

1) Call to order

The meeting came to order at 7 pm. Present were DRB members Tom Huncharek (chair), Michael Day, Chris Ponessi, and Michael Bidy, and zoning administrator Shelly Stiles.

2) Conflict of interest.

Mr. Bidy reported a conflict of interest with application #17-9905, North Road LLC.

3) Sign in sheets.

Sign in sheets were passed around.

4) Approval of minutes

Mr. Huncharek moved to approve the October 4, 2017 minutes. Mr. Day seconded the motion, which passed 3-0-1 with Mr. Ponessi abstaining.

5) With no objections, the Board switched items five and six on the agenda.

Application #17-9904, Joseph Myers, 1076 West Mountain Road, parcel 08 20 23, conditional use permit for home occupation in an R80 zone.

Mr. Myers said he hopes do small auto repairs – changing tires and oil, doing brake jobs and other basic mechanical work – from home, to start to acquire a clientele before opening a shop in Bennington. He will not weld. He will work in his garage and in a 12'x14' addition to his garage. There is no interior drain. Waste oil will be collected and taken to a friend's furnace. He expects to do about two oil changes weekly. He thinks he will move into his new space in Bennington in fewer than 6 months. The addition has a plywood floor, the garage a concrete floor. He thinks he might have four or five customers daily.

Mr. Huncharek noted that a table on page 9-10 of the zoning bylaw prohibits auto repair shops in rural zones. The bylaw language re home occupation, section 4.4.2ff, was read.

Citizens in the audience asked questions, to which Mr. Myers responded. He said he'd been doing some work for friends and family beginning in the summer. No additional site modifications are planned. The space isn't large enough for a full time business. Mr. Huncharek said the town does not issue "temporary" permits. Suggestions were made that the addition lies within the required setback area. Abutter John Small urged the board to approve a "small use" – which Mr. Myers will quickly outgrow. (Such an outcome would be a win-win for all, he said.)

Citizens asked the Board and zoning administration about enforcement and establishing a precedent.

Mr. Edward Shewell, a friend of Mr. Myers, said he helped Mr. Myers measure the distance from the edge of the addition to the property line and is certain it is 29'. He noted that people who might have something good to say about the project don't come to testify. He said the bylaw makes it hard for a small business to succeed.

Citizens Holland and Gross urged the board to deny the application.

The board went through bylaw 3.4ff.

a) Air quality. No impact.

b) Noise. Mr. Myers uses a 60 gallon air compressor and impact wrenches. He usually works noon to about 5p.

c) Soil and water. He will take 10-14 quarts of oil to his Bennington friend's shop weekly. Ceramic brake pads will go to a junk yard, at least once weekly. Speedy Dry would be used for spills.

d) Landscaping/hydrology. Not applicable.

e) Aesthetics. There are no other small businesses in the neighborhood. His parking area is not screened and can hold three to four cars. Tires are stored outside under a portable structure within the setback zone. This structure can be moved to be compliant.

f) Fire hazard. He will store up to seventy-five cars outside, ten indoors.

g) Odors. Brake cleaner has a notable scent.

Mr. Huncharek moved to recess the hearing to December 6, 2017, at which time Mr. Myers will be asked to provide professional verification of the location of the addition relative to the property line, and to prove that

the temporary tire storage structure is compliant with setback requirements. Mr. Day seconded the motion, which passed 4-0-0.

- 6) Application #17-9905, North Road LLC, 639 North Road, parcel 09 20 29.3, conditional use permit for construction of 31 truck parking spaces, 14 employee parking spaces, associated lighting structures, and a stormwater practice in an I2 zone.

Mr. Biddy absented himself from deliberations.

Jason Dolmetsch of MSK Engineering presented the application, altered from the original to include parking for 30 large vehicles, 15 1 ton trucks, and 20 employee parking spaces. A stormwater permit will be required. The stream will be buffered by at least 50'. All trucks will be parked empty. Employee parking will be for those driving those trucks. The building will remain. An existing access on North Road and a permitted but not constructed access on Airport Road will be used. Mr. Ponessi asked Mr. Dolmetsch to check in with the road foreman to ensure that curb cut permit was approved. Mr. Dolmetsch has prepared but not submitted an Act 250 permit. He believes it will be considered a minor application.

The board went through bylaw 3.5.2.

Re landscaping, Mr. Ponessi asked that the berm on North Road be reseeded, and that screening trees – 10-15 evergreen plants - be planted along Airport Road from the paved apron northeast and around the corner of the intersection with North Road. A note to this effect shall be placed on the proposed conditions plan, as well as on the Act 250 permit plan.

Four power poles will carry night-sky approved LED lights, and will provide power to engine block heaters.

Statements as to impacts will be needed from police, fire and rescue.

Mr. Huncharek moved to close the hearing. Mr. Ponessi seconded the motion, which passed 3-0-0.

Mr. Huncharek moved to enter deliberative session on application # 17-9905. Mr. Day seconded the motion, which passed 3-0-0.

Mr. Huncharek moved to leave deliberative session. Mr. Ponessi seconded the motion, which passed 3-0-0.

Mr. Huncharek moved to approve application #17-9905 with the following conditions:

- Parked trucks must be empty per court order dated 12/11/07.
- A 9015 stormwater permit must be secured.
- An Act 250 permit must be secured.
- A landscaping plan shall be submitted, showing that the berm on North Road be reseeded, and that screening trees – 10-15 evergreen plants – are to be planted along Airport Road from the paved apron northeast and around the corner of the intersection with North Road. The Act 250 permit shall incorporate this plan as well.
- Statements as to impacts must be secured from police, fire and rescue.
- A photometric plan meeting night sky requirements must be submitted. No bulk fuel storage will be allowed without proper permitting.
- A curb cut permit for the access on Airport Road must be confirmed or secured.

Mr. Day seconded the motion, which passed 3-0-0.

The meeting adjourned by acclamation at 9:55 p.m.