

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

5
6 TUESDAY, JANUARY 08, 2013

7
8 MINUTES
9

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

12
13 ABSENT: *None*

14
15 ALSO PRESENT: Dan Monks-Zoning Administrator; (12) citizens; Josh Greene (property
16 owner); Dave Mance, Engineer; Jason Dolmetch, Engineer; Patrick McArdle, Rutland Herald;
17 Linda E. Bermudez, Secretary

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

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23 1. MINUTES OF DECEMBER 18, 2012

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25 *Charles Kokoras moved to approve the minutes of December 18, 2012 as submitted.*
26 *Barry Horst seconded the motion. Motion passes unanimously.*

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

31 Dan Monks read the oath.

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

36 None

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40 4. JOSHUA GREENE, 471 CHAPEL ROAD

41 Preliminary approval was granted at the December 18, 2012 meeting for the continuance
42 of a pre-existing non-conforming use of Mr. Greene’s property as a salvage yard. Dave Mance
43 presented for Mr. Greene. At this meeting Mr. Mance noted there have been no changes to the
44 plan since the last meeting. The board had no further questions.

45
46 *Barry Horst moved and Charles Kokoras second to move to deliberative session. The*
47 *motion carried unanimously.*
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50 5. APPLEJACK HISTORIC REAL ESTATE, 190 NORTH STREET

51 Dan Monks noted the Historic Preservation Society (HPC) has approved these changes
52 with some additional recommendations on colors. The applicant was not present at this time.
53

54 *Ron Alderman moved and Barry Horst second for continuance. The motion carried*
55 *unanimously.*
56

57
58 6. JOSEPH MACCIOLI, 1111 NORTH BRANCH STREET

59 Jason Dolmetch, engineer presented for Mr. Maccioli on this project. The proposal is for an
60 18 x 53 foot addition to the existing building currently used as a truck garage. Mr. Dolmetch
61 began by describing the materials and details of the project noting they will match the existing
62 building. There currently is a drainage dispute between Mr. Maccioli and neighboring property
63 owners. A culvert has been designed and will be installed on Mr. Maccioli's property to remedy
64 the drainage issue on the side that borders Mr. Raetz's property. A swale has been designed and
65 will be installed on Mr. Maccioli's property to remedy the pooling water issue that has developed
66 on the other bordering sides.

67 At this time Mr. Raetz, owner of one neighboring property stepped forward to address the
68 board. Mr. Raetz expressed great concern for the drainage issue. He described how water
69 previously drained in this area and has great concern for the changes in the lay of the land and
70 where the water will go. After being reassured the addition of the drainage pipe and culvert
71 would resolve any potential issues of drainage Mr. Raetz questioned if he would have access
72 and/or permission to clean the culvert if there ever was a back up or flood.

73 Mr. Raetz expressed additional concern regarding map numbers that had changed
74 between the first copy and the current one presented. Mr. Dolmetch explained the first map was
75 based on a bad deed plot. Therefore a formal boundary survey was conducted in order to have
76 true lot size numbers.

77 After further debate on how water drained in this area, Charlie Copp reminded Mr. Raetz,
78 this meeting is regarding the current proposed project at hand not pre-existing drainage issues.
79 Mr. Raetz then stepped forward and presented board members with a written list of concerns.
80 Dan Monks then recommended any further discussion on this project be conducted in
81 deliberative session.

82 At this time another neighboring property owner stepped forward to speak. Allen
83 Williams identified himself as the neighbor behind Mr. Maccioli's property. Mr. Williams began
84 describing Mr. Maccioli's property and its use for parking large "semi's". He then noted "one
85 day" he noticed bulldozers working and filling in an area previously known to be a wetland area.
86 There are now more trucks parking there. Mr. Williams noted that since this work the water is
87 being dispersed differently and he is noticing water coming up under his basement. Again, it
88 was discussed that a swale shall be installed on Mr. Maccioli's property to drain into the existing
89 brook as part of this project to remedy these water issues.

90 A third neighbor stepped forward to express concerns about water drainage. Gary
91 McIntyre introduced himself as the owner of the property across the street from Mr. Maccioli's
92 property. Mr. McIntyre explained that the swale and drainage pipe will feed into a culvert area
93 that feeds into the brook that borders his property. This will create an influx of water that will
94 flood his property. The culvert in this area is already not big enough. He had to install some
95 additional drainage pipe himself to minimize flooding that already exists. He feels any
96 additional water added would create a pond in his yard. Mr. McIntyre explained he is not trying
97 to stop this project just requesting the ditch be dug deeper and perhaps the addition of rip-rap to

98 slow down the influx of water. Charlie Copp stated that they would take that suggestion into
99 consideration.

100
101 *Milt Surdam moved and Charles Kokoras second to move to deliberative session. The*
102 *motion carried unanimously.*

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105 **7. TOWN OF BENNINGTON, TAM, INC. HOUGHTON LANE**

106 Dan Monks noted that this is the first of two meetings to be held on this project. Jason
107 Dolmetch, engineer stepped forward to speak on behalf of Trevor Mance, owner of TAM, Inc.
108 Mr. Dolmetch began by describing the project as a new composting facility on land owned by
109 the Town of Bennington on Houghton Lane. This composting facility is expected to be
110 approximately 24,000 cubic yards and will be run by TAM, Inc owned by Trevor Mance. Mr.
111 Dolmetch went on to describe the physical features of the facility and the locations. The
112 proposed location is north of the current landfill with a natural berm and tree line dividing this
113 area from Rocky Lane. This will continue to be maintained. After Dan Monks questioned, Mr.
114 Dolmetch confirmed that this area would also be graded to be approximately 2% lower than the
115 rest of the surrounding property.

116 Trevor Mance stepped forward to describe in greater detail the actual process of
117 composting. He expressed great excitement about the project. The proposed area is a good fit
118 because it (physically) is a depressed area and is currently underutilized. Mr. Mance went on to
119 explain that he understood smell might be a concern of neighbors. Odors occur only when there
120 is a lack of oxygen. As part of their process they will ensure that the piles will be turned
121 accordingly in order to provide the necessary oxygen and therefore avoiding odor issues. Mr.
122 Mance reminded the board that this would not be a retail business. They will only be selling the
123 product wholesale. No additional retail traffic will be added.

124 Charlie Copp also noted that State law is currently being developed that composting will
125 be required by all. Mr. Mance confirmed this and noted that larger volume consumers will be
126 required first, but eventually homeowners will be required to compost as well.

127 Dan Malmberg asked about the additional truck traffic. Mr. Mance stated that on average
128 trucks would be conducting 5 roundtrips. Mr. Malmberg then asked how would they ensure
129 additional trash would not get into the mix. Mr. Mance explained that that responsibility would
130 be on the producers (front end). For example he is currently working with Brown Cow Café and
131 Burger King. They have been doing excellent. However they will have a small dumpster on site
132 for the occasional wrapper that makes it past. Mr. Malborg had additional questions about the
133 process. Mr. Mance explained in further detail the science of the process and reminded the board
134 that he has gone for specified training on this process. Mr. Mance is now a State Certified
135 Composter. There will be three governing bodies overseeing this facility; the State of Vermont
136 Agency of Natural Resources (ANR), Act 250 and on the local level the Town of Bennington.
137 Mr. Mance explained that any given time inspections will be conducted and if necessary
138 violations issued.

139 At this time a property owner in the area stepped forward and identified himself as
140 Gabriel White. Mr. White requested copies of the project maps and expressed great concern for
141 the value of his property, odor control and water runoff. It was explained that very little water
142 would be generated from this project. After further debate it was explained to Mr. White that the
143 Design Review Board (DRB) could not determine economic effect on his property. If he would
144 like further information on this project he was welcome to discuss this further with Mr. Mance
145 separately and attain any further information at the Town Offices.

146 At this time another property owner stepped forward to speak. Scott Malinowski
147 identified himself as a property owner Sugar Maple Lane / Rocky Lane side of this project. Mr.
148 Malinowski explained that he had many questions on this project but that most have been
149 answered by either ANR and/or Mr. Mance. Smaller issues such as lighting (night), hours of
150 operations and bathroom facilities for employees were debated and addressed. There will be no
151 additional lighting, hours of operation will remain the same (no extended hours) and bathroom
152 facilities will remain as the existing provided. Mr. Malinowski was also invited to the Town
153 Offices to review the site plan map in detail if he so chose.

154 Charlie Copp asked which of the two roads entering the Houghton Lane facility would be
155 used for the Composting Facility. Mr. Dolmetch noted that it is existing, commonly used road
156 and that this would be updated on the plan for the board.

157
158 ***Charles Kokoras motioned to grant Preliminary Approval for the development of a***
159 ***Composting Facility on the Town of Bennington's Houghton Lane property by TAM, Inc.***
160 ***Bill Barney second the motion. Motion passed unanimously.***

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163 **At this time it was noticed the representative for Applejack Historic Real Estate**
164 **project had entered the meeting (earlier, however late for presentation). Charlie Copp**
165 **allowed the representative to step forward and present.**

166
167 Dan Monks began by noting again that the HPC has approved this project but with minor
168 suggestions related to color choices etc. James Paqua stepped forward to present. Mr. Paqua
169 simply stated some of the changes would be leveling entrance area to allow for handicap
170 accessibility. Installing a double door area at the entrance and some new windows would also be
171 involved. Mr. Paqua also noted that exterior changes are focused on matching the exterior for
172 the Veterans Affairs (VA) building in front/next to this building.

173 Dan Malmberg questioned the proposed use of this building. Mr. Paqua explained that
174 there currently isn't a use proposed. They are simply preparing it to attain potential tenants.
175 Barry Horst asked about outside lighting. Mr. Paqua explained no additional lighting is planned.
176 Only the existing parking lot that is already equipped with lighting.

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178 ***Bill Barney motioned to approve the proposed changes to 190 North Street as***
179 ***submitted. Barry Horst second the motion. Motion passed unanimously.***

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184 ***At 7:55 P.M. the meeting ended.***

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187 Respectfully submitted,

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189 Linda E. Bermudez
190 Secretary

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