

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

5
6 TUESDAY, JANUARY 17, 2017

7
8 MINUTES

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

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13 ABSENT: *None*

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16 ALSO PRESENT: Dan Monks-Zoning Administrator; Linda E. Bermudez – Recording
17 Secretary; (7) citizens

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

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23 **1. MINUTES OF DECEMBER 20, 2016**

24 Minutes were mistakenly left out of the Board's packet; they will be approved at the next
25 regularly scheduled meeting.

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

29 Dan Monks read the oath.

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

34 None this evening.

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37 **4. MATTHEW HELLER, 102 ROLLIN STREET:**

38 Dan Monks stated the applicant is appealing a "Notice of Violation" for implementing a
39 commercial automobile detailing use in a Mixed-Residential (MR) District. Neighbors had
40 complained regarding the new business; the regulations were reviewed and a Notice of Violation
41 was issued by Kevin Goodhue of the Town Office. Mr. Monks continued by stating that he
42 would be abstaining from deliberations as Kevin Goodhue acts as his enforcement agent.

43 Jim Malady, attorney for the applicant stepped forward to present. He gave a brief
44 background of the property stating a local real estate agent advertised the property as
45 commercial/industrial. Mr. Heller purchased the property several months ago, with the intent to
46 create a detailing business. Mr. Malady stated he believes this property has always been used as
47 non-conforming use since it was built in 1935. Again, he stated that Mr. Heller's intent of
48 purpose was a detailing business for this property. Currently it is low volume, behind closed
49 doors and only has one employee therefore only one vehicle at a time can be worked on. The
50 owner has completed some rehabilitation and sees this as a positive use of the building now.

51 Charlie Copp asked what the previous use of this building was. Ron Alderman asked
52 when the last use was discontinued.

53 Sue Congdon stepped forward as the previous owner. She gave a brief history of the use.
54 For the last (30)+ years she has been the owner of Star Electric Appliances used this building as
55 storage for the appliances during that time. The business closed in Summer of 2016 and storage
56 was kept there until one week before the sale (first week of August).

57 Dan Malmborg asked how many delivery or pick-up trucks per day would be at this site
58 during its use as storage. Ms. Congdon stated approximately 2-3 per day.

59 Patricia Noble, owner of the detail business and fiancé of the property owner stepped
60 forward to speak. She gave a brief description of what detailing is and stated each vehicle takes
61 four to eight hours to complete.

62 Dan Malmborg asked about the cleaning chemicals. Ms. Noble stated some are
63 commercial grade some are store bought. All run-off goes into a floor pit.

64 Mr. Heller stated the pit is three feet deep with an outlet pipe. Not much liquid is
65 produced. Whatever is left behind just seems to evaporate.

66 Ron Alderman asked if the pit could be closed off from municipal sewer. The Town is
67 very strict on what can enter the municipal collection system.

68 John Miner, neighbor stepped forward to speak. He has owned and lived in his home
69 since 1976. He knows what goes on at that property. A car lift has been added to the property.
70 He is concerned about what could come next as well as the value of his property. There is no
71 fire system or sprinkler system. His home is only ten feet away. Mr. Miner also questioned what
72 happens to the waste oil when they change oil on the lift.

73 Mr. Heller stated he owns ten vehicles and only changes his own oil. He also stores some
74 of those personal vehicles on-site.

75 Pat Reilley stepped forward as a neighbor and stated he has no complaints. He stated he
76 has a large driveway and allows other vehicles to park there; including those for the detailing
77 business. Mr. Reilley was asked if there was any noise. He stated none that he could hear.

78 Mr. Malady asked the Board allow these operations to continue and believes this is a fair
79 use of the property. It has uplifted the community with its improvements

80 The Board had no further questions or comments.

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82 ***Motion:*** Barry Horst motioned to move into deliberative session. Charles
83 Kokoras seconded the motion. The motion passed unanimously.

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86 **5. OTHER BUSINESS**

87 There was no other business this evening.

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90 ***Motion:*** Barry Horst motioned to close the meeting. Charles Kokoras seconded
91 the motion. The motion passed unanimously.

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95 Respectfully submitted,

96

97 Linda E. Bermudez

98 Secretary