

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

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6 TUESDAY, OCTOBER 07, 2014

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

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13 ABSENT: *Barry Horst-Vice-Chair;*

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16 ALSO PRESENT: Dan Monks-Zoning Administrator; David Spurr, Blaze Design; John
17 Broderick, Shires Housing; Matt Moore, Housing Vermont; Jason Dolmetsch, MSK
18 Engineering; Linda Bermudez Recording Secretary; Keith Witcomb, Bennington Banner; (28)
19 citizens

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

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25 **1. MINUTES OF SEPTEMBER 16, 2014**

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27 Although posted to the website in the allotted time, minutes of September 16, 2014 were
28 not properly distributed to the Board Members. Dan Monks suggested the approval be moved to
29 the next agenda in order to allow for proper distribution. All Board members agreed

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33 **2. INTERESTED PERSONS – APPEAL RIGHTS – READING OF WITNESS' OATH**

34 Dan Monks read the oath.

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

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41 Milt Surdam recused himself from the Shires Housing item this evening.

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45 **4. CABLE HOLDING CO. EXCHANGE, LLC, 204 MAIN STREET & 107 MCKINLEY**
46 **STREET**

47 Dan Monks reviewed the project and noted this is the second of two hearings.
48 Preliminary Approval was granted at the last meeting.

49 David Spur of Blaze Design stepped forward to present. He noted there were no changes.

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51 The board had no further questions.

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53 *Ron Alderman motioned to close the hearing and move into Deliberative Session. Dan*
54 *Malmborg seconded the motion. The motion passed unanimously. (Barry Horst absent)*
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58 **5. SHIRES HOUSING, APPLERIDGE DEVELOPMENT LLC, 426 SOUTH**
59 **STREET/EDEN WAY:**
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61 Dan Monks noted this would be the first of two hearings. If the Board feels there is more
62 information needed, they can require additional hearings before a decision is made. Mr. Monks
63 then reviewed tonight's procedures. The applicant will be allowed to present first. Once their
64 presentation has been made Jeanne McKenna, representing neighboring citizens will be allowed
65 to speak. Appleridge Condo Association and/or residents will be allowed next and finally any
66 adjacent property owners will follow.

67 Charles Copp then explained that this Board is held to the State Statutes and Housing
68 Bylaws. Any written information or submissions previously submitted cannot be used unless re-
69 submitted.

70 Jason Dolmetsch and Matt Moore conducted a brief presentation reviewing the project.
71 They noted there have been two changes to the previous submission. There is increased parking
72 density as well as additional screening. Ten to twelve foot Evergreens shall be added to a three-
73 foot burm to screen second floor balconies from neighbors.

74 Mr. Dolmetsch added that if blasting is required all State and Federal standards would be
75 followed including pre and post blasting surveys. Silver Street's width at this project level is 21-
76 22 feet wide. This meets both Urban and Rural standards. He reviewed the traffic study
77 conducted in this area related to the original permit application and cited the projected increase
78 in traffic for both Silver and South Streets.

79 Charles Kokoras asked about the anticipated amount of children in the complex. Mr.
80 Dolmetsch stated the projected amount of school age children to be approximately (9). This was
81 based on the bedroom make-up, a study conducted comparing complexes with multiple
82 residential housing and the SVSU study.

83 Bill Barney asked about the color scheme for the exterior of the buildings. Mr.
84 Dolmetsch noted the conceptual plan shows varied colors. The exact colors have not been
85 chosen but they will keep within the nature of the neighborhood. Mr. Barney then questioned the
86 core samples and the Geo-technical report.

87 Lastly Mr. Barney asked about any damages that may occur during construction. Mr.
88 Dolmetsch noted that video would be taken of streets, curbing etc before construction begins.
89 Any damages will then be corrected.

90 Jeanne McKenna then stepped forward to speak. She discussed a letter sent by Legal Aid
91 to the Town of Bennington in support of this project. Ms. McKenna stated that she feels that this
92 letter created pressure on the Select Board citing potential legal discriminatory action. She asked
93 that the Design Review Board dismiss this letter and base their decision on evidence presented
94 tonight.

95 Mary Morrissey stepped forward. She explained that she would be discussing several
96 topics of concern. Under each topic she will ask (3) witnesses to come forward and cite
97 testimony. They are as follows:
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Blasting

100 Judith Fellows Miller – discussed her experiences in the past with two previous projects
101 that required blasting. She noted damages she believes are the result of those blasting events.
102 There was no resolution from the previous projects, their engineers, or the companies conducting
103 the blasting. Ms. Miller continued by stating what she would want to see if this project were to
104 move forward. She does not believe this project complies with the Land Use Regulations.

105 Fronia Simpson - also discussed her experiences with blasting. She stated what she
106 would like see if this project moved forward and agreed with many of Ms. Miller’s requests. Ms.
107 Simpson also requested additional information regarding blasting, the reasoning for it,
108 alternatives etc. She stated she does not believe this project complies with the Land Use
109 Regulations.

110 Dave Frederickson – has lived on Silver Street 43 years and discussed his experiences
111 with blasting and what he believes are damages caused by such. He is very concerned about any
112 additional damages. He does not believe this project complies with the Land Use Regulations.

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Radon Toxins

114 Judith Fellows Miller – discussed her concerns regarding Radon Toxins. She noted she
115 had worked in the former State Office Complex for (9) years. As a result she feels she has many
116 health issues. Environmental toxins are a great concern to her. Ms. Miller stated that her
117 research has shown that blasting can release Radon into the environment. This can continue for
118 a long time after the blasting as well. She would like to request Radon resistant construction.

119 Vic Milani – owns an Appleridge condo on Eden Way. This unit is equipped with a
120 Radon mitigation system. He is concerned that further blasting will release more Radon. Mr.
121 Milani stated that the health and welfare of the neighbors should be of concern and a priority for
122 the board. He does not believe this project complies with the Land Use Regulations.

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Character of the Neighborhood

125 Dave Frederickson – feels the increased density will adversely affect the neighborhood.
126 He discussed concerns regarding lighting and the large parking lot. Mr. Frederickson also
127 expressed concern regarding snow plowing and green space. The lack of green space,
128 playgrounds and parks can contribute to obesity.

129 Alicia Romac – stated she was a resident of the surrounding area. She worked to create
130 the Community Built Park in Willow Park because kids need a place to play free. She is
131 concerned about green space in this project. Ms. Romac stated more fencing is needed because
132 there are neighbors with toys and play areas in their yard. She feels viewing this would be
133 upsetting to the children in the development who could not play there. She does not believe this
134 project complies with the Land Use Regulations.

135 Kathy Hoisington – spoke of her experiences showing houses. She stated she often
136 drives up this area to discuss the history of it. Ms. Hoisington feels this is a fragile
137 neighborhood. Housing should be about continuity and harmony of a neighborhood. She feels
138 this does not match and does not comply with the Land Use Regulations.

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Traffic Impact

141 Fronia Simpson – stated she walks to do her errands in town. She feels the traffic study
142 that is referenced is out of date (2006). People use Silver Street and Grandview Streets as ways
143 to avoid traffic in the center of town and a way to get to Pownal. She also expressed concern
144 regarding increase commercial traffic such as garbage trucks and fuel delivery.

145 Dan Amidon - stated he has lived on Silver Street almost 55 years. He has seen a large
146 change in the traffic pattern in the last few years. He discussed the slope of Silver Street and the
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148 many dangers it can cause especially in winter. Mr. Amidon does not believe this project
149 complies with the Land Use Regulations.

150 Jeanne McKenna – stated she’s lived on Prospect Street for 21 years. She feels the traffic
151 study does not address the safety of the motorists nor the pedestrians in the area. She discussed
152 the lack of sidewalks on the upper portion of Silver Street and noted the School Bus Stop at
153 Prospect and Silver Streets. Ms. McKenna questioned what would happen if problems arise after
154 the project is completed; who and what will be done to correct those issues. She requested the
155 Board find a solution before approval.

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157 Impact to Schools

158 Jeanne McKenna – stated her expertise on this subject is from being a mother of
159 four, volunteering at local elementary school and serving previously on the BSD. She discussed
160 the issue of overcrowding in the schools currently and the projected increases over the next few
161 years outside of this project. She also noted the new ruling regarding pre-school enrollment.
162 Ms. McKenna stated that adding more children to an already overcrowded system would
163 negatively impact the education they receive. She feels the Board needs to have more
164 information. Ms. McKenna does not believe this project complies with the Land Use
165 Regulations

166 Mary Morrissey then read a list of questions to the Board and asked that they be publicly
167 addressed and answered at the next meeting.

168 Dan Monks thanked everyone who had spoken and stated it was well organized.

169 No additional comments from Appleridge Condo owners were noted.

170 Rose Wolf stated she was an abutter at the Nathaniel Court Condos. She requested
171 additional fencing be placed between a section of this project and the “B” building of Nathaniel
172 Court. She also noted that the Nathaniel Court Association is concerned regarding blasting.

173 Margaret Fletcher, abutting property owner noted that as part of the original Act 250
174 permit a fence at her property was to be placed. Money was to be put aside for consistent
175 maintenance. This has not been done over the years. Also a secondary path that was created has
176 been overwhelmed with garbage and debris. She request that be cleaned up and money be put
177 aside for constant maintenance.

178 Alicia Romac spoke again regarding the lack of green space for children and/or domestic
179 animals (dogs, cats etc). They need to exercise also.

180 Don Miller stated he was not an abutting property owner but a taxpayer in Bennington.
181 He discussed a letter he submitted to the board. Of the many subjects, one was the qualitative
182 change of a neighborhood when going from owner-occupied to tenant occupied. He also
183 discussed aspects of the Town Plan.

184 Dennis Hart also noted he was not an abutting property owner but a Bennington taxpayer.
185 He discussed the increase in taxes to accommodate the additional students in the schools this
186 project would bring. He questioned the traffic study and asked why the Board did not question it
187 further.

188 Jason Dolmetsch asked for a copy of the list of questions presented to the Board so that
189 they may address them. Mary Morrissey asked that if the developer had any questions that they
190 be put in writing and submitted to her as well.

191 John Broderick stated he appreciated all of the comments this evening. He is looking
192 forward to resolving all of their concerns and issues.

193 Charlie Copp again thanked everyone for their very organized presentations this evening.

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195 There were no further questions.

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Dan Malmborg motioned to move into Deliberative Session. Bill Barney seconded the motion. The motion passed unanimously. (Barry Horst absent)

7. OTHER BUSINESS

There was no other business this evening.

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

Respectfully submitted,

Linda E. Bermudez
Secretary