

**Village of North Bennington
Development Review Board Meeting
Tuesday, August 15, 2023
North Bennington Train Station**

DRB Members Present: Tara Lowary, (DRB Chair), Kim Hall (DRB Vice-Chair), James Williams and Nick Disorda

Zoning Administrator Present: Chris Damon

Others Present: Abigail Chaloux, MSK Engineering, Andrew Rodriguez, MSK Engineering, Rod Williams (940 Water St) One unreadable name (PO Box 980 NY) Albert J Kolar, (Builder for Dykes Permit), Kirsten Kolar, (201 Honeysuckle Ln), Alisa Del Tufo, (Abutter), Joe Chirchirillo, (Abutter), Steve Lenox, (260 College Road), Michelle Samour, (260 College Road), Leon Johnson, (15 Matteson Road), Bob Howe, (86 Honeysuckle Lane), Roger & Kathy Clark (159 Matteson Rd), Hannah Gianotti BCCD, Michael Fernandez BCCD, Donald & Eleanor Dykes (Manchester, VT), Bob Madeiros (208 Matteson Rd) David Kelso (457 Park St)

Recorder: Chris Damon

*** Denotes out of order agenda items**

1) Call Meeting to Order.

Ms. Lowary called the meeting to order at 7:01 PM.

2) Query for public comment, revise agenda if needed.

3) Review and approve previous minutes from the July 18, 2023 meeting.

A motion was made to approve the DRB Meeting Minutes from July 18, 2023. (1 abstention as Nick Disorda was not in attendance at previous DRB meeting). All in favor – 3 Yes votes - No further discussion.

Agenda item 1

940 Water Street - Applicant seeks approval to construct 28 residential units within the existing industrial building in the Village Industrial (I) Zone.

No exterior changes will be made to the property.

This review is subject to those provisions in Sections 3.3, 3.14 and 7.1 of the Village's Zoning Bylaws.

Ms. Lowary read the above agenda item and asked the applicant to explain the project.

Abigail Chaloux, MSK Engineering made her presentation as follows:

MSK Engineers, on behalf of Applicant and Landowner (HRH Management, LLC) submits the following for review by the Village of North Bennington:

1. Application for Zoning Permit. Applicant proposes the addition of 28 residential units to an existing mixed-use building (constructed prior to 1950) in the Industrial District in the Village. A portion of the project will involve the conversion of existing commercial/industrial space to residential apartments. Applicant seeks DRB approval under Sections 3.3, 3.14, and 7.1 of the Village Zoning Bylaws.

2. Plan C100 Site Plan.

3. Amended Water Allocation issued by the Village of North Bennington Water Department.

4. Amended Sewer Allocation issued by the Town of Bennington.

The project will consist entirely of interior renovations to the existing building, with no exterior modifications or sitework required for the addition of the residential units. All access drives, parking, utilities, exterior lighting, refuse/dumpster location(s) and landscaping will remain unchanged.

The project is subject to Act 250 and an application to amend the existing Land Use Permit with the State of Vermont will be submitted to the District Coordinator following issuance of the Zoning Permit from the Village.

Tara asked if there were any DRB member questions for HRH.

Would HRH provide fire marshal approval? Yes

James asks for the total number of living units. 182

There was no public comment.

Agenda Item 2

416 College Road - Applicant seeks approval to construct a driveway through this property. The property is Zoned Village Residential 40 (VR40).

This review is subject to those provisions in Sections 12.6 and 3.14 of the Village's Zoning Bylaws.

Ms. Lowary read the above agenda item and asked if the board had any questions.

A discussion pursued about grading.

Question to Jake about the old curb cut. He said he would remove old drive entrance and use the material for new drive entrance.

Public comments: Michael Fernandez BCCD talk about the wet land permit and the 50-foot buffer. The new driveway plan is beyond the 50-foot buffer.

Alisa Del Tufo- wanted to see where the new driveway will go – end up – will the house that is to be built in a place that is permitted? The Chirchirillo’s neighboring house is not in a wet area.

Leon Johnson stated that the land will not pass a perk test as a spring runs through the property and he is concerned about water flow and spring run off causing problems on the abutters property. This may cause damage to white oak and other trees and lead to more runoff.

Alisa Del Tufo – wanted to know about the septic permit.

Mr. Kolar said he did have a state permit.

Tara reminded the public that this meeting was about the driveway.

Joe Chirchirillo said he was skeptical and doubts whether a house would eventually be built.

Michael Fernandez BCCD asked if plans have been presented to the state?

What about the required secondary site plan? Has it been approved by the DEC? (Department of Environmental Conservation)

Mr. Kolar said Rebecca Chambers has done a secondary review of case.

Tara asked – Do we have all the paperwork?

David Kelso -expressed a concern about the restoration plan – is the plan in place?

Joe Chirchirillo wanted to know – will the work be done to correct the old curb cut?

Michael Fernandez BCCD – do we know if a wet land permit was pursued and he would like know where to locate the report from Miss Chambers – has she signed off on wet land delineations?

Public input concluded.

Agenda Item 3

401 Honeysuckle Lane - Applicant seeks approval of a new application referred to the DRB to construct a large accessory structure (barn) as outlined in two previous permits, both of which have expired. The property is Zoned Village Residential 40 (VR40).

This review is subject to those provisions in Sections 4.1.9 of the Village’s Zoning Bylaws.

Mr. Kolar presented a review of the old, (previous) application and subsequent renewal and explained the new application. Mr. Kolar stated that half the foundation was complete, and that barn will be used for mixed use.

Kim Hall noted that a plot plan is not a site plan, and a detailed site plan review is required by the DRB.

Steve Lenox explained the importance of a complete and thorough site plan as it would also benefit the property owner.

Leon Johnson stated that he was not notified of the existence of a permit for a barn before the project started. Expressed concerns about run off on west side of property and – too many trees removed. Now land is not absorbing the rainwater.

Michelle Samour procedural question.

Alisa Del Tufo - How can we appeal the lack of progress on the barn and showed the board photos of barn progress or rather the lack of progress.

Kim Hall feels the application is incomplete as it lacks a proper site plan for the DRB to review.

Tara – we can request more information because this is a new application.

Mr. Howe – concerned about how the property was used in the past for a trucking business operating on the property and wanted to prevent this from happening again.

David Kelso had two issues – applicant should be able to build a barn I one year and stop the disruption to neighbors and does not like the term mixed use. Would like to know what is prohibited and what is not - perhaps offer an incentive to get the barn built.

Joe Chirchirillo - what are the abutters rites as to how long is this barn going to take? Neighbors are living next to piles of dirt – seems to be the slowest project - going on forever and no progress. Mr. Kolar needs a better plan to get it done.

Roger Clark (159 Matteson Rd) wet land concerns as his back yard is very wet at this time.

Public input concluded.

Ms. Lowary stated that she would entertain a motion to enter the deliberative session.

A motion was made to enter a deliberative session at 8:20PM. Unanimous). No further discussion.

For the resolution of this application, see the Finding of Fact and Decision Document published separately,