987 MONUMENT AVENUE

Dan Monks reviewed the project. When the original application was approved, the applicant was asked to come before the board again if there were to be any changes to signage.

Lawrence Frank, Architect and representative for Southern Vermont College stepped forward to present. He noted there will be four new signs and reviewed their proposed locations and lighting sequences.

Ron Alderman asked for confirmation that all of the signs would be on Southern Vermont College property. Mr. Frank confirmed this. Dan Malmborg asked if any existing signs would be removed. Mr. Frank stated one sign at the intersection of Regwood Drive and Monument Avenue would be removed. Charles Kokoras asked how many of the signs would be lighted. Mr. Frank noted only one of the signs will be lighted.

Charlie Copp asked that the lighting locations be labeled on the drawings
The board had no further questions.

Motion: Dan Malmborg motioned to approve the proposed signage for Southern Vermont College (with minor drawing modification). Charles Kokoras seconded the motion. The motion passed unanimously. (Barry Horst & Milt Surdam absent)

5. DIAMOND PRINTING, 933 MAIN STREET

Dan Monks noted the applicant has requested a continuance. Because the next regularly scheduled meeting falls on Election Day (November 4, 2014) the next meeting therefore shall be November 18, 2014.

Motion: Ron Alderman motioned to grant a continuance to Diamond Printing, 933 Main St. Charles Kokoras seconded the motion. The motion passed unanimously. (Barry Horst & Milt Surdam absent)

6. SHIRES HOUSING, APPLERIDGE DEVELOPMENT LLC, 426 SOUTH STREET/EDEN WAY:

Dan Monks noted this was the second of two hearings. The proceedings will follow the same format as the last meeting. The applicant will be allowed to present first. Once their presentation has been made Citizen's Group will be allowed to speak. Then the property abutters would be next and finally anyone else who would like to speak.

Matt Moore and Jason Dolmetsch stepped forward to present. They noted John Broderick would not be at the meeting this evening because he was at a Housing Conference in Nashville.

99 Jason Dolmetsch reviewed the changes made in response to the Citizen's group and
100 abutters' questions. Some of these included snow storage, additional fencing and an extension of
101 evergreen trees. Mr. Dolmetsch continued by clarifying blasting requirements as set by the
102 NFPA regulations and discussed Stormwater designs.

103 Charlie Copp asked Mr. Dolmetsch to read aloud each of the Citizen's Group's questions
104 submitted at last meeting and the applicant's response. Mr. Dolmetsch read each of the 21
105 questions and summarized the answers submitted.

106 Jeanne McKenna asked the Board to conduct a site visit alongside some of the neighbors
107 and citizens concerned. Dan Monks stated that the board could consider that at the end of the
108 meeting this evening. Ms. McKenna then stated that they had all read the answers submitted by
109 the applicant but had more questions and/or needed further clarifications.

110 Mary Morrissey stepped forward to lead this discussion. The following people stepped
111 forward:

- 112 • **Judith Fellows-Miller** - read a statement regarding blasting. She asked additional
113 questions and for further clarifications.
- 114 • **Fronia Simpson** - read a statement regarding blasting. She asked additional
115 questions and for further clarifications.
- 116 • **Jeanne McKenna** - read a statement regarding #2 of the original Citizen's questions.
- 117 • **Dave Frederickson** - read a statement regarding #3 & #4 of the original Citizen's
118 questions. He asked for additional clarifications
- 119 • **Judith Fellows-Miller** - read a statement regarding #5 of the original Citizen's
120 questions. She asked for additional clarifications
- 121 • **Fronia Simpson**- read a statement regarding #6 of the original Citizen's questions.
- 122 • **Judith Fellows-Miller** – submitted a letter to the board and read a portion of it as it
123 relates to #7 & #9 of the original Citizen's questions. She asked for additional
124 clarifications

125
126 *(#8 of the original Citizen's questions was not addressed this evening)*
127

- 128 • **Dave Frederickson** - read a statement regarding #10 & #11 of the original Citizen's
129 questions. He asked for additional clarifications and requests.
- 130 • **Dave Frederickson** - read a statement regarding #12 of the original Citizen's
131 questions. He asked for additional clarifications
- 132 • **Jeanne McKenna** - read a statement regarding #13 of the original Citizen's
133 questions.

134
135 Mary Morrissey noted they would be purposefully not addressing #14 & #15 of the
136 original Citizen's questions

- 137
138 • **Dan Amidon** - read a statement regarding #16 of the original Citizen's questions. He
139 asked additional questions and for further clarifications.

140
141 Mary Morrissey asked the Board to answer and further clarify #17 of the original
142 Citizen's questions in the next public meeting. Dan Monks noted that this process does not work
143 that way. When a decision has been made it is submitted in writing and distributed. Not
144 discussed in an open meeting.
145

- 146
- **Jeanne McKenna** - read a statement regarding #18 of the original Citizen's questions. She asked additional questions and for further clarifications.
- 147
- **Dave Frederickson** - read a statement regarding #19 of the original Citizen's questions. He asked additional questions and for further clarifications.
- 148
- 149
- 150

151 Dan Monks asked Mr. Frederickson to clarify his statement regarding fencing. Mr.
152 Frederickson clarified by requesting fencing be placed behind his property.

153

- **Alicia Romac** - read a statement regarding #20 of the original Citizen's questions.
Dave Frederickson – also read a statement regarding #20 of the original Citizen's questions.
- 154
- 155
- 156
- 157

- **Becky Amos** - read a statement and a list of New/Additional Citizen's questions they would like answered by the applicant. Ms. Amos then continued by reading a list of additional questions they would like the Board to consider when deliberating.
- 158
- 159
- 160
- 161

162 Charlie Copp asked for a written copy of those questions. Ms. Amos complied.

163

- **Fred Kennedy** – stated he lived at #39 Appleridge. He asked additional questions and for further clarifications regarding trees, garbage dumpster placement and roadway maintenance.
- 164
- 165
- 166
- 167

168 Matt Moore and Dan Monks discussed the easements and right-of-ways that are already
169 in place as part of the original permit. Mr. Moore continued by stating a “management
170 agreement” would be developed once the subdivision had been granted.

171

- **Bill Holmes** – asked additional questions and for further clarifications regarding the source of heating for these buildings, Btu's and fresh air source for the apartments.
- 172
- 173
- 174

175 Dan Monks noted the Board couldn't address the source of heating. Only the locations of
176 the storage facilities as it relates to Land Use Regulations could be addressed by the Board.
177 Building codes will address the types of heating for the units. Jason Dolmetsch noted that the
178 heating source had not been determined as of yet. However storage locations have been
179 determined for both types of heating and have been noted on the drawings.

180

- **Rose Wolfe** – questioned the answer to her request for additional fencing to close off the open area between the development and the Nathaniel Court development. This was discussed and clarified.
 - **Don Miller** – read several of the regulations aloud and verbalized his opinions on several of the subjects in questions (i.e. blasting, radon, green space etc). He had additional questions regarding road access and lines.
 - **Vick Milani** – stated he owned #4 Eden Way. He reminded the board there were 1,000 signatures against this project and discussed what he felt were the two biggest concerns. He asked the Board to consider all of the concerns brought before them and the safety of the residents and surrounding neighbors.
- 181
- 182
- 183
- 184
- 185
- 186
- 187
- 188
- 189
- 190
- 191

192 Bill Barney asked the applicant to further describe the proposed Stormwater retention
193 system. Jason Dolmetsch described the system in further detail and noted it follows the criteria
194 of the Stormwater Management Plan.

195 Ron Alderman asked for a square footage comparison between the proposed apartments
196 and the existing condominiums. Mr. Dolmetsch did not have those numbers readily available.

197 Charles Kokoras asked how they would deal with outside storage (bikes etc). Matt
198 Moore stated that Shires Housing does have rules regarding outside storage and maintenance of
199 porches and patio areas. These units have been designed with large entryway storage areas to
200 avoid outside issues. Diane Naumowicz identified herself as Property Management for Shires
201 Housing. Some locations have bike racks that are required to be locked at all times. Otherwise
202 there is no outside storage; all “toy items” must be brought in at night.

203 Bill Barney asked about a timeframe for this project. Matt Moore projected a Spring
204 2015 beginning date and a 12-month construction period. Mr. Barney then noted there could be
205 time for Radon testing before construction. Mr. Moore stated that may allow time for testing.

206 Charles Kokoras stated there were vacancies at the Roaring Branch facility. He asked if
207 vacancies at other Shires properties could stop the completion of this project. Mr. Moore stated
208 that once financing has been secured it would continue to move forward. It is not contingent on
209 other Shires properties.

210 Dan Monks reminded the board there had been a request for a site visit. He asked if the
211 board was interested in warning and conducting that visit. Ron Alderman stated that Board
212 members had all seen the property already and were familiar with the location. The remaining
213 Board members agreed.

214 There were no further questions.

215

216 ***Motion:*** *Bill Barney motioned to close the hearing and move into Deliberative Session.*
217 *Charles Kokoras seconded the motion. The motion passed unanimously. (Barry Horst & Milt*
218 *Surdam absent)*

219

220 Dan Monks then clarified the next steps. The Board may ask for additional information
221 in which case a continuance would be granted to the next scheduled meeting for November 18th,
222 2014. If the Board feels they already have adequate information a written decision (in either
223 favor) shall be distributed to all parties that had requested it. Either side has a 30-day period to
224 appeal. That appeal is to the Environmental Court. The Bennington DRB will no longer have
225 any involvement. The Environmental Court hears this case completely new with no
226 consideration to what has previously happened in the Bennington DRB meetings. The Board has
227 no play in their decision.

228

229

230 **7. OTHER BUSINESS**

231 There was no other business this evening.

232

233

234 ***Motion:*** *Bill Barney motioned to close the meeting. Charles Kokoras seconded the*
235 *motion. The motion passed unanimously. (Barry Horst & Milt Surdam absent)*

236

237

238

239 Respectfully submitted,

240

241 Linda E. Bermudez

242 Secretary