

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

5
6 TUESDAY, AUGUST 06, 2013

7
8 MINUTES
9

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

12
13 ABSENT: *None*

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15 ALSO PRESENT: Dan Monks-Zoning Administrator; Jason Dolmetsch, MSK Engineering;
16 Linda E. Bermudez, Secretary ; 7 Citizens

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

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22 **1.MINUTES OF JULY 16, 2013**

23 No questions or corrections regarding minutes of July 16, 2013.

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25 *Milt Surdam moved to approve the minutes of July 16, 2013 as submitted. Barry Horst*
26 *seconded the motion. Motion passes unanimously. (Dan Malmborg abstained)*

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

30 Dan Monks read the oath.

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

35 None

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38 **4. APPLEJACK REAL ESTAE PARTNERS – 184 NORTH STREET**

39 Dan Monks summarized the project. This is a request to expand the existing parking lot
40 serving 184 North Street. The applicant has met with the Preliminary Review Panel. Barry
41 Horst noted that everything was in order for the expansion. Lighting will remain the same in this
42 area. There will simply be additional parking spaces added.

43 Jason Dolmetsch, MSK Engineering, stepped forward to speak on behalf of Applejack
44 Real Estate Partners. He explained that they are requesting to expand the paved parking area for
45 this location. The plans also include connecting this parking area to the neighboring municipal
46 parking lot as well as the existing paved parking area for this location. Mr. Dolmetsch also noted
47 that in this request they are asking for an allowance of up to two years to pave the additional
48 parking spaces. All stormwater will continue to go to the South Street drains.

49 Bill Barney asked about the plan to connect the existing neighboring municipal parking
50 lot to these spaces. Mr. Barney asked if this would require an additional driveway. Mr.
51 Dolmetsch stated this would not. The existing chain link fence between the two areas would be
52 removed and a connector would simply be made.

53 The board had no further questions.

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55 *Barry Horst motion to approve the parking lot expansion for 184 North Street as*
56 *presented. Charles Kokoras seconded the motion. The motion carried unanimously.*

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59 **5. APPLERIDGE DEVELOPMENT LLC – APPLERIDGE ON SOUTH STREET AND**
60 **EDEN WAY**

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62 Jason Dolmetsch stepped forward on behalf of Appleridge Development. He explained
63 this is an amendment to modify the lot lines of the original development plan. There are no other
64 changes proposed. The new lot lines would define this development into three lots.

- 65 1) The original existing home
- 66 2) The now newly developed section
- 67 3) The undeveloped portion

68
69 David Frederickson stepped forward. He identified himself as a neighbor to this area.
70 Mr. Frederickson asked if the reason for redefining the lines was so that it could be sold. Mr.
71 Dolmetsch stated he was simply asked to redefine the lot lines. He did not know. Mr.
72 Frederickson then asked the board if it were to be sold could the new owner build what they
73 wanted. The board stated that the new owner could only carry forward with the existing
74 development plans. If they wanted to change what has been approved, the new owners would
75 have to file all new permits, go through the hearing process etc.

76 Mr. Frederickson had several more questions regarding unfinished projects within the
77 original plan for this development. Dan Monks stated that the owner is required to finish all
78 infrastructure originally proposed.

79 Bruce Lonergan stepped forward. He identified himself as the President of the Nathaniel
80 Court Condo Association. He stated they feel they need to know who their neighbors will be.
81 Mr. Monks noted that “who” the neighbors will be is not relevant to the proposal before the
82 board tonight. Jan Readoccha, also a member of the Nathaniel Court board stepped forward.
83 She also expressed concern of who the neighbors would be. They want to ensure the property
84 will be taken care of and that this remains a welcoming residential area.

85
86 *Barry Horst motion to approve the amendment to modify the lot lines in Appleridge*
87 *Development as presented. Milt Surdam seconded the motion. The motion carried*
88 *unanimously.*

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91 **6. RICK MONROE, PAULINE MONROE, SALLY COLLETTE, DAVID & LISA**
92 **MONROE & RETA MEARS – CORNER OF FULLER ROAD AND MIDDLE POWNAL**
93 **ROAD**

94
95 Dan Monks noted this is the first of two hearings for a 5-lot subdivision of an existing
96 property on the corner of Fuller Road and Middle Pownal Road. The original lot consists of 5
97 pre-existing homes that are well established. This subdivision is meant to resolve land issues.

98 David Spurr, Blaze Design, stepped forward and identified himself as the surveyor for
99 this subdivision. Mr. Spurr gave a history of the land issues. This parcel is approximately 10
100 acres of land. In the 1980's the mother of this family requested the land be subdivided into 5
101 parcels so that each child may have their own share. An engineer began the work but for some
102 reason stopped his work. At some point one family member became mad at another and this
103 subdivision has been in the court system ever since. The family has gone through many lawyers,
104 surveyors and engineers through the years. No one else will touch this project at this time,
105 according to Mr. Spurr.

106 He went on to further explain that each existing home already has established wells and
107 septic fields. No Wastewater permits were ever filed for the existing septic systems. Speath
108 Engineering has now received Wastewater permits for those pre-existing septic system.
109 However, the State of Vermont did note that if any of the pre-existing septic systems fail, all
110 homes must move to a group replacement area field system. This area has already been
111 designated, perk tested and approved by the State.

112 Charles Kokoras asked if easements would then be needed to access this group area. Mr.
113 Spurr stated that some will need them. However, these have already been written and a
114 "Schedule A" is ready.

115 Milt Surdam asked for clarification that this would be a "common area" for septic. Mr.
116 Spurr confirmed this. Ron Alderman asked if any lots would be "land locked" and need separate
117 egresses. Mr. Spurr stated no lot is land locked within this subdivision proposed.

118
119 ***Dan Malmberg motion to grant Preliminary Approval for a 5-lot subdivision on corner***
120 ***of Fuller Road and Middle Pownal Road as presented. Bill Barney seconded the motion. The***
121 ***motion carried unanimously.***
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123 Mr. Spurr then asked what the next step would be. He was informed there would be one
124 more public hearing. Final Approval could be granted at the next hearing/meeting. A Mylar is
125 required and must be submitted.

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128 **7. OTHER BUSINESS**

129 No "other business" this evening.

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132 ***Barry Horst moved to close the meeting. Charles Kokoras seconded the motion. The***
133 ***motion carried unanimously.***

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Respectfully submitted,

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140 Linda E. Bermudez
141 Secretary

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