

**DEVELOPMENTAL REVIEW BOARD  
MINUTES**

**Regular Meeting**

**October 26, 2015**

**MEMBERS PRESENT:**

Phil Carter	Richard Harrison
John Boehrer	Julie Nicoll

**MEMBERS ABSENT:**

Linda Petty

**OTHERS PRESENT:**

George Benson, Sr.	William Jon Lannon	Peggy Stratman
George Benson, Jr.	Ralph Michael	Lisha Klaiber, Recorder
Janice Benson	Gary Rapanotti	
Ron Greene	Barbara Ruiss	

1. **CALL TO ORDER**

A. Meeting opened at 6:00 p.m. by Phil Carter. All members present, except Linda Petty.

2. **OPEN THE PUBLIC HEARING FOR GEORGE BENSON SR. AND GEORGE BENSON, JR.**

- A. Phil Carter advised that this is an application to amend a Conditional Use Permit and local Flood Hazard Review for additional square footage to the new construction of the Chevrolet dealership, change in light posts and relocate water service. The property is located at the corner of Pond Street and Main Street, in the Special Flood Hazard Area of the Village Residential Commercial District
- B. Rose Goings advised that this is application 436-14-CU/FHR, Amendment #1. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on October 1, 2015, advertised in THE VERMONT JOURNAL on October 7, 2015 and abutting property owners were notified on October 6, 2015.
- C. Phil Carter administered the oath to all (Ralph Michael and George Benson, Jr.) wishing to speak at this hearing. He advised that this hearing is to correct a situation.
- D. Ralph Michael advised that the building had expended in length, increasing the square footage of 15,600 as described in their original submittal to this board, to 17,667 square feet. This is a difference of 2,062 square feet. They needed additional space in the service area and had to extend the length by 14 feet on the south side. The rest of the building moved toward the south. They also had to remove the indented portion at the service entrance as required by GM.
- E. John Boehrer confirmed that the 4 foot indentation is now flush.
- F. Ralph Michael said yes.
- G. George Benson, Jr. said there is also only a 2 foot overhang.
- H. Ralph Michael said they had submitted additional documents and plans and sheet #4 shows the building as it is now, indicating red, green and blue lines. The building is as it was approved by Act 250.
- I. John Boehrer asked if the Act 250 permit is for the building as it is now.
- J. Phil Carter asked if Act 250 had approved the permit for the building larger than what had been approved by the town.
- K. Ralph Michael said yes.
- L. George Benson, Jr. said Act 250 approved 17,233 square feet.
- M. Phil Carter asked if it had occurred to them that they should come back to the DRB before going to Act 250. He said that the DRB had a deal with them. He said he wants them to understand that their permit from Act 250 does not supersede the town's permit.
- N. Ralph Michael said it was 5 months after the town permit that they went to Act 250.
- O. Phil Carter asked Rose Goings is this is something that Act 250 had done before.
- P. Rose Goings said that she had not read the Act 250 permit.
- Q. Ralph Michael said that Act 250 had reviewed the plans except the bump out.
- R. George Benson, Jr. said they submitted 17,233 to Act 250.
- S. Phil Carter said that Act 250 had probably not read the town permit.

- T. Ralph Michael said Act 250 had a copy of it in the application to them. This is done online. He said they started the process with the ANR, and then went to Act 250. In that 4Ralph Michael said Act 250 had a copy of it in the application to them. This is done online. He said they started the process with the ANR, and then went to Act 250. In those 5 months, we found out that the project needed more room. They give us a form and ask questions like how much more the project costs and fees are.
- U. Julie Nicoll noted that the space indicated by the red line was not approved by Act 250.
- V. Ralph Michael said he had received an email from Act 250 saying that the bump out was not a substantial change.
- W. Richard Harrison said the project looks complete.
- X. Ralph Michael said that in addition to the building change, they also decided that where the old building was demolished, the 3 lights were not enough. They moved the posts to have a light at each corner, going from 3 to 4 lights. The other change was in the water service. They had to sw3ing the pipes more toward the street. The application to Waste Water was changed and the lines are now trenched across the road. This has already been approved. They have filed the completion certificates with the state. They received their Storm Water permit on August 7, 2015 and the Waste Water permit on March 25, 2015. He has submitted copies of as-builts the certificate, emails to Act 250 regarding the bump out, and the lighting plan. The only thing that may not be complete this year is the landscaping. Some of it, such as grass, is done, but they expect to finish the rest, such as the trees, in the spring.
- Y. Phil Carter asked, other than the building footprint, lighting and water, were there any other changes to the permit.
- Z. Ralph Michael said that the catch basins were reviewed by the Storm Water people and he showed the board the changes to the locations. He said that ANR also changed the detention pond location. It has now been approved and permitted by ANR. He added that they had received their Act 250 permit before the Storm Water permit.
- AA. Richard Harrison asked about the line that had run toward Sunoco.
- BB. Ralph Michael said it was a municipal sewer line that would have run through the middle of the building. It has been rerouted. He added that the pipe that discharges to the wetlands is now high density polypropylene. He said that it was on the original permit.
- CC. John Boehrer noted that if this application is approved, short of landscaping, the CO would be temporary until the project is complete.
- DD. **MOTION by Richard Harrison and seconded by John Boehrer to close this hearing. Motion passed unanimously.**

3. **OPEN THE PUBLIC HEARING FOR WILLIAM JON LANNON**

- A. Phil Carter advised that this is an application to allow for a 3-lot subdivision. The property is located on Commonwealth Avenue in the Town Residential District.
- B. Rose Goings advised that this is application SUB16-002. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on October 1, 2015, advertised in THE VERMONT JOURNAL on October 7, 2015 and abutting property owners were notified on October 6, 2015.
- C. Phil Carter administered the oath to all (Gary Rapanotti and William Jon Lannon) wishing to speak at this hearing.
- D. Gary Rapanotti advised that the applicant wishes to subdivide a parcel into 3 lots. Lots 1 and 2 will be wooded. Lot 3 will be all fields, except a buffer on the west side. Lot 1 will have 9.26 acres, Lot 2 will have 4.59 acres and Lot 3 will have 7.19 acres. The site plan includes proposed house, septic and drilled well sites.
- E. Phil Carter asked if there are any wetlands there.
- F. Gary Rapanotti said there is a small one along the brook on Lot 3, but we will stay well away from it.
- G. Phil Carter asked if access to all 3 lots is from Commonwealth Avenue.
- H. Gary Rapanotti said yes.
- I. John Boehrer asked if the well shields were within each proposed lot and not infringing on others.
- J. Gary Rapanotti said yes.
- K. Julie Nicoll asked about tree removal for the house site.
- L. Gary Rapanotti said that they have no plans for that at this time.
- M. Phil Carter noted that this hearing is not about developing the lots, just doing the subdivision.
- N. Gary Rapanotti said that whoever does but, probably would not get a view if they cleared the trees.
- O. Richard Harrison asked about a road on the drawing.
- P. William Jon Lannon said that there is nothing there now, but someday the owner may build a house up there.

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- Q. **MOTION by John Boehrer and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**

4. **REVIEW MINUTES**

- A. Phil Carter advised that the minutes to be reviewed are from the meeting of September 14, 2015.
- B. John Boehrer noted that on page 1, item 2A, it should read "...application for a Design Review..."
- C. Julie Nicoll noted that on page 4, Item 4AA should read "Rose Goings agreed, saying..."
- D. John Boehrer noted that on page 5, Item 4PP, should read "always comes in at the last minute."
- E. **MOTION by Julie Nicoll and seconded by Phil Carter to approve the minutes from September 14, 2015 as corrected. Motion passed unanimously.**

5. **OTHER BUSINESS**

- A. Permits from last Meeting
  - i. William Gibson - vinyl siding denied
  - ii. OMS – gym approved
  - iii. Okemo Land Holdings, LLC - Pond approved

6. **ADJOURN**

- A. **MOTION by Phil Carter and seconded by John Boehrer to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 6:29 p.m.

Respectfully submitted,

Lisha Klaiber

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Phil Carter, Chairman

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Julie Nicoll

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John Boehrer

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Linda Petty

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Richard Harrison