

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

5  
6 TUESDAY, JULY 15, 2014  
7

8 MINUTES  
9

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

12  
13 ABSENT: *Barry Horst-Vice-Chair;*  
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15  
16 ALSO PRESENT: Dan Monks-Zoning Administrator; John Broderick – Shires Housing; Jason  
17 Dolmetsch – MSK Engineering; Matt Moore – Housing Vermont; Steven Schenker – S2  
18 Architects; Keith Whitcomb – Banner; Linda Bermudez Recording Secretary; (57) citizens  
19  
20

21 At 6:30 P.M., Charles Copp called the meeting to order.  
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23

24 **1.MINUTES OF JULY 01, 2014**  
25

26 No corrections or comments regard July 01, 2014 minutes.  
27

28 *Milt Surdam moved to approve the minutes of July 01, 2014 as submitted. Charles*  
29 *Kokoras seconds motion. Motion passes unanimously. (Dan Malmborg abstained; Barry Horst*  
30 *absent)*  
31  
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34 **2. INTERESTED PERSONS – APPEAL RIGHTS – READING OF WITNESS' OATH**  
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36 Dan Monks read of this oath.  
37  
38

39 **3. DISCLOSURE OF EX PARTE COMMUNICATIONS AND CONFLICTS OF**  
40 **INTEREST**

41 There were none noted this evening.  
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45 **4. DMC ENTERPRISES, 1371 HARWOOD HILL**

46 Dan Monks reviewed the project. The applicant is seeking plan approval for an  
47 expansion of the existing retail furniture store.

48 Michael Fiacco stepped forward and introduced himself as the owner of Bennington  
49 Furniture. He stated they had closed their downtown location and would now like to add 5,000

50 square foot addition to the existing location on Harwood Hill. It would be a mirror image of the  
51 existing building.

52 Charlie Copp noted that some terminology on the mapping needed to be changed. For  
53 example the map states "Minimum Height" as 30 feet. This needs to be "Maximum Height".  
54 Mr. Copp also questioned the labeling of a "breezeway". Mr. Fiacco stated this would link the  
55 two buildings together. It will be equipped with two fire doors and a fire alarm. Mr. Copp noted  
56 that if it is enclosed it is not a "breezeway". This is a corridor. Please make the proper changes

57 Phil Brochu stepped forward and noted he lives directly across the road from this  
58 location. There are serious drainage issues now and is concerned with this addition it will get  
59 worse. Mr. Copp asked Mr. Fiacco to return to the next meeting with the changes noted above  
60 and with the drainage areas proposed drawn onto the map. Bill Barney agreed and asked to have  
61 where the roof runoff will go addressed on the map as well.

62 The board had no further questions.  
63

64 *Ron Alderman motioned for a continuance. Dan Malmborg seconded the motion. The*  
65 *motion passed (Barry Horst absent)*  
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69 **5. SHIRES HOUSING, APPLERIDGE DEVELOPMENT, LLC 426 SOUTH**  
70 **STREET/EDEN WAY**

71 Dan Monks reviewed the project noting the applicant is seeking an approval for an  
72 amendment to a previously approved residential development. Mr. Monks noted that this is the  
73 first of two meetings. No decisions will be made tonight. The next meeting will be held on  
74 Tuesday August 5<sup>th</sup>, 2014.

75 Charlie Copp went on to explain to the audience the procedures. This is a quasi-judicial  
76 hearing. All those who speak are under oath. You must sign in (sign the oath) before you can  
77 speak. This Board is held to the State Statutes and Zoning Bylaws. All questions are to be  
78 addressed to the Board. The Board will then redirect for an answer if necessary. You have a  
79 right to appeal only if you spoke or submitted written testimony. There is a 30-day appeal period  
80 and must be done so to the Environmental Court. Appeals are not addressed nor given by the  
81 Design Review/Zoning Board.

82 Jason Dolmetsch stepped forward to present as the engineer for the Monument View  
83 Apartment project. He was joined by Matt Moore, John Broderick, and Steven Schenker. They  
84 presented the history of this development that began in 2005 with 53 housing units. It was  
85 amended in 2006 to include a total of 43 housing units. Tonight's amendment will be reduced  
86 further to a total of 39 housing units. Building coverage will be reduced from 16% to 13% in  
87 this amendment. Mr. Dolmetsch described the three types of lighting proposed (parking lot,  
88 pathway and housing).

89 Steve Schenker spoke of the building designs and colors proposed. These buildings will  
90 fit the scale and character of the neighborhood with covered entryways and broken rooflines.

91 Bill Barney asked if there were any special requirements for tenants. John Broderick  
92 noted that all potential tenants are subject to credit and criminal background checks. They are  
93 also required to submit previous landlord references and are income restricted (to below  
94 \$36,000).

95 Charles Kokoras asked if there would be any water pressure issues. Jason Dolmetsch  
96 noted that the timing of construction would be such that the new storage tank will be on-line and  
97 this area would be separated. There will be no water pressure issues with this development.

98 Charlie Copp asked if the source of heating these buildings had been decided. Matt  
99 Moore stated they have not yet decided if they shall be heated by propane or oil. Mr. Copp noted  
100 he would like to know where the propane tanks will be placed if that is decided as the source.

101 At this time Mr. Copp opened the discussion up to the public. He reminded the public  
102 that this is a previously approved permit and only deciding if they will be allowed to build fewer  
103 units. Questions should be restricted to the drawings and site plans only. Abutters should speak  
104 first.

105 Dave Fredrickson stepped forward as an abutter. He began by discussing what he felt  
106 were tactics used by John Broderick to come to an agreement. Mr. Copp stated that Mr.  
107 Fredrickson needed to stick to the Bylaws. He continued by stating reasons why he feels the  
108 project should not move forward. Many were considered irrelevant to the Bylaws. Mr.  
109 Fredrickson was asked to keep moving forward.

110 Dan Malmborg tried to explain that many of those items couldn't be addressed because it  
111 would be the equivalent of the reasons against the opening of a competitive store.

112 Mary Morrissey stated she felt this was not good "due process". The people want to be  
113 heard. Dan Monks reminded Ms. Morrissey he informed them to bring all their concerns,  
114 however if they do not apply to the Bylaw they would be asked to move onto the next one.

115 Several more concerns were brought up and were considered irrelevant to the Bylaw.  
116 The issue of increased traffic and safety concerns was then addressed. Jason Dolmetsch noted  
117 that a Traffic Consultant was hired to conduct a report. The amount of increased traffic was not  
118 enough to warrant a full study. The report showed there would be a 0.04% increase in traffic.

119 The issue of green space and storm water runoff was address. Blasting concerns were  
120 also addressed. Jason Dolmetsch noted that most of the needed blasting had already been  
121 completed in the first phase of this project. There will be a need however for trench removal.  
122 This will be conducted by a hydraulic hammer, not blasting. If blasting becomes necessary there  
123 will be pre and post blasting surveys done of each home.

124 David Crowley introduced himself as a resident of Weeks Street. He made a brief  
125 statement regarding this project.

126 Kevin Callanan stated he was an Appleridge condo owner. He has consulted with a  
127 lawyer and believes there could be grounds for a lawsuit based on real estate fraud.

128 Tim Morrissey stated he was a Grandview Street resident. He had questions regarding  
129 the Land Use Regulations. He many times referred to Article 6.3.A General Review Standards  
130 and questioned how this could be considered an amendment to a project that had never been  
131 completed.

132 Dennis Hart noted he did not live anywhere near this project although is a resident of  
133 Bennington. He had concerns regarding water runoff, traffic increase, lack of green space,  
134 blasting and parking spots for each unit.

135 Judith Fellows Miller spoke of her experiences with blasting when Nathaniel Court was  
136 being built. She had damage to her home, yet there was no accountability. Who will be held  
137 accountable if something were to go wrong in the development of this project?

138 Dan Amidon spoke of the neighborhood that surrounds this area. He stated he felt they  
139 were very tight-knit and they all work. They are all single-family homes on 1/3 to 1/2 acre lots. It  
140 is the American dream. He asked the Board to vote no on this project.

141 Jeanne McKenna stated she is a resident of Prospect Street. She expressed concerns  
142 regarding overcrowding the schools, increased noise (of everyday living) and increased traffic.  
143 She asked the Board to be proactive. She has worked very hard the last two months to keep  
144 Bennington a better place.

145 Charlie Copp explained that there is a Noise Ordinance in place. If there is an issue the  
146 Police Department should be contacted. The addition of more children cannot be addressed.

147 That cannot be controlled. Any of your current neighbors could have more children or add more  
148 children to the school.

149 Kathy Hoisington stated she believed there should be a moratorium on the schools. They  
150 are in crisis. She then asked about any length of time requirements in the original permit. It was  
151 explained that the only requirement was that all infrastructure (main water/sewer connections  
152 and roadways) had to be completed within the first year. This was completed.

153 Warren Roaf stated that this could be a big impact on the schools. He believes a  
154 reasonable estimate needs to be made of how many additional students there will be.

155 Chris Wright noted he is a Bennington resident but does not live anywhere near this  
156 project. He feels many times projects do not always turn out the way that they expect. He  
157 expressed concern about the increase in water demand. Bill Barney stated that the Water  
158 Resources Superintendent had already been consulted on this and he feels the system can more  
159 than handle the increased demand.

160 Mary Morrissey asked about the process moving forward. She feels this should be  
161 considered a new project not an amendment. Dan Monks noted that the Town adopted a Land  
162 Use Plan. Under this plan, this property allows for up to 90 living units. The regulations allow  
163 this project which is only 39 living units. Mr. Monks noted that when a decision is made  
164 everyone who has spoken will receive a written decision and can appeal that decision to the  
165 Environmental Court.

166 Mary Morrissey continued with questions regarding traffic, noise and safety concerns.  
167 She also questioned who made the amendment request in 2013 and what their intent was. Jason  
168 Dolmetsch noted that he made the request on behalf of Appleridge Development and the intent  
169 was to create boundaries (to draw property lines).

170 Ms. Morrissey asked about what other permits will be needed. Mr. Monks noted that if  
171 the amendment is approved by the Board, then a Land Use Permit would be issued (also known  
172 as a Zoning Permit). Each building to be built then would then need their own building permit to  
173 continue.

174 Discussion continued regarding test drilling recently. Permits are not required to conduct  
175 test drilling. Ms. Morrissey continued by asking about what happens next.

176 Charlie Copp explained that if the Board feels they have heard everything then they can  
177 decide at the next meeting. If the Board feels they need to hear more, they can hold as many  
178 meetings as they feel necessary until they are satisfied with the information.

179

180 ***Milt Surdam motioned for a continuance and move into Deliberative Session. Bill***  
181 ***Barney seconded the motion. The motion passed (Barry Horst absent)***

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183

## 184 **5. OTHER BUSINESS**

185 There was no other business this evening.

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188 ***Bill Barney moved to close the meeting. Ron Alderman seconded the motion. The***  
189 ***motion carried unanimously. (Barry Horst absent)***

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191

192 Respectfully submitted,

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194 Linda E. Bermudez

195 Secretary