

M E E T I N G   N O T I C E  
BENNINGTON SELECT BOARD  
April 26, 2021  
A G E N D A  
6:00 PM

For public health reasons, Select Board members will participate in the meeting by videoconference. Members of the public are urged to watch the meeting on Cat-TV or Cat-TV-Facebook. If one wishes to participate you may join the meeting as an Attendee using the webinar link listed: <https://us02web.zoom.us/j/89448782346> or call into the meeting Dial:1-646 558 8656 and enter Webinar ID: 894 487 2346 and follow the prompts.

- |  |                   |
|--|-------------------|
| 1. Vision                                      | 6:00 PM           |
| 2. Consent Agenda                              |                   |
| A. Minutes of April 12, 2021                   | 6:00 PM - 6:05 PM |
| B. Warrants                                    |                   |
| C. Liquor Licenses                             |                   |
| 3. Public Comment                              | 6:05 PM - 6:20 PM |
| 4.                   Public Hearing            |                   |
| LU DR Amendment Form-Based Design              | 6:20 PM - 6:50 PM |
| 5. YMCA Rates                                  | 6:50 PM - 7:20 PM |
| 6. Groundwater Reclassification (Cont.)        | 7:20 PM - 7:50 PM |
| 7. Community Policing Policy Review            | 7:50 PM - 8:20 PM |
| A. Social Media Policy 1st Reading             |                   |
| B. Special Events Policy 1st Reading           |                   |
| 8. Loan Application 3 Pressure Reducing Valves | 8:20 PM - 8:35 PM |
| Water System Improvements                      |                   |
| 9. Boards and Commissions Announcement         | 8:35 PM - 8:45 PM |
| 10. Manager's Report                           | 8:45 PM - 8:50 PM |
| 11. Upcoming Agendas                           | 8:50 PM - 8:55 PM |
| 12. Other Business                             | 8:55 PM - 9:00 PM |
| 13. Executive Session                          |                   |
| Litigation                                     |                   |

**BENNINGTON SELECT BOARD**  
**MEETING HELD REMOTELY VIA ZOOM**  
**BENNINGTON, VERMONT 05201**  
**APRIL 12, 2021**  
**MINUTES**

**SELECT BOARD MEMBERS PRESENT BY VIDEOCONFERENCE:** Jeannie Jenkins-Chair; Jeanne Conner-Vice Chair; Jim Carroll; Bruce Lee-Clark; Sarah Perrin; Tom Haley; and Gary Corey.

**SELECT BOARD MEMBERS ABSENT:** None.

**ALSO PRESENT BY VIDEOCONFERENCE:** Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Shannon Barsotti-Community Development Director; Dr. Trey Dobson-Chief Medical Officer SVMC; Commissioner Peter Walke, John Schmeltzer, Chuck Schwer, Richard Speese-Ground Water Reclassification; Josh Boucher-CAT-TV; and Nancy H. Lively-Secretary.

**PUBLIC CALL INS:** Representative Tim Corcoran; Representative Mary Morrissey; Barry Mayer; Nancy Pearlman; Eric White; Robin Outwater; Chad Gordon; Al Bashevkin; Nancy White; and Kelly Carroll.

At 6:00pm, Chair Jeannie Jenkins called the meeting to order and explained that, due to the COVID-19 Pandemic State of Emergency declared by Governor Scott, and pursuant to Addendum 6 to Executive Order 01-20, Act 92, this public body is authorized to meet electronically. There is no physical location to attend this meeting. There are four ways you can join this meeting - #1. and #2. If you do not wish to speak, watch it on CAT-TV Channel 1085 or view it on CAT-TV Facebook Live; #3. and #4. Join as an attendee or if you wish to speak - access via Zoom with the link found on the Town's website <https://us02web.zoom.us/j/83282379280> and raise your hand to speak or dial in at 646-558-8656 and enter the meeting ID 83282379280 when prompted to do so and raise your hand to speak by hitting \*9 and unmuting yourself when prompted to speak by hitting \*6. Whenever you are speaking, you must state your name and town of residence. The call in information will be periodically posted on the screen and the process for calling in explained. If technology fails us, the meeting will be continued at a time and place to be determined and all votes that are not unanimous will be done with a roll call vote in accordance with the law.

**1. VISION STATEMENT**

Ms. Conner read the Town's Vision Statement that was adopted by the Select Board on August 24, 2020:

"Bennington is a welcoming, engaged, inclusive, resilient community where everyone regardless of identity shares in our vitality and benefits from an outstanding quality of life."



35 **2. CONSENT AGENDA**

36 **A. MINUTES OF MARCH 22, 2021 and APRIL 1, 2021**

37 **B. WARRANTS**

38 **C. LIQUOR LICENSES**

39 *Bruce Lee-Clark moved and Tom Haley seconded to adopt the Consent Agenda with*  
40 *the Minutes of March 22, 2021 amended as follows:*

41 *Line 108, Change "April 14<sup>th</sup> " to "April 7<sup>th</sup> "*

42 *The motion carried unanimously.*

43 **3. COVID UPDATE**

44 Dr. Trey Dobson, SVMC Chief Medical Office, did the following COVID update:

- 45 • This is the 397<sup>th</sup> day of the pandemic and we have been vaccinating for 117 days.
- 46 • Vermont and Bennington County are at 24/100,000 cases of a positive COVID test with  
47 the country at 19/100,000.
- 48 • Vermont has only seen 2%-5% of the population that has seen the virus, whereas, other  
49 locations nationally that number is 30%.
- 50 • There is an 80% decline in hospitalizations and deaths since January.
- 51 • The older population has accepted the vaccine well (65+ and 75+ age groups are 80%  
52 vaccinated) but the 20-40 year olds are hesitant to get it.
- 53 • 30%-35% of the population nationally has been vaccinated.
- 54 • We're not there yet, however, vaccinated people will not need to wear masks or social  
55 distance and can gather in groups.
- 56 • Many people/states in the country are no longer doing mitigation. Vermont is not one  
57 of them yet.
- 58 • It is not unlike the flu and the risk factors are shifting to personal decisions from the  
59 government regulated requirements.
- 60 • The goal is to have 70% of Vermonters vaccinated and to no longer have to wear masks  
61 or social distance by July 4<sup>th</sup>.

62 *Board questions/comments with responses from Dr. Dobson:*

63 Mr. Carroll: Is mutation and variant the same thing? Yes.

64 Mr. Carroll: Can it be determined if those exposed to the variants are having a different  
65 immune reaction than those that have been vaccinated? We don't have enough data to know  
66 but are confident that the vaccination provides an overall greater immunity to the virus.

67 Mr. Carroll: How long will the vaccines that we're receiving now remain effective? We believe a  
68 year and will recommend booster shots at that time to keep up with the mutations similar to

69 what we do with flu shots. It may be every 2 years but is unlikely to be every 3 years or every 6  
70 months.

71 Mr. Carroll: If a person has had COVID, can they still transmit the virus? They are much, much  
72 less likely to do so as are those that have been vaccinated. The CDC has said that the risk is so  
73 low that it is better for people to get out for their own mental health well-being.

74 Ms. Conner: Do you have any advice on how to manage our own fear of doing what we used to  
75 do? The fears are real, and as large gatherings become uneventful, the fears will dissipate. The  
76 hope is - at least for the next year - that enough people will be vaccinated or immune from  
77 previous exposure to make up 80%-85% of the population so that "herd immunity" should  
78 support the safety of activities.

79 Ms. Perrin: Can you speak to some of the concerns of those that won't get the vaccine? The  
80 group of people that are anti-vaccine, in general, will never get the vaccine and that is their  
81 right. The rest have concerns because of what they've read, talked to friends about, may be  
82 considering getting pregnant, or the newness of the vaccine. These fears need to be weighed  
83 against the risks of not getting the vaccination.

#### 84 4. GROUND WATER RECLASSIFICATION

85 Commissioner Peter Walke, John Schmeltzer, Chuck Schwer, and Richard Speese did the  
86 following presentation:

- 87 ➤ We have extended the public comment period to May 28, 2021.
- 88 ➤ We will also be attending the Village of North Bennington Trustee meeting tomorrow  
89 and the Town of Shaftsbury Select Board meeting next Monday.
- 90 ➤ Once we understand the questions and concerns, we will schedule a Public Hearing on  
91 just this topic for people to weigh in at.
- 92 ➤ We first discovered PFOA in 2016 near Chem Fab and were in the emergency mode for  
93 about 1 ½ years.
- 94 ➤ The original agreement with Saint Gobain was in 2017 and amended in 2019. If this had  
95 to be taken to court this would have been a long drawn out process, however, Saint  
96 Gobain was willing to work with us.
- 97 ➤ The reclassification we are discussing tonight is the final phase of the extension of the  
98 overall corrective action.
- 99 ➤ There were 480 residents or businesses that were able to connect from which 438  
100 agreed to connect and 365 have been connected with the remainder expected to be  
101 connected this summer.
- 102 ➤ We also have ongoing monitoring of those wells that are below the 20PPT (parts per  
103 trillion), ongoing maintenance of the POET (Point-of-Entry Treatment) systems that had  
104 contamination but the water lines were not extended, and 5 replacement wells  
105 installed.
- 106 ➤ St. Gobain is obligated to monitor these wells and maintain the POET systems forever.

- PFOA lasts for a long time in the soil and ground water so there will be the need to monitor and have a process in place for any new wells that may be drilled in the area.
- The reclassification prohibits drilling a well within 200' of a water line unless unable to do so due to the presence of ledge, for example. The preferred option though, is to connect to town water..
- We are reclassifying a large area. We know there is potable water within that area given that there are 144 wells that are clean and some areas where the only option to receive potable water is from a well - hence, the strict guidelines in drilling.
- There are instances when two wells next to each other will have one contaminated and the other one clean. The deeper the well the better chance it has of being clean, whereas, the more shallow a well the better chance it has of being contaminated. No new shallow or spring water wells will be allowed.
- If property values are impacted it is because there is contaminated ground water and not what we call it. However, we have seen little effect on property values because of all of the testing that we have done to the property.
- The State's responsibility was to ensure that people are drinking clean water but there is another path for people to take if they are experiencing decreased property values through the Class Action Suit.
- The Reclassification Order reclassifies the ground water from a Class 3 to a Class 4. The Order does not affect existing wells.
- Adjustments can be made to the Reclassification Order if testing shows improvements in the area.
- The DEC (Department of Environmental Conservation) must be notified if a new well will be used for industrial, commercial, or geo-thermal use, and the Agency of Agriculture must be notified if a new well is for agricultural use.
- The Final Reclassification Order will be posted on the DEC website.

*Public comments/questions answered by the DEC Team:*

Rep. Tim Corcoran: Are we obligated to make this change? Is Saint Gobain obligated to monitor the wells that are below 20PPT? What is the PFOA effect on fishing and growing vegetables in the soil? DEC: Yes, legally we have signed the agreement with Saint Gobain that we would do this, however, even without that, this is the right approach to protect the residents in the area. Yes, Saint Gobain is obligated to monitor and correct, if and when, wells test above the 20PPT. This doesn't affect the surface water or the soil - it's the ground water with the recommendation not to water the plants with contaminated water.

Barry Mayer: Has a 60' well in Shaftsbury and has always tested under 10.6. What if you can't drill a well and get clean water? How do the class action suits affect property values? What is the definition of a deep well and a shallow well? And, why wasn't the reclassification line on the south side of Town Line Road instead of the north side where no water has tested positive? DEC: Saint Gobain is obligated to first provide bottled water, then a POET system, and to see if



146 drilling a replacement well is a feasible solution or connecting to town water. One of the  
147 litigations in the Class Action Suit is for decreased property values. There is no cutoff footage  
148 between deep and shallow wells, it's what the drilling has to go through and the source of the  
149 aquifer that makes the distinction. There are wells on the north side of Town Line Road that  
150 are testing above zero but below 20PPT so they need to be monitored for the future.

151 Nancy Pearlman: What is the number of homes in the reclassification zone that were not  
152 offered town water? And, who would pay for residents to connect to town water if they were  
153 within the 200'? DEC: We estimate around 175 homes but we will get the exact number. And  
154 all work to provide people with clean water - if their wells test above the 20PPT - will be paid  
155 for by Saint Gobain.

156 Eric White: If a well went dry and had not been tested or you wanted to develop a new  
157 property, who would be responsible for paying for the new water lines? FYI - He does not  
158 believe that this will not affect property values. DEC: The resident would be but Saint Gobain  
159 would be obligated to monitor the new well and, if the new well was contaminated, they would  
160 be responsible to provide you with clean water. However, if you connected to town water, that  
161 expense would be on the resident.

162 Robin Outwater: His neighborhood has been tested and is clean, so do they need to be  
163 considered in the reclassification area at this time? DEC: That may have been true of one  
164 residence but there are POET systems in the area so there has been contamination that would  
165 be still present if a shallow well were to be drilled. We are reclassifying the ground water and  
166 not individual wells.

167 Chad Gordon: His water has never been above the 20PPT limit and wonders why he needs to be  
168 in the reclassification area and how do you explain that to a potential buyer? DEC: We know the  
169 deep wells are clean but there's a high probability that, if a shallow well were dug in the future,  
170 it would be contaminated and there are years of data that can be shown to a potential buyer  
171 backing up what you're saying. We also do "comfort letters" to potential buyers for further  
172 verification.

173 Al Bashevkin: Thanked the State for their diligence in ensuring that people have clean water.  
174 Where are the borings that are used for sampling taken from? Can we have a copy of the  
175 PowerPoint presentation? Instead of reclassifying the area, a solution would be to extend the  
176 availability of town water to us. DEC: We can indicate on the map where the borings were  
177 taken from. We do sample both the water going into the houses and the water after the POET  
178 system, but, due to COVID we were just taking the samples from an outside spigot. The dual  
179 sampling will resume soon. Yes, we will put the presentation on our website.

180 Rep. Mary Morrissey: Have the two homeowners that called to be tested this week ever been  
181 tested before? How many homeowners have not had their water tested in the designated  
182 contaminated areas? DEC: No. We don't know the answer to that. We have reached out, and

183 continue to reach out, to residents at an unprecedented rate to inform them of the situation  
184 but the decision to be tested, or not tested, is still theirs.

185 *Board comments/questions answered by the DEC Team:*

186 Jim Carroll: Is most of the contamination from the air that is going into the ground water but  
187 not necessarily the aquifer? How were the boundaries determined and not farther out? Did  
188 Saint Gobain agree to these boundaries? DEC: In many areas it is in the ground water that may  
189 seep down into aquifers but closer to the plant it is also prevalent in deeper ground. We based  
190 the boundaries on the air modeling, the borings, and the drinking water well tests. They look  
191 rigid, because we are following parcel boundaries. Yes, these are the boundaries that Saint  
192 Gobain agreed to, however, the agreement is reviewed every 5 years to be sure that best  
193 practices are being followed. They are required to follow the agreement until all of the ground  
194 water is testing clean.

195 Gary Corey: Can you reclassify a deep well differently than a shallow well? Are the stricter  
196 regulations when drilling a well more expensive, and if that well tests positive, is Saint Gobain  
197 financially responsible for making it clean? DEC: We aren't able to reclassify differently within  
198 the confines of what the legislature has given us nor would we be able to make that distinction  
199 and be protective. Yes, the new drilling regulations are more expensive - it would vary  
200 depending on the individual conditions - and would be the responsibility of the landowner. We  
201 can't provide a dollar estimate but will provide the Board with the additional equipment that is  
202 needed to follow the new regulations. And, yes, Saint Gobain is responsible to supply clean  
203 water to the resident if their newly drilled well is contaminated.

204 Jeanne Conner: Feels that the reclassification may end up benefitting the landowners because  
205 guaranteeing that a parcel of land will have clean water "is not nothing". If it's possible, would  
206 Saint Gobain pay for residents to connect to town water rather than having to pay for the  
207 continuous testing? DEC: That is the purpose of the 5-year review of the agreement - to ensure  
208 that the current remedy is the most appropriate.

209 Sarah Perrin: What do you see as an ideal solution in an ideal world to have the water classified  
210 as non-potable? DEC: Money is always an object and the engineering specifications and the  
211 ability to get drinking water is always an object. What we're doing provides the data on the  
212 existing wells and a process for going forward that is clear to all of the residents in the area. "I  
213 don't have a magic wand and I don't like pretending that I have a magic wand."

214 Stuart Hurd: Is there an opportunity with the infrastructure monies coming our way to pay for  
215 certain residents to be connected to town water? DEC: Yes, there are ARPA (American Rescue  
216 Plan Act) monies specifically for water and waste water but we haven't been given any  
217 guidance as to what that means yet. This will be discussed in the legislature soon. And, yes,  
218 there are also infrastructure monies.



219           *It was the consensus of the Board to put Ground Water Reclassification on the agenda of*  
220 *the April 26, 2021 meeting.*

221   **5. PUBLIC COMMENTS**

222   Nancy White: Can hikers use the bathrooms, showers, and camp on the Rec Center property?  
223   Mr. Hurd answered that hikers are allowed to use the Rec Center facilities but no allowed to  
224   camp on site.

225   Nancy White: Do we know what the new water site will look like and what the cost of it will be?  
226   Mr. Hurd responded that we have a permit that shows the site plan which is available at the  
227   permitting office and the project is out to bid so we don't know what the exact cost will be yet.  
228   However, we will know that soon as we want to do this project this year.

229   Nancy White: When will the Senior Center open? Mr. Hurd stated that will be soon. We have  
230   guidance requirements from the Governor and we need to be sure the spacing is within those  
231   requirements.

232   Nancy White: What will the cost be to the Town this year for the two ball fields on the old SVC  
233   property? Mr. Hurd answered that the cost of mowing and maintenance - including a part time  
234   employee and porta potties - will be ~\$15,000. For this we get the use of the fields and the  
235   ability to lease them out. We do expect some income from this but probably not enough to  
236   completely cover the cost.

237   Kelly Carroll: Invited everyone to the Pathway Walk on April 17, 2021 at 10:00am starting at  
238   Depot Street. Who would be the point person to discuss a plaque for Emily Hamann and ADA  
239   benches along the Pathway? Mr. Hurd answered that the Town will be planting a tree in Emily's  
240   memory and that he has been working with Sierra to have a 5"x10" plaque designed with a  
241   photo, her name, "In living memory", and her birth and death dates. The Town will also look at  
242   the benches in the near future.

243           *Ms. Conner, Ms. Perrin, and Mr. Haley will be meeting to re-evaluate how we look at*  
244 *Public Comment and to make the process better for everyone. The hope is to bring some ideas*  
245 *back to the Board in a month.*

246   **6. COMMUNITY POLICING, POLICY PROCEDURES REVIEW**

247           Ms. Conner reported:

- 248       ❖ The policies and procedures have been posted on the website and the link will be
- 249       available to the public for comment on April 19, 2021 at 8:00am.
- 250       ❖ Due to the confusion between Policy and Procedure, Mr. Lee-Clark will make it clearer
- 251       to the public on the Traffic Enforcement policy as to what they will be commenting on.
- 252       Therefore, this policy will not be available for comment in the first group as originally
- 253       expected.



Ms. Jenkins reported:

- ❖ The ACLU held a press conference last week announcing a complaint to the Human Rights Commission on the Interim Protocol we had established for the review of a complaint nearly a year ago. The Community Policy Group has asked the Town Manager to have our Town Counsel re-exam the Interim Protocol to be sure that we are protecting the privacy of complainants as thoroughly as we can while maintaining a level of transparency that we feel is comfortable to the community.

## 7. VCDP GRANT RESOLUTIONS

*Bruce Lee-Clark moved and Jim Carroll seconded to approve the Resolutions to accept and agree to the terms and conditions of the Grant Agreements for the Community Development Block Grants with CARES Act Funding (CDBG-CV) for the following:*

*\$20,000 Sunrise Family Resource Center*

*\$30,000 Berkshire Family YMCA*

*\$49,478 UCS Head Start Program*

*The motion carried with Gary Corey abstaining.*

## 8. RESOLUTION-ELECTRONIC PAYMENT OPTIONS

Dan Monks explained that we currently accept credit cards over the phone or online to pay property taxes, water and sewer bills. We want to be able to accept credit cards in the office and add the ability to pay parking tickets, town clerk fees, building and zoning permits, etc. with credit cards. There is a flat fee of \$4.95 per utility bill and a percentage cost of 2.65% for property tax bills paid by the customers. The public is made aware of the fees currently when done by phone so they will be made aware in the office, as well. There is no fee to the Town.

*Sarah Perrin moved and Bruce Lee-Clark seconded to approve the Resolution Authorizing the Use of Credit Cards for Payment of Any Type of Bill or Fee to the Town of Bennington. The motion carried unanimously.*

## 9. MANAGER'S REPORT

Mr. Hurd reported as follows:

Conflict of Interest Statement - Each Board member is required to sign the Conflict of Interest Policy and the Code of Conduct imbedded in the Purchasing Policy annually.

Black Lives Matter Mural - The Black Lives Matter Mural was defaced by what appears to be 3 young adults or juveniles. The mural was quickly cleaned by a group of citizens and our security cameras were able to record the event. The investigation continues.

Town Offices Reopening - Staff will be meeting toward the end of the month to determine if the building can reopen for public use and what requirements will need to be in place. We will announce our decision by May 1, 2021.

Mr. Hurd announced:

- ✓ There is an Emergency Health Warrant for 915 County Street. The owner of the property is deceased. Trash and rat infestations are evident and the Town will be cleaning up the property. Any agent of the owner has the right to appeal to the Select Board as the Board of Health. The Notice has been posted for no later than April 14, 2021.
- ✓ Green Up Day is May 1, 2021 and we will find out where bags can be picked up for that.

#### 10. UPCOMING AGENDA

April 26, 2021 - Land Use and Development Regulations Hearing

April 26, 2021 - Ground Water Reclassification

April 26, 2021 - Community Policing Update - Two Policies for 1<sup>st</sup> Reading

April 26, 2021 - Board and Commissions Seats Process

April 26, 2021 - YMCA to Discuss Membership Rates

April 26, 2021 - Loan Application - Water System

#### 11. OTHER BUSINESS

No comments.

#### 12. EXECUTIVE SESSION

##### A. LITIGATION

##### B. PERSONNEL

*At 9:20pm, Bruce Lee-Clark moved and Jeanne Conner seconded the adjournment of the meeting finding that an Executive Session be held on Litigation and Personnel as premature public knowledge would place a person involved in the subject matter at a substantial disadvantage. There will be no actions taken on these items when going back into Open Session. The motion carried unanimously.*

318 Respectfully submitted,

319 Nancy H. Lively

320 Secretary

321



# TOWN OF BENNINGTON

## 2021 LIQUOR LICENSE RENEWAL APPLICATIONS

### 2021 Outside Consumption Renewal

1. Farm Road Brewing

### 2021 1<sup>st</sup> Class Renewals

1. Avocado Pit
2. Bennington Lanes
3. Catamount Glass & Tap Room (& Outside Consumption)
4. Pizza Hut site 611
5. Ramuntos Pizza (& Outside Consumption)

### 2021 2<sup>nd</sup> Class Renewals

1. Buck Stop Mini Mart
2. Catamount Glass

### 2021 3<sup>rd</sup> Class Renewals

1. Catamount Glass & Tap Room
2. Ramuntos Pizza

The Bennington Select Board hereby approves the above  
2021 Liquor License Renewal Applications

Dated: April 26, 2021

\_\_\_\_\_  
Jim Carroll

\_\_\_\_\_  
Jeannette Jenkins, Chair

\_\_\_\_\_  
Jeanne Conner, Vice Chair

\_\_\_\_\_  
Bruce Lee-Clark

\_\_\_\_\_  
Gary Corey

\_\_\_\_\_  
Sarah B. Perrin

\_\_\_\_\_  
Tom Haley

cc: Town Clerks Office



Hearing:  
April 26, 2021

## TOWN OF BENNINGTON

### MEMORANDUM

To: Bennington Select Board  
Stuart A. Hurd, Town Manager

From: Daniel W. Monks, Assistant Town Manager

Date: March 2, 2021

Re: Proposed Amendment to Land Use and Development Regulations (Zoning Bylaws) – Form-Based Design Standards



With this Memorandum, the Planning Commission is submitting for adoption proposed revisions to the Land Use and Development Regulations that incorporate Form-Based Design Standards for the areas in and around Downtown Bennington. The proposed revisions as approved by the Planning Commission on February 25, 2021 are attached.

In general, the actions required of the Select Board if they wish to adopt the proposed revisions to the Land Use and Development Regulations are as follows:

1. Adopt resolution to schedule Public Hearing for proposed revisions. (Public Hearings must be held within 120 days after proposed regulations are submitted to Select Board by Planning Commission).
2. Hold Public Hearing.
3. Approve resolution adopting proposed revisions.

A suggested timetable for the Select Board's Bylaw adoption process is attached.

Please contact me if you have any questions.

#### Attachments

- Suggested Timeline for Select Board adoption process
- Proposed Revisions to Land Use and Development Regulations
- Report of Planning Commission
- Zoning Maps

# **TOWN OF BENNINGTON PROPOSED REVISIONS TO LUDR**

## **SELECT BOARD PROPOSED ADOPTION SCHEDULE & PUBLIC HEARING TIME LINE**

Select Board resolution for Public Hearing	03/08/2021
Send Legal Notice to newspaper for publication	21 days prior to public hearing
Public Hearing warning published in newspaper	15 days prior to public hearing
Post Public Hearing notice	15 days prior to public hearing
Select Board holds Public hearing	04/26/2021 or later
Select Board approves Resolution to adopt	After Public Hearing
Regulations become effective	21 days after adoption



**Town of Bennington Planning Commission**  
**Proposed Amendments to Land Use & Development Regulations**  
**January 2021**

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**Article 3 Tables in the LUDR**

DELETE the following existing tables in Article 3 of the Land Use and Development Regulations (LUDR):

Table 3.1	Central Business (CB) District
Table 3.2	Office & Apartment (OA) District
Table 3.3	Village Commercial (VC) District
Table 3.4	Urban Mixed Use (UMU) District
Table 3.5	Village Industrial (VI) District

ADD the following new attached tables to Article 3 of the LUDR:

Table 3.1	Town Center Districts – Land Use Permissions
Table 3.2	Town Center Districts – Additional Use Standards
Table 3.3	Town Center Districts – Use Categories
Table 3.4	Downtown Form-Based-Design (DD) Area
Table 3.5	Mixed Use Form-Based-Design (MD) Area
Table 3.6	Residential Form-Based-Design (RD) Area

RE-NAME existing Table 3.11 in Article 3 of the LUDR as follows:

Table 3.11	Mixed Residential #2 (MR-2) District
------------	--------------------------------------

RE-NUMBER tables in Article 3 of the LUDR as shown in the revised attached Table of Contents.

**Zoning Maps in the LUDR**

DELETE existing Maps 1-6

ADD the following attached Zoning Maps:

Entire Town  
Town Center Zoning Districts  
Town Center Form-Based-Design Areas

RE-NUMBER Zoning Maps as follows:

- Map 1 Entire Town
- Map 2 Historic Bennington Design Review District
- Map 3 Planned Commercial Design Review District
- Map 4 Airport Approach Zone
- Map 5 Town Center Zoning Districts
- Map 6 Town Center Form-Based-Design Areas

#### **Definitions in the LUDR**

ADD or MODIFY/AMEND the following Definitions in Article 2 of the LUDR as shown on the attached "Updated Definitions":

Accessory Apartment  
Accessory Dwelling Unit  
Civic Center  
Minimum Lot Frontage  
Neighborhood Market  
Substantial Completion

#### **Other Sections of the LUDR**

MODIFY/AMEND the following Sections of the LUDR as shown on the attached documents:

- Section 3.1 Establishment of Zoning Districts
- Section 3.2 Official Zoning Map
- Section 3.5 District Objectives, Uses and Standards
- Section 5.2 Accessory Apartment (Accessory Dwelling Units, ADUs)

# BENNINGTON LAND USE & DEVELOPMENT REGULATIONS

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### Article 2. Definitions

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### Article 3. Establishment of Zoning Districts & District Standards

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## Appendix

Planned Commercial District Design Standards

### Zoning Maps

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## Updated Definitions in Article 2 of LUDR

**Accessory Apartment (Also known as Accessory Dwelling Unit, ADU):** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family dwelling, which is retained in common ownership, is located within or **appurtenant** to the single family dwelling, and which otherwise meets applicable criteria of these regulations (see Section 5.2). This definition is limited to the definition of accessory apartments (dwelling units) as specified in the Act, except as specifically modified under Section 5.2. See also Dwelling, Two-Family.

**Accessory Dwelling Unit (ADU):** See Accessory Apartment.

**Civic Center:** a **publicly- or privately-owned and operated** facility with space and/or grounds for and with the primary purpose of hosting conferences, exhibitions, festivals, performances and sporting events. Civic Centers do not include theaters which are facilities designed primarily for performances only, or indoor recreational facilities which are smaller in scale and are primarily designed for single use commercial amusement.

**Minimum Lot Frontage:** The minimum percentage of the lot width along the sidewalk that must be occupied with buildings.

**Neighborhood Market:** A retail establishment for the sale of food (including prepared foods and deli items) and convenience items, with a total floor area of no more than 3,000 square feet. The sale of gasoline and liquor is specifically prohibited, and the sale of tobacco products and/or alcoholic beverages shall not, in combination, comprise greater than 15% of the available floor space or 15% of the stock in trade. See also Gas Station, Retail Establishment.

**Substantial Expansion:** Development that expands an existing structure such that more than 1,000 square feet of new floor space and/or 2,000 square feet of site disturbance are created.



## ARTICLE 3. ESTABLISHMENT OF ZONING DISTRICTS & DISTRICT STANDARDS

### Section 3.1 Establishment of Zoning Districts

(A) For the purposes of these regulations, the Town Bennington, not including the Village of North Bennington or the Village of Old Bennington, is divided into the following zoning districts, as described in the accompanying tables (Tables 3.1 - 3.22) and depicted on the official zoning map, to be designated by the abbreviations set forth below:

#### **Town Center Districts and Form-Based-Design Areas:**

<b>Downtown District</b> (formerly Central Business District)	(D) (formerly CB)
<b>Mixed Use District #1</b> (formerly Office & Apartment District)	(MU-1) (formerly OA)
<b>Mixed Use District #2</b>	(MU-2) (formerly UMU, VI, VC)
(formerly Urban Mixed Use, Village Industrial, Village Commercial Districts)	
<b>Village Residential District</b>	(VR)
<b>Mixed Residential District #1</b> (formerly Mixed Residential)	(MR-1) (formerly MR)
<b>Downtown Form-Based-Design Area</b>	(DD)
<b>Mixed Use Form-Based-Design Area</b>	(MD)
<b>Residential Form-Based-Design Area</b>	(RD)

#### **Commercial, Industrial & Institutional Districts:**

Institutional & Professional District	(IP)
Planned Commercial District	(PC)
Industrial District	(I)
Planned Airport District	(PA)

#### **Residential Districts:**

<b>Mixed Residential District #2</b>	(MR-2) (formerly MR)
Rural Residential District	(RR)

#### **Open Land & Resource Conservation Districts:**

Rural Conservation District	(RCON)
Agricultural District	(A)
Forest District	(F)
Public Open Space District	(POS)

#### **Overlay Districts:**

Flood Hazard Overlay District	(FHO)
Airport Approach Overlay District	(AAO)
Historic Bennington Design Review District	(HDR)
Scenic Overlay District (Deleted)	(SO)
Route 7A Corridor Overlay District	(CO)
Fluvial Erosion Hazard Area Overlay District	(FEH)

NOTE: The Village of North Bennington and the Village of Old Bennington each has established its own zoning which will continue under the administrative control of each village.

## Article 3. Establishment of Zoning Districts & District Standards

### **Section 3.2 Official Zoning Map**

(A) The location and boundaries of said zoning districts, **form-based-design areas, and overlays** are established as shown on the official "Town of Bennington Official Zoning Map," and the National Flood Insurance Program maps for the Town of Bennington, which are hereby adopted by reference as part of these regulations. The official zoning map and overlay shall be located in the Town Clerk's office and shall be the final authority as to the current zoning status of land and waters in the town and village.

(B) The official zoning map, **including form-based-design areas** and overlays, shall be identified by the signature of the Chair of the Legislative Body, as attested to by the Town Clerk.

(C) No changes of any nature shall be made on the official map or overlays except in conformance with zoning amendment procedures and requirements set forth in the Act.

### **Section 3.3 Interpretation of Zoning District Boundaries**

(A) Where uncertainty exists as to the location of a district boundary shown on the official zoning map and/or overlay, the following rules shall apply:

- (1) Boundaries indicated as approximately following property boundaries or platted lot lines shall be construed to follow such lot lines.
- (2) Boundaries indicated as approximately following the center lines of streams or rivers shall be construed to follow such center lines; where opposite sides of a lake, pond, swamp or water body lie in different districts, the boundary shall be deemed to be the center thereof.
- (3) Boundaries indicated as approximately following the center lines of road, transportation and utility rights-of-way shall be construed to follow such center lines.
- (4) Boundaries indicated as following elevation contours shall be construed to follow such contours.
- (5) Boundaries indicated as parallel to or extensions of features under subsections (1)-(4) shall be so construed. Boundaries indicated as lines perpendicular to lines or features described in subsections (1)-(4) shall be construed to proceed at right angles from such lines or features. Distances not specifically indicated shall be determined by the scale of the map.
- (6) Where available (i.e., in Zones 1- A30, AE and AH) the base flood elevations and floodway limits provided by the National Flood Insurance Program (NFIP) in the Flood Insurance Study and accompanying maps shall be used to administer and enforce the flood hazard area overlay district provisions of this bylaw. In areas where base flood elevations and floodway limits have not been provided by the NFIP (i.e., Zone A), base flood elevations and floodway information available from state or federal agencies or other sources shall be obtained and reasonably used to administer and enforce flood hazard area overlay provisions.
- (7) The abandonment or relocation of a right-of-way or roadway, or the change in a line or feature which references a district boundary line, after the effective date of these regulations, shall not affect the location of such boundary line, except as otherwise noted under Subsection (C).

(B) When the Administrative Officer cannot definitely determine the location of a district boundary by the scale or dimensions given on the official zoning map and associated overlays or by the above rules, the Planning Commission and/or the appropriate state official (e.g., flood hazard administrator) may be



### Article 3. Establishment of Zoning Districts & District Standards

consulted prior to making the final determination. A determination by the Administrative Officer regarding the location of a district boundary may be appealed to the Development Review Board under Section 10.5.

(C) In the case of lots lying in more than one district, the provisions of any district may be applied for a distance of not over thirty feet into any other adjacent district.

#### **Section 3.4 Application of District Standards**

(A) The standards for each district shall apply uniformly to each class of use and/or structure, unless otherwise specified in these regulations. All uses and structures must comply with all prescribed standards for the district in which they are located as set forth in Tables 3.1 - 3.19, and as defined in Article 2, unless otherwise permitted under Planned Residential Development (PRD) or Planned Unit Development (PUD) pursuant to Article 9. Non-conforming uses and non-complying structures shall be regulated in accordance with Section 4.9.

(B) Overlay district standards shall be applied concurrently with the standards for underlying districts. Where overlay districts impose more restrictive standards on the use of a structure or land, the standards of the overlay district shall apply.

(C) Prescribed uses for each district are classified as "allowed with the approval of the Administrative Officer," to be reviewed in accordance with Section 10.3, or "allowed with the approval of the Development Review Board" to be reviewed in accordance with Section Article 6. Accessory structures and uses, including parking areas serving another use, may be permitted by the Administrative Officer in accordance with Section 10.3 unless the use or structure is accessory to a use that requires Development Review Board approval in accordance with Article 6, in which case the accessory use or structure shall also be subject to Board approval under Article 6.

(D) Any use not permitted by these regulations, unless specifically exempted under Section 10.2, shall be deemed to be prohibited.

(E) Any list of prohibited uses and/or processes in any section of these regulations shall not be deemed to be an exhaustive list but is included for the purposes of clarity and emphasis, and to illustrate, by example, some of the uses frequently proposed that are deemed undesirable and incompatible and are thus prohibited.

#### **Section 3.5 District Objectives, Uses and Standards**

The following tables (3.1 - ~~3.22~~) set forth the stated purpose, allowable uses and specific standards for each zoning district.



**Table 3.1**  
**TOWN CENTER DISTRICTS -- LAND USE PERMISSIONS**

**NEW SECTION**

**(A) Purpose:** This section summarizes the use permissions for five land use districts in the town center. Additional standards and limitations for these districts are detailed in Table 3.2 A-E. Town Center districts are subject to design standards for three Form-Based-Design (FBD) areas per sections 3.4 - 3.6.

**(B) Summary Matrix:**

**Permissions:**  
**ZA** = Permitted with Zoning Administrator (ZA) administrative review, except for new structures or substantial expansion, which require Development Review Board (DRB) review. This rule does not apply to single and two-family dwellings, which only require ZA administrative review.  
**DRB** = Permitted with DRB review  
**N** = Not permitted  
**+** = Special use standards apply and are detailed in Tables 3.2 A-E

<b>Land Uses by District</b> For specific uses considered under the use categories listed below, see Table 3.3	<b>Downtown (D)</b>	<b>Mixed Use #1 (MU-1)</b>	<b>Mixed Use #2 (MU-2)</b>	<b>Mixed Residential #1 (MR-1)</b>	<b>Village Residential (VR)</b>
<b>Residential</b>					
Multifamily	ZA <sup>+</sup>	ZA	ZA	ZA	N
Single Family & Two Family	N	ZA	ZA	ZA	ZA
<b>Commercial</b>					
Food, Drink, & Entertainment	ZA	ZA <sup>+</sup>	ZA <sup>+</sup>	N	N
Gas Station/Motor Vehicle Services	N	N	ZA <sup>+</sup>	N	N
Lodging	ZA	ZA <sup>+</sup>	ZA <sup>+</sup>	ZA <sup>+</sup>	ZA <sup>+</sup>
Personal & Professional Services	ZA <sup>+</sup>	ZA <sup>+</sup>	ZA <sup>+</sup>	N	N
Residential Care Facilities	DRB <sup>+</sup>	DRB	DRB	DRB	N
Retail	ZA <sup>+</sup>	ZA <sup>+</sup>	ZA <sup>+</sup>	ZA <sup>+</sup>	N
Social Service & Correctional Residences	N	N	ZA <sup>+</sup>	N	N
<b>Public &amp; Institutional</b>					
Educational Facilities	ZA	ZA	DRB	ZA <sup>+</sup>	N
Government & Civic Services	ZA	DRB <sup>+</sup>	ZA <sup>+</sup>	N	N
Place of Worship	ZA	ZA	ZA	ZA	N
Public Parking & Transit Facilities	ZA	N	N	N	N
<b>Manufacturing</b>					
	ZA	DRB	DRB	N	N
<b>Form-Based Design (FBD) Areas:</b>	<b>Downtown</b>	<b>Mixed Use</b>		<b>Residential</b>	

**(C) Supplemental Standards that apply throughout the Town Center Districts and FBD Areas:**

- (1) **Mixed Uses:** Any permitted uses may be combined as mixed uses.
- (2) **Form-Based Standards:** Development must comply with corresponding FBD standards in Sections 3.4 through 3.6.
- (3) **Design Review:** Development in the Historic Central Bennington Design Review District shall be reviewed in accordance with the standards and procedures set forth in Table 3.19.
- (4) **Performance Standards:** All uses and structures must comply with Section 4.11 Performance Standards.
- (5) **Accessory Structures and Uses:** All accessory structures and/or uses are considered under primary use.
- (6) **Drive-Throughs:** Drive-throughs are not permitted except where noted.
- (7) **Electric Vehicle (EV) Charging Stations:** EV charging stations accessory to a permitted use are allowed.
- (8) **Green and Recreation Spaces:** Parks, pathways, and outdoor recreation facilities are permitted by right.
- (9) **Uses Not Addressed Above:** Any use not listed above is prohibited. For specific uses grouped under the use categories listed above, see Table 3.3. The ZA will make a determination as to whether a proposed use may be deemed a permitted use. The ZA's determination is appealable to the DRB.
- (10) **General Standards and Specific Use Standards:** All uses and development shall comply with other applicable standards of these regulations, including General Regulations under Article 4 and Specific Use Standards under Article 5.



**Table 3.2**  
**TOWN CENTER DISTRICTS – SPECIAL USE STANDARDS**

**NEW SECTION**

**(A) Purpose:** This section provides additional use standards and limitations for the town center districts. Use categories not listed below do not have detailed land use standards. To see a full list of the specific uses grouped under the use categories listed below, see Table 3.3.

**(B) Downtown:**

Use	Special Use Requirements for the Downtown District
<b>Residential</b>	
Multifamily	Ground-floor dwelling units are not permitted to front on the following streets: South, North, West Main, and East Main. Ground-floor dwelling units in rear must be set back at least 25' from the front façade.
<b>Commercial</b>	
Personal & Professional Services	Excludes kennels. Drive-through facilities are permitted at banks. Retail self-storage shall not front on the following streets: South, North, West Main, and East Main. Retail self-storage spaces in rear must be set back at least 25' from the front, ground-floor façade.
Residential Care Facilities	More than half of first floor shall be reserved for other permitted uses.
Retail	All retail uses permitted. Drive-through facilities are permitted at pharmacies for the purpose of collecting products prescribed by a medical professional. Warehouses shall not front on the following streets: South, North, West Main, and East Main. Warehouse spaces in rear must be set back at least 25' from the front, ground-floor façade.

**(C) Mixed Use #1:**

Use	Special Use Requirements for the Mixed Use #1 District
<b>Commercial</b>	
Food, Drink, & Entertainment	Permitted uses limited to restaurant and bars. Locations restricted to lots fronting on Main St.
Lodging	Hotels/motels are restricted to lots fronting on Main Street.
Personal & Professional Services	Permitted uses limited to medical clinic, office (professional, business), personal business establishment, and research & development facility.
Retail	Permitted uses limited to neighborhood market.
<b>Public &amp; Institutional</b>	
Government & Civic Services	Excludes municipal and state offices. Public facilities are limited to facilities that are open and accessible to the general public. Locations limited to lots fronting on Main Street and/or South Street. Civic centers are allowed on lots fronting on Main Street only.

**Table 3.2 (continued)**  
**TOWN CENTER DISTRICTS – SPECIAL USE STANDARDS**

**NEW SECTION**

**(D) Mixed Use #2:**

Use	Special Use Requirements for Mixed Use #2 District
<b>Commercial</b>	
Food, Drink, & Entertainment	Restaurants and bars are not permitted in buildings fronting on Gage Street, Pratt Street, or Division Street.
Gas Stations and Motor Vehicle Services	Permitted on lots fronting on North Street and Main Street only. Any new gas/service station must be at least 900 feet away from the nearest gas/service station, as measured from the property boundaries. Canopies are not permitted.
Lodging	Hotels are not permitted in buildings fronting on Gage Street, Pratt Street, or Division Street.
Personal & Professional Services	Excludes hospitals and kennels. Drive-through facilities are permitted at banks in buildings fronting on North Street and Main Street.
Retail	Permitted on lots fronting on Main Street and North Street and in historic structures elsewhere in the Mixed Use District. All retail uses are limited to 10,000 square feet of floor area per store. Drive-through facilities are permitted at pharmacies for the purpose of collecting products prescribed by a medical professional.
Social Services & Correctional Residences	Excludes correctional home/furlough house and secure care facility. Shelter home/temporary shelters are permitted on lots fronting on Benmont Avenue, North Street, and East Main Street only.
<b>Public &amp; Institutional</b>	
Government and Civic Services	Permitted uses limited to civic centers, with locations restricted to lots fronting on Benmont Avenue.

**(E) Mixed Residential #1**

Use	Special Use Requirements for Mixed Residential District #1
<b>Commercial</b>	
Lodging	Permitted uses limited to bed and breakfasts.
Retail	Permitted uses limited to neighborhood market.
<b>Public &amp; Institutional</b>	
Educational Facilities	Permitted uses limited to day care facility and educational facility/school.

**(F) Village Residential**

Use	Special Use Requirements for Village Residential District
<b>Commercial</b>	
Lodging	Permitted uses limited to bed and breakfasts.



**Table 3.3**  
**TOWN CENTER DISTRICTS – USE CATEGORIES**

**NEW SECTION**

**(A) Purpose:** This table identifies the specific uses that are consolidated under the four regulated Town Center Land Use Categories: Residential, Commercial, Public & Institutional, and Manufacturing. Article 2, Definitions, provides full descriptions of the uses in each category. Any use not listed is prohibited. The ZA will make a determination as to whether a proposed use may be deemed a permitted use. The ZA's determination is appealable to the DRB.

**(B) Town Center Use Categories:**

Land Use Category	Included Uses
<b>Residential</b>	
Multifamily	Shall be Dwelling, Multi-Family
Single Family & Two Family	Shall be Dwelling, Single (One) Family and Dwelling, Two Family
<b>Commercial</b>	
Food, Drink & Entertainment	Shall be Recreation Indoor, Restaurant/Bar, Night Club, Private Club, Theater
Gas Station/Motor Vehicle Services	Shall be Car Wash, Gas Station/Service Station, Motor Vehicle Sales, and Motor Vehicle Service, Taxi Garage, Trucking/Shipping Terminal
Lodging	Shall be Bed & Breakfast, Hotel/Motel
Personal & Professional Services	Shall be Bank, Dry Cleaner, Funeral Home, Hospital, Kennel, Medical Clinic, Office (Professional, Business), Personal Service Establishment, Research & Development Facility, Retail Self-Storage, Veterinary Clinic
Residential Care Facilities	Shall be Assisted Living Residence, Community Care Facility, Elderly Housing
Retail	Shall be Artist Studio/Gallery, Gift/Craft Shop, Neighborhood Market, Retail Establishment, Retail Large-Scale, Warehouse
Social Service and Correctional Residences	Shall be Correctional Home/Furlough House, Secure Care Facility, Shelter Home/Temporary Shelter
<b>Public &amp; Institutional</b>	
Educational Facilities	Shall be College/University, Cultural Facility, Day Care Facility, Educational Facility/School
Government & Civic Services	Shall be Civic Center, Community Center, Post Office, Public Facility
Place of Worship	Shall be Place of Worship
Public Parking & Transit Facilities	Shall be Public Parking Facility, Transit Facility
<b>Manufacturing</b>	
Manufacturing	Shall be Light Manufacturing, Manufacturing



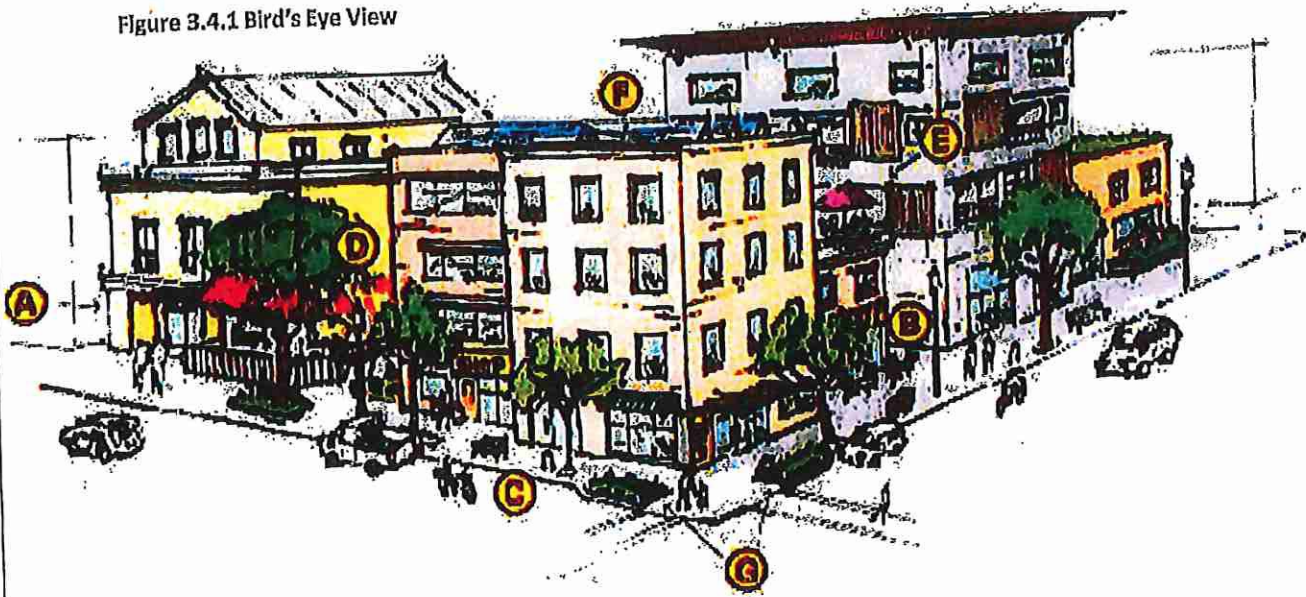
**Table 3.4**  
**DOWNTOWN FORM-BASED-DESIGN AREA (DD)**

**NEW SECTION**

**(A) Purpose:** The purpose of the Downtown Form-Based-Design Area (DD) is to reinforce the dense, vibrant, and walkable development pattern of the mixed-use commercial center. This Downtown design area is characterized by multi-story buildings with façades that include engaging street entrances and transparent windows to capture the eyes of passers-by; building frontages set close to the street with minimal or no interruptions between buildings; a wide public street realm welcoming to pedestrians, cyclists, and motor vehicles; an integrated network of sidewalks, alleys, and parking area access points that allow the public to move swiftly and safely throughout the downtown; parking available on-street, behind buildings, and in well-landscaped, shared public lots and structures; and an abundance of amenities such as sidewalks, shade trees, pocket parks, benches, and waste receptacles.

### Area Principles and Characteristics

**Figure 3.4.1 Bird's Eye View**



*Note: The representation above is intended to provide an overview of this form-based area and is illustrative only.*

#### **(B) Area Principles and Characteristics Include:**

##### **(1) High-density, pedestrian-oriented development**

- a. Multi-story, multi-use buildings
- b. Publicly-accessible ground floor uses that enhance street vitality, such as retail
- c. Connectivity throughout the town center for pedestrians by way of sidewalks and other pathways **(A)**

##### **(2) Varied building architecture and character**

- a. Diverse building types and materials, mixing traditional and modern design elements harmoniously
- b. Development in the Historic Central Bennington Design Review District shall be reviewed in accordance with standards and procedures in Table 3.19

##### **(3) Dynamic and engaging sidewalks and storefronts**

- a. Inviting building façades with pedestrian-scale adornments and architectural details. Sidewalk-facing entrances. Sidewalk activity enhanced by ground floor occupancies **(B)**
- b. Amenities for pedestrians and cyclists **(C)**
- c. Minimal number and width of curb cuts

##### **(4) Public-private collaboration for parks and green spaces**

- a. Vacant areas repurposed as public green spaces, such as pocket parks, and invigorated through art installations **(D)**
- b. Lush and diverse tree canopy lining all streets. Existing trees incorporated into new site development

##### **(5) Active rooftops and multi-story dynamism**

- a. Active uses of building rooftops **(E)**
- b. Environmental sustainability through accommodation of renewable energy and/or green roof elements **(E)**
- c. Balconies and awnings extend into the street ROW
- d. All utilities underground for new construction

##### **(6) Green stormwater management**

- a. Green Infrastructure for managing stormwater and reducing impervious surface. Installations may include rain gardens, bioswales and permeable paving **(G)**
- b. Areas of impervious surface shall be compact and are encouraged to follow Vermont Low Impact Development (LID) principles. Reference "Model LID/GSI Stormwater Management Bylaw" resource for more information.

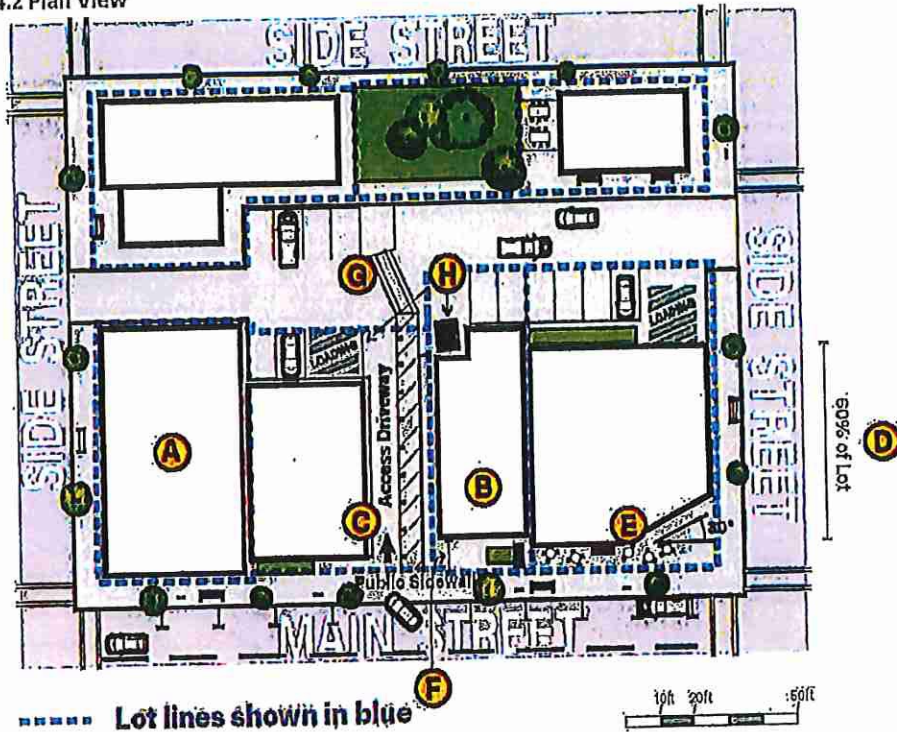


Table 3.4 (continued)  
DOWNTOWN FORM-BASED-DESIGN AREA (DD)

**NEW SECTION**

**Building and Parking Placement**

Figure 3.4.2 Plan View



**(C) Building and Parking Placement:**

<b>(1) Building Lots</b>	
a. Min. lot size	no min.
b. Maximum bldg. coverage	100% <b>(A)</b>
<b>(2) Building Frontage</b>	
a. Min. lot frontage – Main St.	100% <b>(B)</b>
Allowance may be made for alley/driveway access, subject to approval. <b>(C)</b>	
b. Min. lot frontage – All other streets.	60% <b>(D)</b>
c. Place as much of the building width at the front of the lot as possible to maximize front façade exposure to the public.	
d. The front façade, or any portion thereof, shall be no more than 30° off the parallel to the street. <b>(E)</b>	
<b>(3) Setbacks</b>	
a. Front setback	0' min. / 15' max. <b>(F)</b>
b. Side setback	0' min.
c. Rear setback	0' min.
<b>(4) Front Yards</b>	
a. Corner lots are considered to have two front yards and two side yards.	
b. Front yards shall consist of approved public spaces: landscaped areas, porches or plazas. <b>(E)</b>	
c. All landscaped areas must conform to Section 6.3.	

**(5) Parking**

a. Min. parking requirement	no min.
b. Main St. access driveway width	20' max. width
Access driveways allow one-way traffic only from Main St. All driveways must provide at least 5' for a pedestrian walkway.	
c. Main St. access drive separation	250' on center (o.c.) min.
d. Main St. pedestrian accessway separation	max. of 150' o.c.
Existing driveways without pedestrian safety amenities are not considered pedestrian accessways.	
e. Parking is restricted to the rear of buildings. Parking may be permitted to the side of buildings and along lot lines on side streets only. Parking areas may not front directly on Main St.	
f. Parking areas should be accessed by vehicle primarily from a side street or alley. When necessary, a vehicular access drive from the front lot line may be permitted.	
g. Vehicle and pedestrian cross-access between parking areas must be provided. <b>(G)</b>	
h. All parking and loading areas must conform to Section 4.10, except for parking minimum requirements.	
i. Loading docks, service areas and trash facilities shall be located at the rear of buildings. Shared use of these areas is encouraged. <b>(H)</b>	
j. For bicycle parking, one rack per development or one rack per five vehicle parking spaces, whichever is greater, is required. These areas shall be covered or enclosed whenever possible and sited near the main building entrance.	

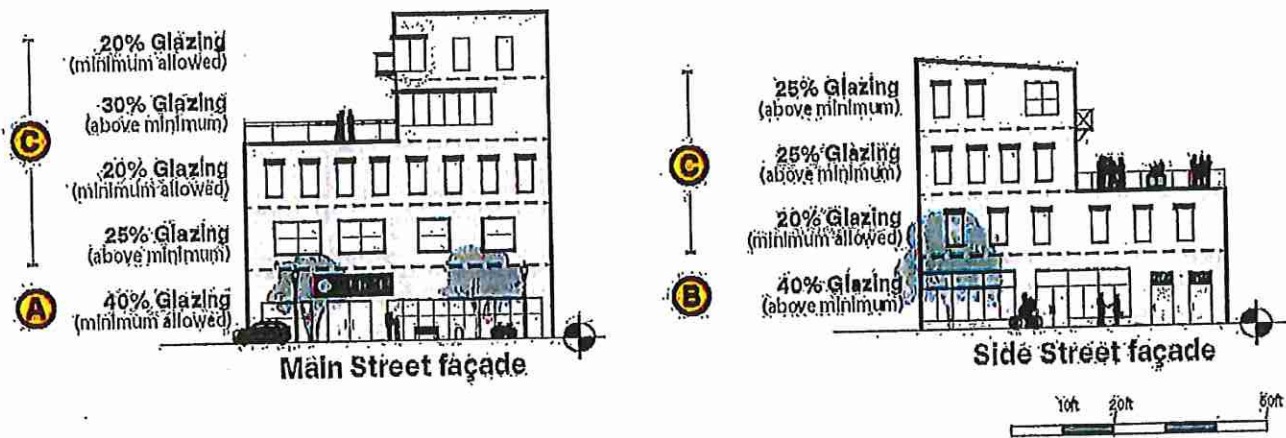




**Table 3.4 (continued)**  
**DOWNTOWN FORM-BASED-DESIGN AREA (DD)**

**Building Form (continued)**

**Figure 3.4.4 Façade View**



**(D) Building Form (continued):**

**(4) Building Entry.**

- Building entrance spacing max. of 100' apart
- Any occupancy with Main St. frontage must have its primary entrance on Main St. The primary entrance shall be clearly identifiable from the street.
- Ground floors may have individual entries along a side street in addition to a primary front street entrance.
- Upper floors shall be accessible by common entry from the street.

**(5) Glazing**

**Required façade coverage with transparent windows**

- Ground floor front 40% min. façade coverage **A**
- Ground floor side 20% min. façade coverage **B**
- Upper story front and side 20% min. façade coverage **C**

**(6) Miscellaneous**

- Upper stories must be designed and built to be functional, meaning they must be structurally capable of being occupied as commercial or residential space. Basements and attics shall not count as a story.



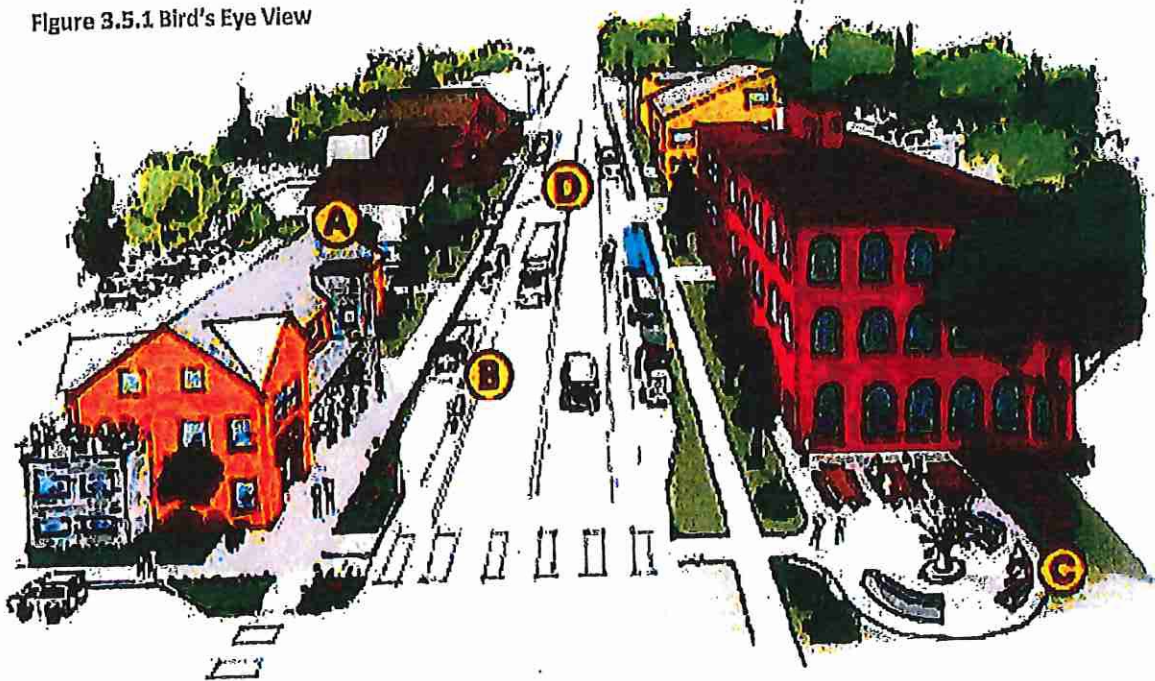
**Table 3.5**  
**MIXED USE FORM-BASED-DESIGN AREA (MD)**

**NEW SECTION**

(A) **Purpose:** The purpose of the Mixed Use Form-Based-Design Area (MD) is to provide a transitional zone between the high-density, commercial heart of the town center and surrounding residential neighborhoods. The Mixed Use design area encompasses the principal travel corridors entering the town center so the area's buildings, streets, and open spaces shall be designed to accommodate the flow of pedestrians, cyclists, public transit, and motor vehicles safely and efficiently. Small setbacks and large building coverages reinforce the existing settlement pattern featuring historical industrial buildings nestled among a diversity of developments ranging from single-family dwellings to multi-story, mixed-use buildings.

### Area Principles and Characteristics

**Figure 3.5.1 Bird's Eye View**



*Note: The representation above is intended to provide an overview of this form-based area and is illustrative only.*

#### (B) Area Principles and Characteristics Include:

- (1) **Medium- to high-density development**
  - a. Multi-story buildings that accommodate multiple uses predominate
  - b. Buildings are sited close to the street to frame the ROW and prioritize accessibility to pedestrian traffic (A)
- (2) **Complete Streets**
  - a. Pedestrians, cyclists, public transit, and motor vehicles flow harmoniously and efficiently through the main travel corridors of the town center (B)
  - b. Safety is promoted by minimal curb cuts, narrow travel lane widths, low permitted traffic speeds, and dedicated infrastructure for cyclists and pedestrians

#### (3) **Mixed uses and adaptive reuse**

- a. Existing buildings adapted to provide housing together with professional, manufacturing, and commercial uses
- b. New development takes advantage of infill opportunities
- c. Vacant lots developed or repurposed as public green spaces feature public art and other amenities (C)
- b. Development in the Historic Central Bennington Design Review District shall be reviewed in accordance with standards and procedures in Table 3.19

#### (4) **Gateway to downtown**

- a. As gateways to the downtown, primary travel corridors shall incorporate shade trees, sidewalks, and lamp posts into their design. Existing trees shall be incorporated into new site development (D)
- b. Site designs minimize impervious surfaces and incorporate green infrastructure to manage stormwater
- c. All utilities underground for new construction

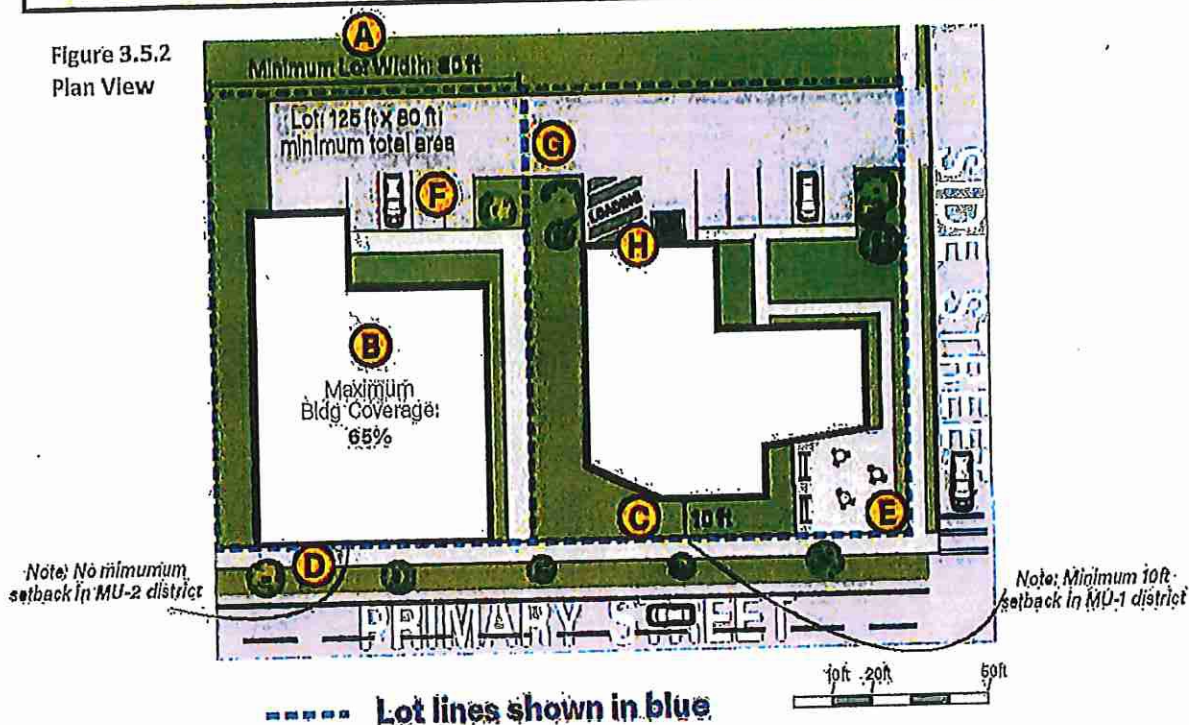


Table 3.5 (continued)  
MIXED USE FORM-BASED-DESIGN AREA (MD)

NEW SECTION

Building and Parking Placement

Figure 3.5.2  
Plan View



(C) Building and Parking Placement:

(1) Building Lots		
a. Min. lot size	10,000 sq. ft.	A
b. Min. lot width	80'	A
c. Maximum bldg. coverage	65%	B

(2) Building Frontage		
a. Place as much of the building width at the front of the lot as possible to maximize front façade exposure to the public.		

(3) Setbacks		
a. Front setback-- MU-1	10' min. / 25' max.	C
	MU-2	0' min. / 25' max. D
b. Side setback	10' min.	
c. Rear setback	10' min.	

(4) Front Yards		
a. Corner lots are considered to have two front yards and two side yards.		
b. Front yards shall consist of approved public or private spaces: landscaped areas, porches, or plazas. Outdoor storage, parking and loading areas shall not be located in front yards. E		
c. All landscaped areas must conform to Section 6.3.		

(5) Parking		
a. Min. parking requirement	no min.	
Residences require one space per dwelling unit.		
b. Parking is restricted to the rear yards and side yards of buildings. All parking, loading, and service areas shall be screened from public roads. F		
c. Vehicle and pedestrian cross-access between parking areas must be provided for adjacent commercial uses. G		

(5) Parking (continued)

d. All parking and loading areas must conform to Section 4.10, except for parking minimum requirements.
e. Loading docks, service areas and trash facilities shall be located at the rear of buildings. Shared use of these areas is encouraged. H
f. Driveways and their intersections with streets shall be located and designed in accordance with Section 4.3.
g. Garages shall not face the street unless they are set back at least 2 ft. from the front line of the primary building. Garages may be flush with the front line of the primary building when either (a) a front porch exists, or (b) the garage is a drive-under garage.
h. For bicycle parking, one rack per development or one rack per five vehicle parking spaces, whichever is greater, is required. These areas shall be covered or enclosed whenever possible and sited near the main building entrance.

(6) Miscellaneous

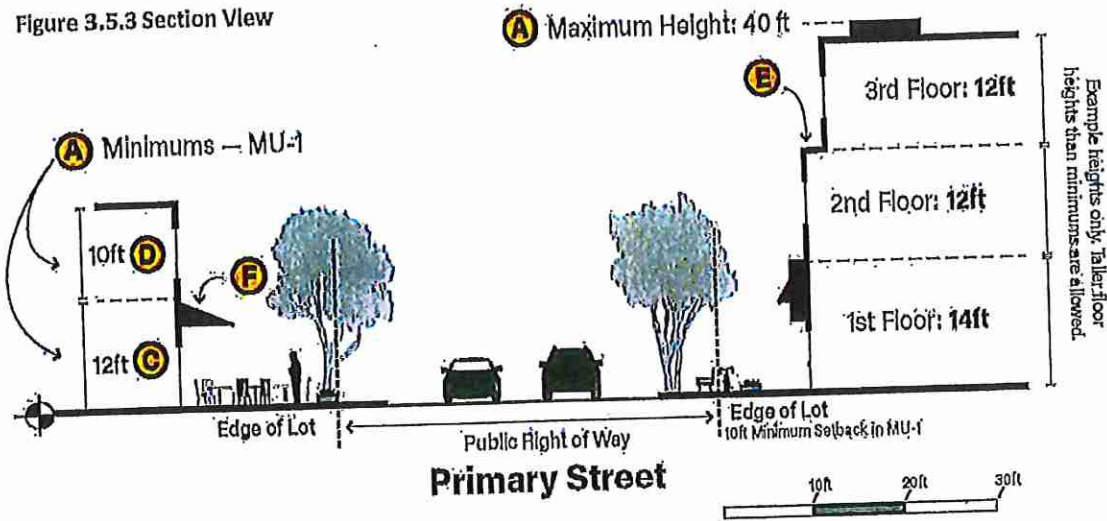
a. Gas stations and motor vehicle service providers must conform to Section 5.10.
b. No gas station shall be constructed within 900' of another gas station, as measured from the nearest property boundaries. Gas station canopies shall be consistent with the station architecture design. Pumps shall be placed near the rear of the lot, and the convenience store shall be placed in front near the front lot line.
c. All uses other than dwellings shall provide a year-round screen adjacent to residential uses in accordance with screening requirements in Section 6.3(B)(7)(l through k).

Table 3.5 (continued)  
MIXED USE FORM-BASED-DESIGN AREA (MD)

**NEW SECTION**

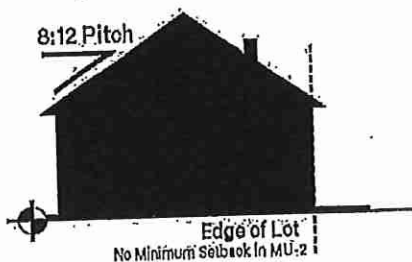
**Building Form**

Figure 3.5.3 Section View



**(B) Minimum — MU-2**

**Mixed Use #2 District**



Single-story buildings are permitted in the MU-2 District only. Single-story buildings must meet minimum roof pitch standard.

**(D) Building Form:**

**(1) Height:**

a. Principal buildings MU-1: 2 functional stories min./40' max.  
MU-2: 1 story min. / 40' max. **(A)**

b. In the MU-2, one story buildings shall be designed with a min. roof pitch of 8' over 12', excluding roofs covering open porches, entry ways and accessory structures less than 500 sq. ft. **(B)**

For uses other than single- and two-family dwellings:

c. Ground floor height 12' min. **(C)**

d. Upper floor height 10' min. **(D)**

e. First two stories shall be on the same vertical plane. **(E)**

**(2) Encroachments:**

a. Balconies and awnings shall comply with Downtown form-based-design standards. See Section 3.4(D)2. **(F)**

b. Signs must comply with the municipal sign ordinance.

**(3) Public Realm Compliance**

For new development or substantial expansion of existing site/structure, developers may be required to install improvements in the ROW in accordance with the following municipal standards:

a. Sidewalks shall be provided in the ROW along all streets

b. Street trees shall be planted at an average spacing of 25' to 30' on center.

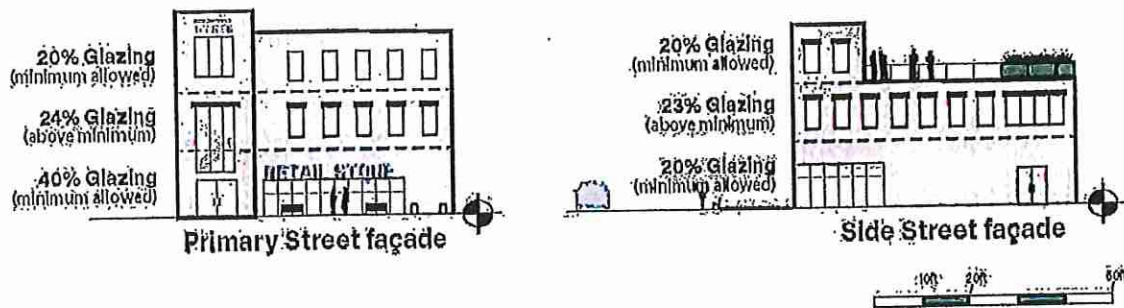
c. Street furniture shall include (a) a bench for every 100' of frontage, (b) at least one bike rack (Inverted U or post and ring style) per development, and (c) trash receptacles.



**Table 3.5 (continued)**  
**MIXED USE FORM-BASED-DESIGN AREA (MD)**

**Building Form (continued)**

**Figure 3.5.4 Façade View**



**(D) Building Form (continued):**

**(4) Building Entry**

- a. Building entrance spacing max. of 100' apart
- b. Buildings shall front toward and relate to streets, both functionally and visually, and not oriented toward parking lots.
- c. The primary building entry must be placed at the front of the building facing the front lot line and be clearly identifiable from the street. Buildings located on corner lots shall be oriented toward the primary street or include a corner entrance.
- d. A pedestrian walkway shall connect the primary building entry to the sidewalk.
- e. Ground floor units may have individual entries along a side street in addition to the primary front street entrance.
- f. Upper floor units should be accessible by common entry from the street.

**(5) Glazing**

**Required façade coverage with transparent windows**

- a. Ground floor front 20% min. façade coverage
- b. Ground floor side 20% min. façade coverage
- c. Upper story front and side 20% min. façade coverage

**(6) Miscellaneous**

- a. Upper stories must be designed and built to be functional, meaning they must be structurally capable of being occupied as commercial or residential space. Basements and attics shall not count as a story.



**Table 3.6**  
**RESIDENTIAL FORM-BASED-DESIGN AREA (RD)**

**(A) Purpose:** The purpose of the Residential Form-Based-Design Area (RD) is to accommodate residential and limited commercial infill development consistent with the historic, dense residential character of the area. The Residential design area consists of compact, walkable neighborhoods providing a wide variety of housing options, including accessory apartments and two-family dwellings throughout and multi-family dwellings in some areas, as well as complementary, small-scale commercial and limited institutional uses.

**Area Principles and Characteristics**

**Figure 3.6.1 Bird's Eye View**



*Note: The representation above is intended to provide an overview of this form-based area and is illustrative only.*

**(B) Area Principles and Characteristics Include:**

**(1) Compact, walkable development**

- a. Mix of building heights. Small-to-mid-scale lot sizes
- b. Larger setbacks and lower lot bldg. coverages distinguish neighborhoods from other town center areas
- c. Connectivity throughout for pedestrians by way of sidewalks and other pathways **(A)**

**(2) Streets serve a variety of users**

- a. Pedestrians, cyclists, and on-street parking safely accommodated **(B)**
- b. Public ROW used to provide sidewalks, tree plantings, and, where appropriate, pedestrian-scale street lamps

**(3) Abundance of landscaped green spaces and trees**

- a. Lush and diverse tree canopy lining all streets. Existing trees incorporated into new site development
- b. Mix of private and public green recreation areas

**(4) Porches, stoops, and pedestrian paths**

- a. Buildings feature pedestrian-oriented elements such as porches and pathways to link private and public realms **(A)**
- b. Motor vehicle amenities are de-emphasized through bldg. and site design. Garages are not a prominent feature of bldg. façades. Driveway dimensions and curb cuts are minimal

**(5) Additional housing provided through infill development**

- a. Two-family and multi-family dwellings are built to fit with existing dimensions and densities of the neighborhood **(C)**
- b. Accessory apartments are located in attached and detached dwelling units (See Section 5.2 Accessory Apts.)

**(6) Sustainable design elements**

- a. Renewable energy systems are encouraged
- b. Green Infrastructure, such as rain gardens, manage stormwater and reduce impervious surface
- c. All utilities underground for new construction

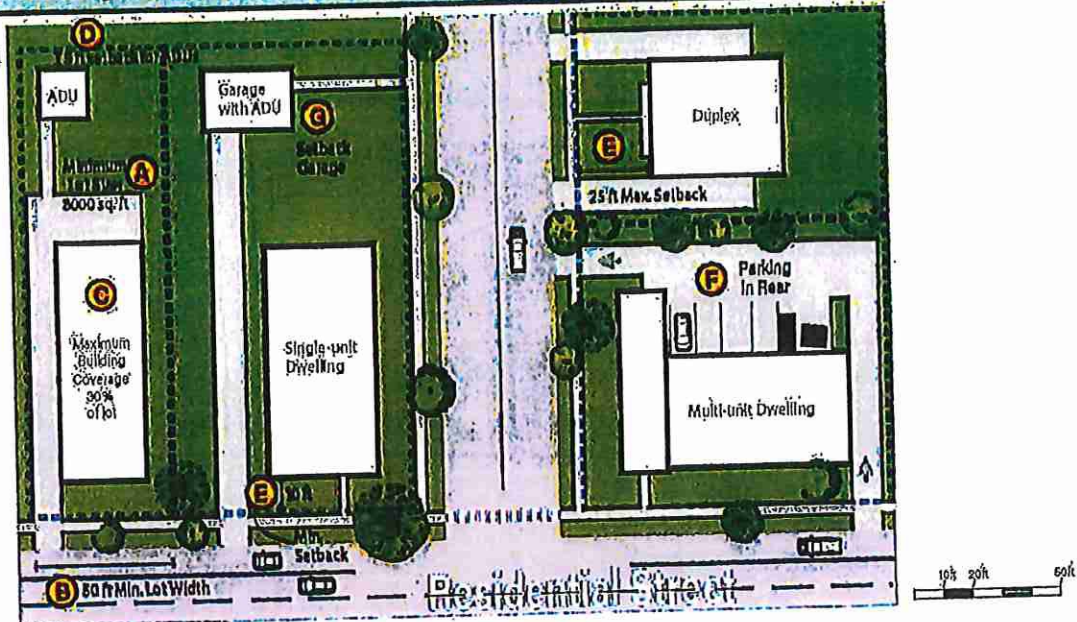


Table 3.6 (continued)  
RESIDENTIAL FORM-BASED-DESIGN AREA (RD)

**NEW SECTION**

**Building and Parking Placement**

Figure 3.6.2  
Plan View



**(C) Building and Parking Placement:**

**(1) Building Lots**

- a. Min. lot size 8,000 sq.ft. **(A)**
- b. Min. lot width 50' **(B)**
- c. Maximum bldg. coverage 30% **(C)**
- d. Min. lot area per dwelling unit 6,000 sq.ft. (first unit) + 2,000 sq.ft. (addnl.) **(D)**

*Not applicable to accessory apartments (ADUs).*

- e. All primary dwellings shall have a footprint, excluding porches, decks, entry stairs, of not less than 20 feet in width and 20 feet in depth.

*Not applicable to accessory apartments (ADUs).*

**(2) Building Frontage**

*For uses other than single- and two-family dwellings.*

- a. Place as much of the building width at the front of the lot as possible to maximize front facade exposure to the public.

**(3) Setbacks**

- a. Front setback 10' min. / 25' max. **(E)**
- b. Side setback 10' min.
- c. Rear setback 10' min.

*For accessory structures totaling less than 100 sq.ft. footprint, the min. side and rear setback is 5'. **(D)***

**(4) Front Yards**

- a. Corner lots are considered to have two front yards and two side yards.
- b. Front yards shall be used for landscaping and pedestrian paths and associated pedestrian amenities (e.g., street furniture, pedestrian scale lighting and signs). Outdoor storage, parking and loading areas shall not be located in front yards.
- c. For uses other than single- and two-family dwellings, all landscaped areas must conform to Section 6.3. **(F)**

**(5) Parking**

- a. All parking and service areas must conform to Section 4.10.
- b. Parking is restricted to the rear yards and side yards of buildings. All parking, loading, and service areas shall be screened from public roads.
- c. Vehicle and pedestrian cross-access between parking areas must be provided for adjacent commercial uses.
- d. Service areas and trash facilities shall be located at the rear of buildings. Shared use of these areas is encouraged.
- e. Driveways and their intersections with streets shall be located and designed in accordance with Section 4.3.
- f. Garages shall not face the street unless they are set back at least 2 ft. from the front line of the primary building. Garages may be flush with the front line of the primary building when either (a) a front porch exists, or (b) the garage is a drive-under garage. **(G)**
- g. For bicycle parking, one rack per development or one rack per five vehicle parking spaces, whichever is greater, is required for multi-family structures. These areas shall be covered or enclosed whenever possible and sited near the main building entrance.

**(6) Miscellaneous**

- a. All uses other than dwellings shall provide a year-round screen adjacent to residential uses in accordance with screening requirements in Section 6.3(B)(1 through k).
- b. Multi-Family structures shall orient toward the street and may additionally orient toward internal parking lots and/or courtyards.
- c. All new structures that require access to water and wastewater systems must connect to public water and sewer system if within 500 ft. of closest property boundary.

Table 3.6 (continued)  
RESIDENTIAL FORM-BASED-DESIGN AREA (RD)

NEW SECTION

Building Form

Figure 3.6.3 Section View



(D) Building Form:

(1) Height:

- a. Principal buildings 35' max. (A)
- b. All dwellings shall have a minimum roof pitch of 5' over 12'. (B)
- c. For uses other than single- and two-family dwellings, one story buildings shall be designed with a min. roof pitch of 8' over 12', excluding roofs covering open porches, entry ways and accessory structures less than 500 sq. ft. (C)
- For uses other than single- and two-family dwellings:*
- d. Ground floor height 12' min. (D)
- e. Upper floor height 10' min. (E)

(2) Public Realm Compliance:

*For new development or substantial expansion of existing site/structure, developers may be required to install improvements in the ROW in accordance with the following municipal standards:*

- a. Sidewalks shall be provided in the ROW along all streets and on both sides of the street.
- b. Street trees shall be planted at an average spacing of 25' to 30' on center.



Table 3.6 (continued)  
RESIDENTIAL FORM-BASED-DESIGN AREA (RD)

**NEW SECTION**

**Building Form (continued)**

Figure 3.6.4 Façade View



**(D) Building Form (continued):**

**(3) Building Entry**

- a. Buildings shall front toward and relate to streets, both functionally and visually, and not be oriented toward parking lots.
- b. The primary building entry must be placed at the front of the building facing the front lot line and be clearly identifiable from the street. Buildings located on corner lots shall be oriented toward the primary street.
- c. One or more walkways or sidewalks, separate and distinct from driveways, shall be installed to provide direct pedestrian access from adjacent sidewalks to the building's primary entrance.

**(4) Glazing**

*For uses other than single- and two-family dwellings.*

**Required façade coverage with transparent windows:**

a. Ground floor front	20% min. façade coverage
b. Ground floor side	20% min. façade coverage
c. Upper story front and side	20% min. façade coverage

## ARTICLE 5. SPECIFIC USE STANDARDS

### Section 5.1 Applicability

The following standards shall apply to specified uses in all zoning districts in which such uses are allowed. Specified uses may also be subject to review by the Development Review Board in accordance with Article 6. If there is a conflict between a standard in this section and a standard in another section of these regulations, the more restrictive standard shall apply.

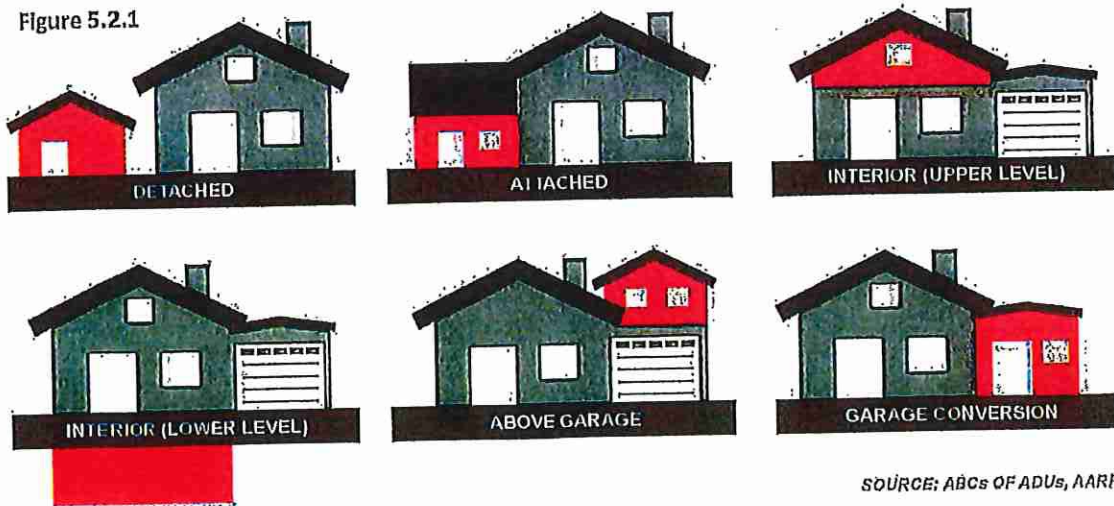
### Section 5.2 Accessory Apartment (Accessory Dwelling Units, ADUs)

(A) In accordance with the Act, one accessory apartment (also known as an accessory dwelling unit, ADU) within or appurtenant to a single family dwelling may be allowed in any district subject to review by the Administrative Officer and the following requirements:

- (1) the owner shall reside on the property in either the primary or accessory dwelling unit;
- (2) occupancy of the accessory apartment is restricted to not more than two persons,
- (3) the floor area of the accessory apartment shall not exceed 30% of the floor area of the total existing living area of the single family dwelling, or 900 square feet, whichever is greater;
- (4) one on-site parking space is provided for the residents of the accessory apartment;
- (5) the accessory apartment shall have only one bedroom;
- (6) the accessory apartment is served by the same vehicle access and driveway as the single family dwelling;
- (7) applicable coverage and setback requirements are met; and
- (8) the property has sufficient wastewater capacity as demonstrated by required permits.

(B) Accessory apartments may be sited as attached, detached, or interior units. Examples of locations for an accessory apartment are illustrated in Figure 5.2.1:

Figure 5.2.1



SOURCE: ABCs OF ADUs, AARP



**(C) Accessory apartments are exempted from lot area per dwelling unit requirements.**

(D) A zoning permit issued for an accessory apartment shall clearly state that the apartment is permitted only as an accessory to the principal residential use of the property and as such shall be retained in single ownership. Such an accessory dwelling may be subdivided and/or converted for conveyance or use as a principal dwelling only if it is found to meet all current municipal regulations applying to a two family dwelling, including all density and dimensional requirements for the district in which it is located. All applicable municipal permits and approvals shall be required prior to conversion to, or conveyance as a principal dwelling.

**Section 5.3 Accessory Uses & Structures**

(A) As specified in Article 3, a use or structure which is clearly secondary, incidental and subordinate to a principal use may be located on the same parcel in accordance with the following:

- (1) A use or structures that is accessory to a principal use allowed with review and approval of the Administrative Officer in accordance with Section 10.3 shall likewise be allowed in accordance with the same procedures.
- (2) A use or structures that is accessory to a use that is allowed with review and approval of the Development Review Board in accordance with Article 6 shall likewise require review and approval of the Development Review Board under that Article, unless the use or structure meets the requirements for an administrative amendment under Section 6.2.

**Section 5.4 Adaptive Reuse of Historic Structures**

(A) **Purpose.** To encourage and enable the restoration, rehabilitation, continued viability and use of historic structures which have outlived their original function, by allowing for a variety of uses within the current dimensions of such structures.

(B) **Applicability.** The adaptive reuse of an historic structure may be allowed in designated zoning districts, subject to review by the Development Review Board under Article 6, district requirements as specified for adaptive reuses, and the provisions of this section. Historic structures, for the purposes of these regulations, shall include all structures which are at least 50 years old and/or are listed or eligible for listing on the *State Survey of Historic Sites and Structures for the Town of Bennington*. The adaptive reuse of structures within the Historic Bennington Design Review District is also subject to design review as identified in Table 3.19.

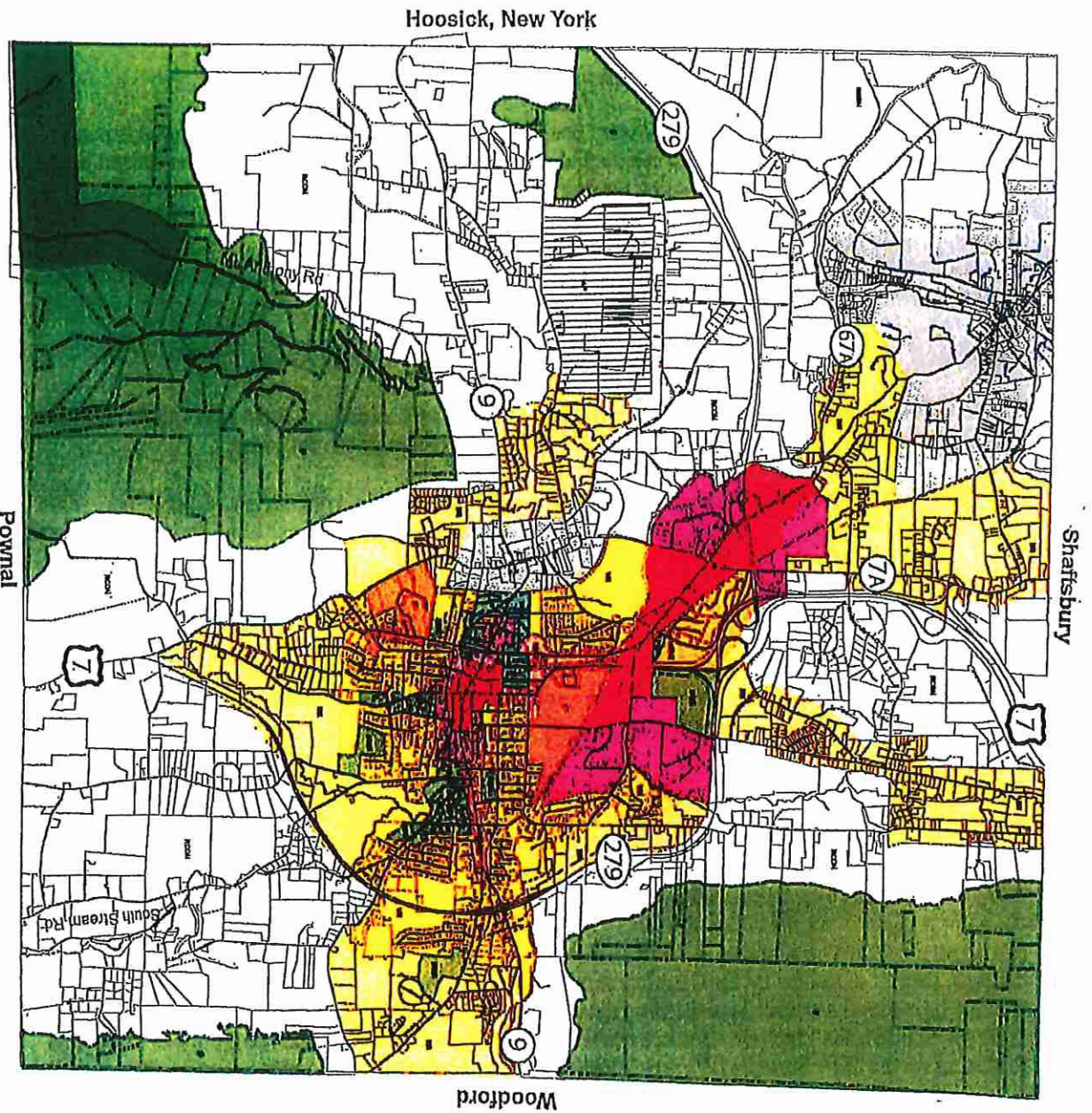
(C) **Allowed Uses.** As specified for the district in which the structure is located.

(D) **Special Requirements.** The restoration, rehabilitation and reuse of historic structures shall also meet the following requirements:

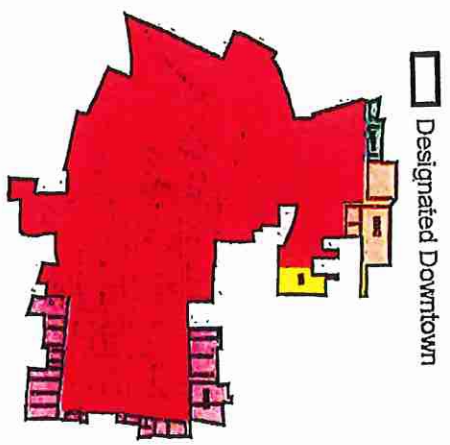
- (1) If the structure is a noncomplying structure, the use shall in no way increase the degree of noncompliance, except in accordance with the requirements of Section 4.9.
- (2) The proposed use shall not alter the footprint, historic facade, character or immediate context of the structure. Exterior renovations shall be compatible with the original architectural design of the structure, and conform to *The Secretary of the Interior's Standards for Rehabilitation* [36 CFR 76] and associated *Guidelines for Rehabilitating Historic Buildings*, as most recently amended [see Appendix A], and *Time and Place in Bennington*.



# Map 1 Zoning Districts Bennington, Vermont



- Bennington Parcel Data 2017
- Land Use Districts**
  - Downtown
  - Planned Commercial
  - Industrial
  - Mixed Use #1
  - Mixed Use #2
  - Mixed Residential #1
  - Mixed Residential #2
  - Institutional & Professional
  - Village Residential
  - Rural Residential
  - Rural Conservation
  - Agriculture
  - Forest
  - Public Open Space
  - Planned Airport
  - North Bennington
  - Old Bennington



BCRC

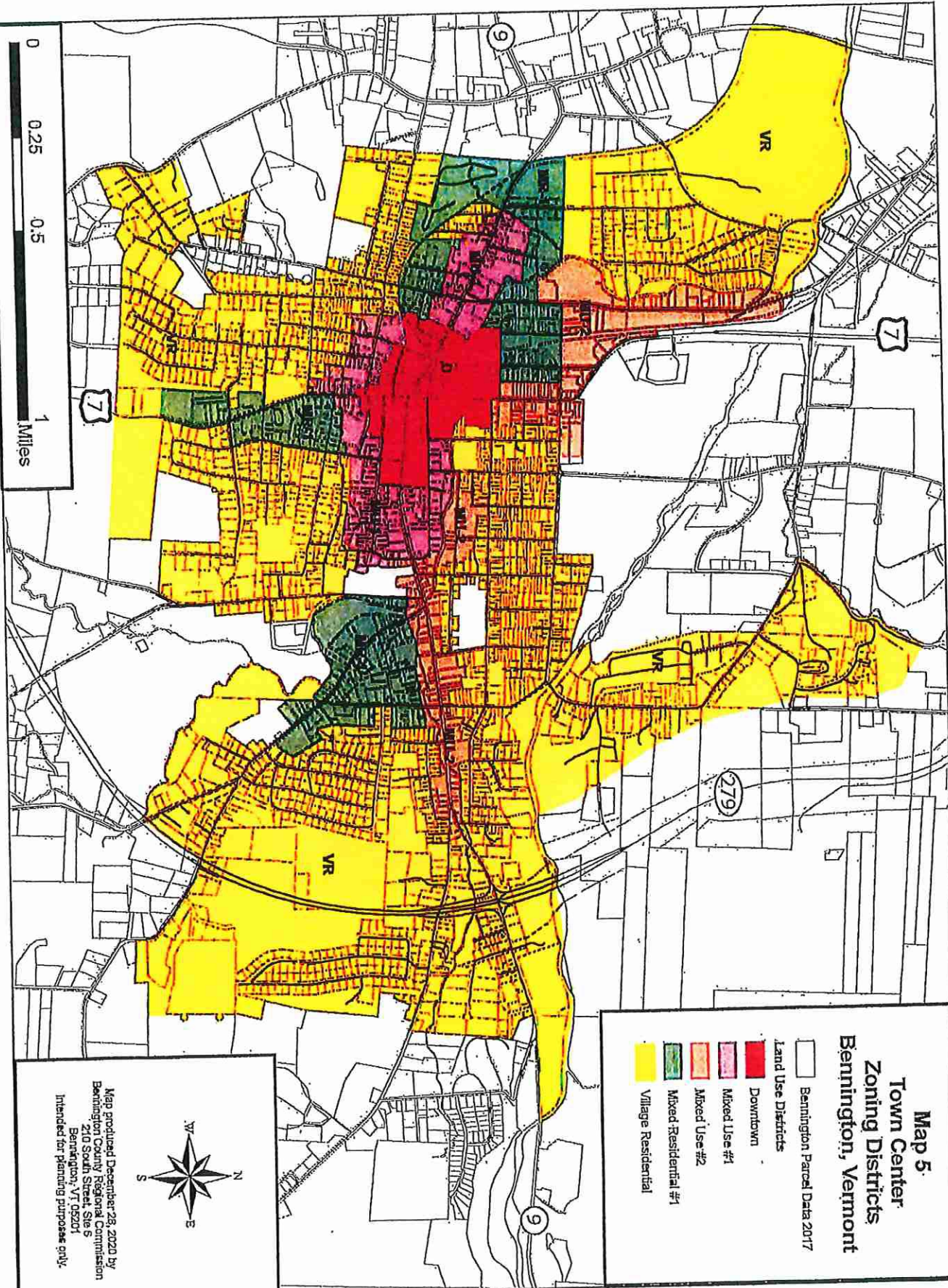
Map produced December 28, 2020 by  
Bennington County Regional Commission  
210 South Street, Site 5  
Bennington, VT 05201  
Intended for planning purposes only.





# **Map 5. Town Center Zoning Districts Bennington, Vermont**

- Bennington Parcel Data 2017
- Land Use Districts
  - Downtown
  - Mixed Use #1
  - Mixed Use #2
  - Mixed Residential #1
  - Village Residential



Map produced December 28, 2020 by  
Bennington County Regional Commission  
210 South Street, Ste 6  
Bennington, VT 05201  
Intended for planning purposes only.

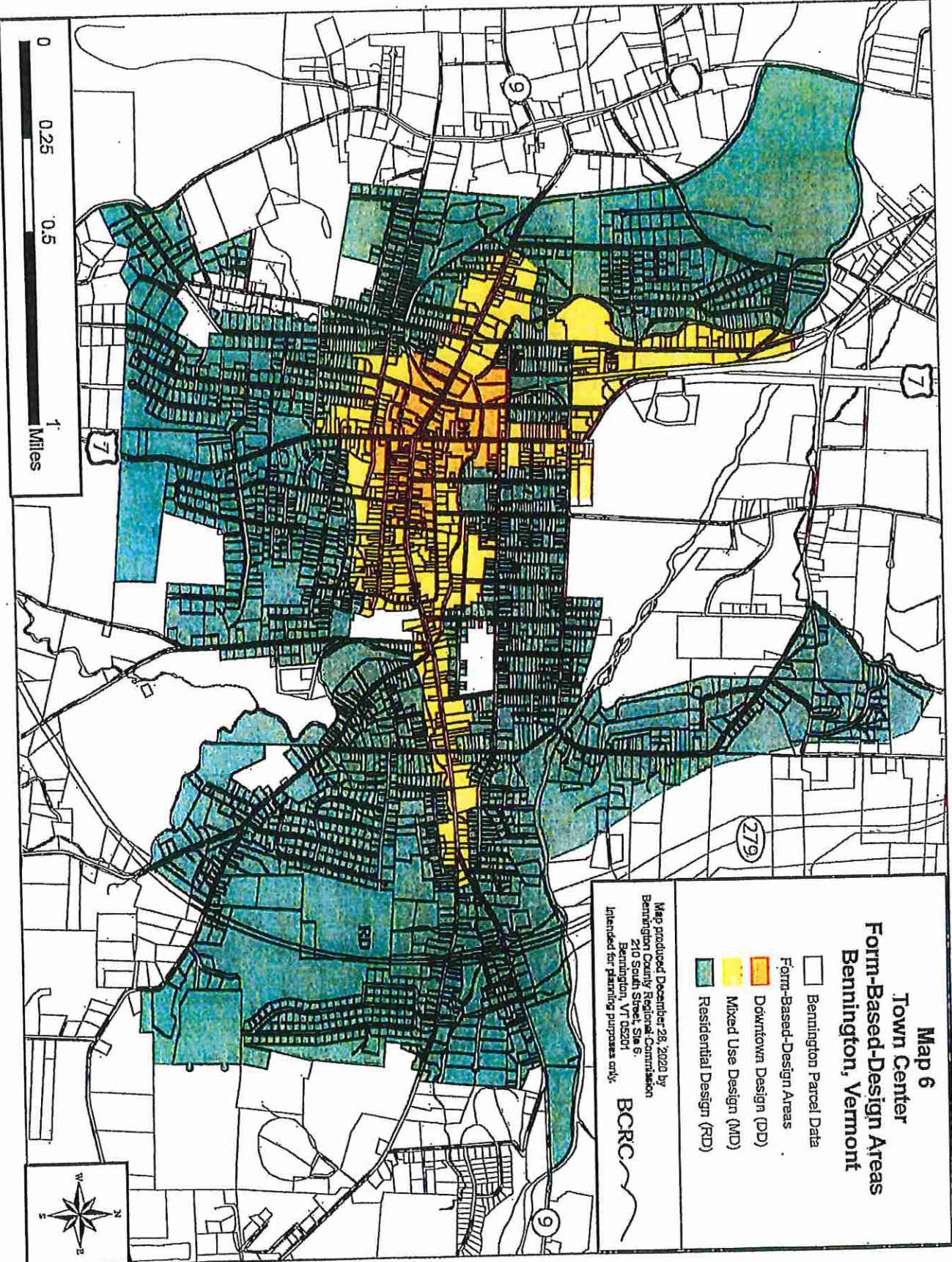
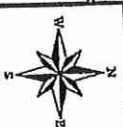


# **Map 6** **Town Center** **Form-Based-Design Areas** **Bennington, Vermont**

- Bennington Parcel Data
- Form-Based-Design Areas
- Downtown Design (DD)
- Mixed Use Design (MD)
- Residential Design (RD)

Map produced December 28, 2020 by  
 Bennington County Regional Commission  
 210 South Street, Ste 6  
 Bennington, VT 05201  
 Intended for planning purposes only.

BCRC





**PLANNING COMMISSION  
NOTICE OF PUBLIC HEARING  
AMENDMENT TO  
BENNINGTON**

**LAND USE & DEVELOPMENT REGULATIONS**

The Bennington Planning Commission will conduct a Public Hearing on February 18, 2021 at 6:00 p.m. to consider an amendment to the Bennington Land Use & Development Regulations. For public health reasons, the videoconferencing platform, Zoom, will be used to host the Public Hearing. If one wishes to participate in the Planning Commission Zoom Videoconference Public Hearing, please use the following link: <https://us02web.zoom.us/j/89350929341> or call: 646 558 8656 and enter the following Meeting ID: 893 5092 9341.

**A. STATEMENT OF PURPOSE:**

The proposed amendment implements Form-Based Design Standards in zoning districts in and around Downtown Bennington. The purpose of the amendment is to foster a clear and straightforward articulation of what is envisioned for the future of areas in and around Downtown Bennington. The guiding principle of the amendment is to allow and encourage compatible uses in these areas with less regulatory restriction and a greater reliance on the form of development to insure and enhance the economic strength and social fabric of Bennington.

**B. AREA COVERED**

The proposed amendment to the Town Plan involves areas in and around downtown Bennington, including the following current zoning districts: Central Business, Office and Apartment, Village Commercial, Urban Mixed Use, Village Industrial.

**C. SECTIONS AND MAPS OF PROPOSED AMENDMENT**

Table 3.1	Town Center Districts – Land Use Permissions
Table 3.2	Town Center Districts – Additional Use Standards
Table 3.3	Town Center Districts – Use Categories
Table 3.4	Downtown Form-Based-Design (DD) Area
Table 3.5	Mixed Use Form-Based-Design (MD) Area
Table 3.6	Residential Form-Based-Design (RD) Area
Table 3.11	Mixed Residential #2 (MR-2) District

Map 1 Entire Town

Map 2 Historic Bennington Design Review District

Map 3 Planned Commercial Design Review District

Map 4 Airport Approach Zone

Map 5 Town Center Zoning Districts

Map 6 Town Center Form-Based-Design Areas

Article 2 Definitions - Accessory Apartment, Accessory Dwelling Unit, Civic Center, Minimum Lot Frontage, Neighborhood Market, Substantial Completion

Section 3.1 Establishment of Zoning Districts

Section 3.2 Official Zoning Map

Section 3.5 District Objectives, Uses and Standards

Section 5.2 Accessory Apartment (Accessory Dwelling Units, ADUs)

**D. WHERE THE FULL AMENDMENT MAY BE EXAMINED:**

Copies of the proposed amendment to the Bennington Town Plan and Land Use & Development Regulations, and accompanying report, are posted online at: <https://benningtonplanningandpermits.com/amendments/> and are available by appointment for examination at the Bennington Town Office at 205 South Street, in Bennington, Vermont. Please call 802-442-1037 to make an appointment.

Michael McDonough, Chairperson, Town of Bennington Planning Commission

**Town Center Form-Based Design Standards -**  
**Amendment to Town of Bennington Land Use and Development**  
**Regulations**

**Planning Commission Report for  
Municipal Bylaw Amendments**

This report is in accordance with 24 V.S.A. §4441(c) which states:

*"When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments. .... The report shall provide(:)*

*(A) brief explanation of the proposed bylaw, amendment, or repeal and ....include a statement of purpose as required for notice under §4444 of this title,*

The proposed bylaw amendment implements Form-Based Design Standards in zoning districts in and around Downtown Bennington. The purpose of the amendment is to foster a clear and straightforward articulation of what is envisioned for the future of areas in and around Downtown Bennington. The guiding principle of the amendment is to allow and encourage compatible uses in these areas with less regulatory restriction and a greater reliance on the form of development to insure and enhance the economic strength and social fabric of Bennington.

*And shall include findings regarding how the proposal:*

- 1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:*

The Town Plan specifically states that Form-Based Design Standards should be investigated and possibly implemented. The proposed amendment will have a positive effect on the availability of safe and affordable housing as it expands the variety of housing units that may be constructed within the zoning districts in and around Downtown Bennington.

- 2. Is compatible with the proposed future land uses and densities of the municipal plan:*

As Stated above, the Town Plan specifically states that Form-Based Design Standards should be investigated and possibly implemented. The land uses and densities included in the amendment are consistent with those contemplated in the Town Plan.

- 3. Carries out, as applicable, any specific proposals for any planned community facilities."*

The proposal does not involve the construction of any planned community facilities, nor does it restrict the development of any planned community facilities.



# MEMORANDUM

To: Bennington Select Board  
From: Shannon Barsotti, Community Development Director  
Date: April 21, 2021  
Re: Bennington Recreation Center Rates

---

Kayla Becker, Bennington Branch Director for the Berkshire Family YMCA, prepared the following rates for Bennington Recreation Center memberships. Last year, the Select Board asked the BFYMCA to acknowledge the cost of living increases, increased costs of materials, and increased costs of staffing as the BFYMCA expands their recreational programs in Bennington. The new rates reflect these changes, while still keeping rates affordable for community members. "Household Base" refers to family memberships. The BFYMCA Rate is for non-residents and the Town Supported Rate is for Bennington residents.

NEW PROPOSED RATES – revised 4/21/21

Membership Type	Current Res Rate (12 mo)	BFYMCA Rate (12 mo)	Town Supported (12 mo)	Monthly Rates
Youth 6mo-12 years	\$26	\$60	\$12	\$5/na
Teen 13-19 years	\$26	\$120	\$24	\$10/na
Young Adult 20-24 years	\$67	\$252	\$50.40	\$21/\$4.20
Adult 25+ years	\$67	\$444	\$88.80	\$37/\$7.40
Household Base	\$108	\$588	\$117.60	\$49/\$9.80
Additional adult (ea)		+\$180	+\$36	+\$15/+\$3

DISCOUNTS

Senior age 62+ -11%

Pay-in-Full -10%

Corporate -10%/mo (or other, based on individual MOUs)

Things to note:

- Current Rec Youth memberships are ages 0-18
- No young adult option currently at Rec
- Current Senior starts at age 55 at Rec
- Currently Rec has no limit to # of people per family/household
- One discount per membership

Financial Aid available – method is being reviewed and modified





## Officer and Employee Internet Postings/Social Networking

Related Policies: Code of Conduct; Ethics

*This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.*

Applicable Vermont Statutes:

CALEA Standard:

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Date Implemented:

Review Date:

I. **Purpose:** This policy instructs ~~the~~ employees and officers of ~~the~~ Bennington Police Department (BPD) ~~regarding~~ the use of the internet, the world-wide web, and social media as a medium of Speech. ~~Such Speech impacts the BPD, their professional capacity and the welfare of the community. Such speech impacts the effectiveness, integrity and reputation of the BPD and the BPD's relationship with the community the BPD serves.~~ This policy is not intended to supersede any BPD or Town of Bennington policies regarding public information or investigations.

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## II. Policy

A: Officers and employees of the BPD may utilize social media and other related communications in their professional capacity as employees of the BPD, if they receive prior approval from the Chief of Police or his/her designee(s).

Deleted: The internet, blogs, Twitter, the worldwide web, social networking sites and any other medium of electronic communication shall not be used in a manner which is detrimental to the mission and function of this agency.

B: Officers and employees of the BPD may utilize their own personal social media accounts for their own personal expression in accordance with this Policy; however, they may not maintain any ~~anonymous~~ social media account, ~~that disguises their identity or creates a false on-line identity.~~

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1) All employees and officers of the BPD shall be required to complete an affidavit annually indicating their ~~active~~ participation in any social networking sites. This affidavit

shall include the name of the sites. The candidate shall provide the agency with access to their sites. Access shall not include requiring an employee or officer to provide any password or personal identification numbers.

2) BPD employees must never engage in Hate Speech, or other Speech that brings discredit upon ~~them, the~~ BPD, or the Town of Bennington or which may undermine or result in impeachment of their testimony in a legal proceeding ~~on any social networking site.~~ BPD employees must not post classified information, sensitive information, or comments or content which is defaming, threatening, harassing, or which discriminates based on a person's race, color, sex, gender, age, religion, national origin, sexual orientation, or other protected criteria. ~~Neither shall they~~ ~~Do not~~ post lewd or indecent comments or profanity. ~~Th~~ese types of activities, can embarrass the Town of Bennington, harm ~~our~~ reputations and may violated ~~s~~State or Federal laws and expose an employee to civil liability.

3) : Social media networking sites shall not be used by any BPD employee/officer in a manner that is detrimental or contrary to the Vision, Mission Statement, and Guiding Principles of the BPD, or that negatively impacts the efficiency and/or effectiveness of the BPD."

### III. Definitions:

A. SPEECH: Expression or communication of thoughts or opinions in spoken words; in writing; or by expressive conduct, symbolism, photographs, video tape, cartoons, or related forms of communication.

B. SOCIAL NETWORKING SITES ~~MEDIA~~: computer-based technology that facilitates the sharing of ideas, thoughts, and information through the building of virtual networks and communities. Users engage in social media by way of computer, tablet or smart phone ~~by way of using web-based platforms.~~

C. HATE SPEECH: Any kind of communication in speech, writing or behavior, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, color, ~~deseent~~, sex, gender, sexual orientation, or other protected identity ~~factor.~~ WILL NEED TO MAKE CONSISTENT WITH DEFINITIONS IN OTHER POLICIES

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1 D. ANONYMOUS SOCIAL MEDIA ACCOUNTS: Accounts where the owner/user seeks  
2 to hide or change the true identity of the speaker or the maker of the Speech or of the  
3 account.

4 \* \* \* \* \*

5 This Policy is adopted by the Select Board of the Town of Bennington, Vermont, this \_\_\_\_ day  
6 of \_\_\_\_\_, 2021 and is effective as of this date until amended or repealed.

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10 \_\_\_\_\_, Chairperson  
11



## Special Events

Related Policies: [Response to Active Resistance/Use of Force; Fair and Impartial Policing](#)

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*This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.*

Applicable Vermont Statutes/Rules:

Date Adopted:

Date Reviewed:

### I. PURPOSE:

The purpose of this policy is to establish guidelines for [the Bennington Police Department \(BPD\) when](#) managing crowds, protecting individual rights, and [upholding the peace during Special Events and Demonstrations.](#)

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### II. POLICY:

A) [It is the policy of the BPD to assist Special Event organizer\(s\) in planning for a Special Event scheduled to occur on Public Property where more than fifty \(50\) persons are expected to attend, utilizing the form\(s\) attached to this policy including the Fee Schedule for law enforcement services. Nothing in this policy limits the ability of the BPD to maintain peace and protect individual liberty for events occurring on private property.](#)

B) It is the policy of the BPD to protect individual rights related to assembly and free speech; [to effectively manage crowds; to prevent loss of life, injury, or property damage; and to minimize disruption to persons who are not involved in the Special Event or Demonstration. The BPD will take appropriate action\(s\) in response to violations of law\(s\).](#)

C) [Following a Special Event, the BPD shall create an After-Event Report. The report shall be made, when possible, in cooperation with the Event Sponsor and shall identify: 1\) what worked, and 2\) areas of opportunity for change. The report shall be shared with the Chief of the BPD and the Town Manager.](#)



### III. DEFINITIONS:

- A. Crowd Control: Techniques used to address civil disturbances, to include a show of force, crowd containment, dispersal equipment and tactics, and preparations for and, if necessary, carrying out of multiple arrests.
- B. Demonstration: A lawful assembly of persons organized primarily to engage in free speech activity. These may be scheduled events that allow for law enforcement planning. They include, but are not limited to, marches, protests, and other assemblies intended to attract attention. Lawful demonstrations can devolve into civil disturbances that necessitate enforcement action, including Crowd Control.
- C. Event Sponsor: An individual who has primary responsibility for planning and organizing the Special Event. This individual shall be on-site the day of the event and takes primary responsibility to liason with the BPD before, during and after the event.
- D. Private Property: ~~Property not owned or under the control of the Town of Bennington, State of Vermont, or United States Government. (Special Events on Private Property shall conform with Bennington's Land Use and Development Regulations).~~
- E. Public Property: ~~Property owned or under the control of the Town of Bennington, State of Vermont, or United States Government.~~
- F. Special Events: ~~Parades, celebrations, concerts, races and other planned and unexpected events that are open to the public and~~ that can result in a need to schedule additional personnel to properly control the event and ensure the safety and security of the community. In certain circumstances, an event can go beyond the resources of this department and require that mutual aid be invoked.

\* \* \* \* \*

This Policy is adopted by the Select Board of the Town of Bennington, Vermont, this  
day of 2021, and is effective as of this date until amended or repealed.

Chairperson

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IV. PROCEDURES:¶

¶

465.1.0 Responsibilities¶

¶

A. The planning and scheduling for these situations shall be the primary responsibility of the Special Event Coordinator, usually the Prevention Services Division Manager. He shall, in conjunction with the Captain, plan and schedule the necessary personnel and equipment resources to handle the event.

46.1.10-a¶

¶

B. The Support Services Division Manager will be responsible for supplying needed equipment.¶

¶

C. The Special Event Coordinator shall provide a written plan for the planned special event based upon the Incident Command System. ¶

¶

D. The Special Event Coordinator will ensure that all logistical considerations are taken care of prior to the event and will coordinate with outside agencies as needed. 46.1.10-e & f¶

¶

465.2.0 Written Plan¶

¶

A. Special events that are scheduled will have a written plan created outlining the following:¶

¶

1. an estimate of traffic, both pedestrian and vehicular 46.1.10-b¶

¶

2. traffic control and parking 46.1.10-c¶

¶

3. any anticipated crowd control measures (protestors, picketers or spectators) 46.1.10-b¶

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Bennington Police Department  
Traffic Stops 2020

Viewing the Traffic Stop Data on the Bennington Police Department's website, the following information can be gleaned. There is additional information which could help all of us understand better the traffic stop trends here in Bennington, including the location of the stop (whether the stop was made on Rt. 279 or Rt. 7 north of the Town center), whether contraband was found, etc. The policing committee commends the Department for posting the data, and recommends its analysis by interested parties. Below are some observations. Particularly noteworthy is the few number of searches based on the number of vehicle stops. This data will help all of us compare Bennington with other localities and with ourselves as the data is collected by the State of Vermont both later this year and in the years to come.

<u>Total Motor Vehicle Stops</u>	--	3,463	
Resulting in:			
Civil Complaints	--	2,182	
Warnings	--	1,699	
Vehicle Searches	--	42	(1.2% of total Stops)

Stops by Driver's Race [total number and as a percentage of total stops]

White non-Hispanic	--	3,242	(93.5%)
Black	--	102	(2.9%)
Hispanic	--	55	(1.6%)
Asian	--	63	(1.8%)
Pacific Islander	--	1	(0.03%)

Searches by Driver's Race [total number and as percentage of *total searches*]

White non-Hispanic	--	35	(83%) [as percentage of total searched – 42]
Black	--	4	(9.5%)
Hispanic	--	2	(5%)
Asian	--	1	(2.5%)

The Policing Committee

Jeannie Jenkins, Jeanne Conner, Bruce Lee-Clark



## MEMORANDUM

To: Select Board

From: Stuart A. Hurd, Town Manager



Re: Pressure Reducing Valves Loan Application

Date: April 20, 2021

The attached loan application provides the Town with funds to study three PRV's in our water system. The first study phase has a cost estimate of \$27,906. This gains access to additional funds to construct the improvements. That cost is estimated at \$427,000. The loans under this program are interest free but must be repaid unlike the lead line funds. The repayment begins one year after the project is completed.

The PRV's are located on Burgess Road, Filmore Street and at the Willow Park pump station. The Burgess Road PRV is in critical condition, is inaccessible and manually operated. We plan to relocate this to a site on Main Street, construct an enclosure and include an electricity generating turbine. Estimated cost \$295,000.

It appears the Filmore Street PRV is in good shape so it may not need to much work. It's too small for a turbine. No cost estimate is provided at this time.

The Willow Park Pump Station is also in good condition but could accommodate a turbine. The estimated cost is \$142,000.

Including the turbines in these projects was done to make them eligible for federal and state green infrastructure funding. It now appears these funds are no longer available. A final decision on proceeding will be made when the step 2 engineering is completed.

I am requesting a motion authorizing the Chair to sign. I will then sign as Authorized Representative and the Town Clerk will sign where indicated.

# Water Infrastructure

## FINANCING PROGRAMS



VERMONT WATER & WASTEWATER REVOLVING LOAN FUNDS

## State Revolving Loan Programs FUNDING APPLICATION

**IMPORTANT:** Please select the Type of Entity and Loan Type(s) before completing the application. This information is used to set up the rest of the form.  
This form **MUST** be completed electronically, handwritten applications will not be accepted.

Select the Type of Entity this application is for:

- ☒ Municipality, Fire District, or other similar entity  
☐ Homeowners Association, LLC, Proprietorship, 501(c)3 Non-Profit, or other similar entity

### LOAN TYPE

This section may be completed by engineer or applicant

Please submit a draft Engineering Services Agreement with this application if applicable

This loan will be used for (select all that apply):

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Step I Drinking Water Loan (Feasibility & Planning)   | <input type="checkbox"/> Step I Clean Water Loan (Feasibility & Planning) |
| <input type="checkbox"/> Step II Drinking Water Loan (Final Design)                       | <input type="checkbox"/> Step II Clean Water Loan (Final Design)          |
| <input type="checkbox"/> Step III Drinking Water Loan (Construction)                      | <input type="checkbox"/> Step III Clean Water Loan (Construction)         |
| <input type="checkbox"/> Drinking Water Loan Amendment                                    | <input type="checkbox"/> Clean Water Loan Amendment                       |
| <input type="checkbox"/> Municipal Source Water Protection Loan                           | <input type="checkbox"/> Pollution Control Grant                          |
| <input type="checkbox"/> Planning Advance (uncommon; requires State legislative approval) | <input type="checkbox"/> CWSRF Interim Financing                          |

### APPLICANT INFORMATION

This section may be completed by engineer or applicant

LOAN APPLICANT

Town of Bennington

DATE OF APPLICATION

10/21/2020

SYSTEM NAME

Bennington Water Department Water System

WSID NUMBER

5016

WASTEWATER PERMIT NUMBER

MAILING ADDRESS

205 South Street

TOWN

Bennington

STATE

VT

ZIP

05201

PHONE

802-442-1037

CELL PHONE

TAX ID

DUNS NUMBER

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### CONTACT PERSON - AUTHORIZED REPRESENTATIVE

This section may be completed by engineer or applicant

CONTACT NAME

Stuart Hurd

TITLE

Town Manager

MAILING ADDRESS

205 South Street

TOWN

Bennington

STATE

VT

ZIP

05201



PHONE CELL PHONE EMAIL ADDRESS  
802-442-1037 shurd@benningtonvt.org

#### ALTERNATE AUTHORIZED REPRESENTATIVE(S)

*This section may be completed by engineer or applicant*

AUTHORIZED REPRESENTATIVE NAME TITLE ☐  
Larry Gates Assistance Director of Public Works  
MAILING ADDRESS TOWN STATE ZIP  
205 South Street Bennington VT 05201  
PHONE CELL PHONE EMAIL ADDRESS  
802-442-1037 lgates@benningtonvt.org

[Add Alternate Representative](#)

#### ENGINEERING FIRM & REPRESENTATIVE (or Legal Firm and Attorney's Name if this is a Source Protection Loan)

*This section may be completed by engineer or applicant*

FIRM NAME CONTACT NAME  
MS&K, Inc. Patrick Smart, P.E.  
MAILING ADDRESS TOWN STATE ZIP  
P.O. Box 139 Bennington VT 05201  
PHONE CELL PHONE EMAIL ADDRESS  
802-442-1402, ext. 127 psmart@mskeng.com

#### LOAN REQUEST

*This section may be completed by engineer or applicant*

Project Title: Evaluation of Pressure Reducing Vaults - Bennington, VT  
Total amount requested for this loan: \$ 27,906  
Total projected project cost: \$ 427,000

Please describe the history of the project:

The Town of Bennington's municipal drinking water system (WSID VT0005016) provides drinking water service to approximately 3,600 service connections located throughout the town via a network of storage tanks, booster pump stations, pressure reducing valves, and distribution pipe. The Town seeks to perform an engineering evaluation of three of the pressure reducing valves (PRVs) in the distribution system located along Burgess Road, Chapel Road, and Fillmore Street. These valves vary in age and condition, and regulate pressures for significant flows of water through the distribution system. This evaluation will focus on characterizing existing conditions and estimating remaining useful life of these PRVs, evaluating replacement options and costs which include installation of new PRVs and installation of hydroelectric turbines to function as PRVs during routine system operating conditions.

Please describe who will benefit from the proposed project:

This evaluation of the existing PRVs will directly benefit all service connections to the town's water system as this evaluation will enable planning for and timely replacement of critical drinking water infrastructure that will enable the town to continue to provide a consistent level of service and operating conditions to its drinking water customers. Indirectly, the project has the potential to benefit everyone if PRVs are replaced with hydroelectric generators, this green technology, if utilized, would provide a renewable means of generating electrical power that could offset a portion of the water system's electricity use.

Do current and potential customers have alternative sources of water and is the proposed project the best and most cost-effective alternative?

There is no alternative source of water for the water system's customers, many of which were recently connected to the water system following discovery that on-property water supplies were contaminated with PFAS. The proposed project seeks to evaluate and develop a replacement plan for replace critical infrastructure components of the water system.

Please provide a description of the project as it relates to this loan. Include specifications and materials used, water sources, and treatment facilities (attach sheets if necessary):

Engineers from MS&K, Inc. will conduct evaluations of the following water system components: Chapel Road PRV, Fillmore Street PRV, and the Burgess Road PRV. Engineers evaluate operating conditions, equipment age, equipment condition, and remaining useful life of each PRV. Engineers will evaluate alternatives for replacement of these PRVs and will prepare cost estimates. A Preliminary Engineering Report will be prepared and submitted at the conclusion of Step I. During Step II, Engineers from MS&K will prepare engineered designs and permit applications for the selected alternatives identified during Step I.

Please include estimated or actual project cost summary/estimate of probable project costs.

## SITE INFORMATION

This section may be completed by engineer or applicant

An attorney's legal opinion may be required regarding the site or sites where the project will be located. The Facilities Engineering Division's Construction Section will make this determination for the project.

Do you own all land or possess all the easements or rights-of-ways for project sites?

☒ Yes ☐ No

## ESTIMATED PROJECT SCHEDULE

This section should be completed by the engineer

Estimated Project Initiation Date: 4/1/2021

Estimated Project Completion Date: 12/30/22

## ESTIMATED SPENDING SCHEDULE OF LOAN PROCEEDS

This section may be completed by engineer or applicant

Quarter	Year	Amount	
April - June	2021	\$13,880	<input checked="" type="checkbox"/>
July - September	2021	\$7,013	<input checked="" type="checkbox"/>
October - December	2021	\$7,013	<input checked="" type="checkbox"/>
Add Another Quarter			
TOTAL -->		\$27,906	

## REVENUES

This section should be completed by the applicant

What is the Applicant's fiscal year? State Fiscal Year

User Rate Revenue Table

	Current FY - 2	Current FY - 1	Current FY (estimated)	Current FY + 1 (estimated)	Current FY + 2 (estimated)
Amount Billed	\$2,828,084	\$2,971,023	\$3,040,730	\$3,131,952	\$3,225,910



Amount Collected	\$2,403,871	\$2,525,370	\$2,584,621	\$2,662,159	\$2,742,024
Amount Uncollected/Outstanding	\$424,213	\$445,653	\$456,109	\$469,793	\$483,887
Estimated Amount of Commercial Revenue	\$1,272,638	\$1,336,960	\$1,368,329	\$1,409,378	\$1,451,660

Does the system use tax revenue to support any utility related activities, including capital projects?

☐ Yes ☒ No

#### WATER FEE BASIS & RATES (only applicable to public community water systems)

*This section may be completed by engineer or applicant*

What is your current method to assess water fees (check the description that most closely matches your methods)?

- ☐ Metered/Variable Rate - Rates are based on a metered rate (flow rate) in addition to a fixed rate (base rate).
- ☐ Unmetered Flat Rate - Customers are charged a flat rate that does not vary based on flow.
- ☒ Both Metered & Unmetered - There is a combination of metered and unmetered customers.
- ☐ Property Tax Based - Rates are based on property taxes.

Total Number of Residential Connections: (multi-unit connections count as more than 1, for example, a duplex counts as 2 and a 10 unit apartment Building counts as 10) 2950

Total amount of water used last year by commercial, industrial, and institutional connections (gal or cuft): 209780000

Calculate Equivalent Residential Units (ERUs) by dividing the number above by 76,650 gal or 10,240 cuft.: 76650

Total Equivalent Residential Connections (ERUs) --> 5,687

#### EXPENDITURES / SYSTEM OPERATION & MAINTENANCE EXPENSES

*This section should be completed by the applicant*

Current Fiscal Year O&M Costs (exclusive of debt and reserve fund payments): \$2,542,580

Post Project Fiscal Year O&M Costs (exclusive of debt and reserve fund payments): \$2,618,857

*Please attach a copy of your actual YTD revenue and expenses, and projected budget.*

#### EXPENDITURES / SYSTEM DEBT

*This section should be completed by the applicant*

What is the applicant's total long-term outstanding debt? \$7,695,530

What is the applicant's total annual long-term debt payment? \$668,695

Direct Debt						
	Current FY	Current FY + 1	Current FY + 2	Current FY + 3	Current FY + 4	Current FY + 5
Total Payment	\$707,360	\$668,695	\$668,695	\$668,695	\$668,695	\$668,695

Long-Term Debt Schedule			
Purpose of Long-Term Debt	Direct or Self-Supporting	Year of Maturity	\$ Amount Outstanding
Water Treatment Plant Bond	Direct	2029	\$4,113,732

Bolles Brook Intake Bond	Direct	2033	\$176,490	<input checked="" type="checkbox"/>
South End Water Pressure Bond	Direct	2037	\$3,366,642	<input checked="" type="checkbox"/>
Wheeled Excavator	Direct	2021	\$38,665	<input checked="" type="checkbox"/>
<a href="#">Add Another Long-Term Debt</a>		Total As of -->	June 30, 2020	\$7,695,529

Does the system have any authorized but unissued debt (excluding the debt requested in this application)?

☐ Yes ☒ No

Does the Applicant have any future borrowing plans over the next 5 years?

☒ Yes ☐ No

Please describe the system's future borrowing plans.

Applicant will seek to borrow additional funds from the State Revolving Loan Fund for lead service line replacement projects but expects loan to be forgiven.

Are there other capital projects in the near term (5 years)?

☒ Yes ☐ No

Please describe those other capital projects planned for the near term (5 years)?

Completion of South End water system improvements, continued replacement of lead service lines.

Does the Applicant have an annual or cumulative deficit?

☐ Yes ☒ No

Does the Applicant anticipate an increase in revenues as a result of these improvements?

☐ Yes ☒ No

Does the Applicant anticipate a reduction in operating expenses as a result of these improvements?

☐ Yes ☒ No

What are the economic trends in your service area - jobs, population increases/decreases, housing starts, property values, etc.? For Mobile Home Parks, please provide an occupancy history for the past five (5) years.

Population trends are relatively stagnant. Commercial economic growth trending upward (pre-pandemic). Housing starts are increasing and property values are stable; increasing slowly.

List any current or potential connections using greater than 5% of demand or provide a general description of service area.

N/A

#### SYSTEM RESERVE FUNDS

*This section should be completed by the applicant*

Does the Applicant have any reserve funds?

☒ Yes ☐ No

Please describe the reserve fund and what it is used for:



Reserves for system improvements and for equipment. Contribute as able within annual budget.

Is the Applicant actively contributing to reserve funds in accordance with a short-term Asset Replacement Table (START)?

☒ Yes ☐ No

What does the Applicant do with surpluses, if any?

Depreciation is budgeted annually and increases the fund balance in preparation for future capital replacement. Please note that this practice was only formally started around 2014-2016 (ramp up period) and is far from being fully funded.

Reserve Funds					
	Current FY	Current FY + 1	Current FY + 2	Current FY + 3	Current FY + 4
Amount Available	\$615,193	\$357,143	\$836,493	\$836,493	\$836,493

#### Financial Documentation & Controls

*This section should be completed by the applicant*

*Please submit 3 years audit financial statements. If not available, submit:*

Has anything occurred since the date of your last annual financial report or financial statement that would have a significantly negative effect on your revenues, expenditures, or ability to pay future debt service?

☐ Yes ☒ No

Did the Applicant have more than one budget defeat in the last two years?

☐ Yes ☒ No

Does the Applicant have any pending litigation in excess of \$10,000 on the system and/or the municipality?

☒ Yes ☐ No

Please describe the case and the limits of insurance coverage if any:

There is current litigation pending over a deer's head valued at \$13,000.00. Insurance is covering legal fees and potential liability. Deductible is \$1,000.00.

Does the Applicant offer a retirement plan to its employees (including VMERS)?

☒ Yes ☐ No

Please describe your plan, your estimated proportionate share of unfunded pension liability:

The Town as a plan through VMERS as well as an unfunded pension liability through VMERS. As of 6/30/20, the running balance is \$6,759,407. Payments will be made until FY33. FY21 payment will be \$670,423. The payment increases 5% each year. The Water Fund is responsible for 7% of the annual amount.

If the Applicant has its own retirement plan separate from VMERS, does it have any unfunded pension liabilities?

☐ Yes ☒ No

Describe the Applicant's budget control system. Does the Applicant use multi-year forecasting or interim (quarterly or monthly) financial reports to monitor your status?

Automated accounting system (NEMRC) that monitors current year budget balances only. Reports are reviewed monthly by Finance Director and Town Manager and are also distributed to Department Managers.

Are all account records currently maintained for:

Checkbook     ☒ Yes   ☐ No   ☐ Don't Know

By Whom: Finance Director

Comments:

Receipts     ☒ Yes   ☐ No   ☐ Don't Know

By Whom: Finance Director

Comments:

Disbursements   ☒ Yes   ☐ No   ☐ Don't Know

By Whom: Finance Director

Comments:

Deposit Slips     ☒ Yes   ☐ No   ☐ Don't Know

By Whom: Finance Director

Comments:

Are bank statements reconciled on a regular basis?

☒ Yes   ☐ No   ☐ Don't Know   By Whom: Finance Director

Comments:

Are bank accounts and ledger balances reconciled on a monthly basis?

☒ Yes   ☐ No   ☐ Don't Know   By Whom: Finance Director

Comments:

Are financial records maintained in a computerized system?

☒ Yes   ☐ No   ☐ Don't Know   By Whom: Finance Director

Comments:



Are any financial records maintained in manual form?

☒ Yes ☐ No ☐ Don't Know By Whom: Finance Director

Comments:

Does the applicant maintain separate reporting for this utility?

☒ Yes ☐ No ☐ Don't Know By Whom: Finance Director

Comments:

Water has its own separate fund.

Does someone other than the treasurer receive unopened bank statements and review bank reconciliations?

☒ Yes ☐ No ☐ Don't Know By Whom: Finance Director

Comments:

Does the same individual open the mail and deposit checks?

☐ Yes ☒ No ☐ Don't Know By Whom: Collections Manager

Comments:

Does the organization receive payments in cash?

☒ Yes ☐ No ☐ Don't Know By Whom: Collections Manager

Comments:

Does the Applicant have pre-numbered receipt books for cash payments?

☒ Yes ☐ No ☐ Don't Know By Whom: Collections Manager

Comments:

All transactions are entered into NEMRC system which then creates an individual transaction number. A pre-numbered receipt book is used when NEMRC is not available.

Are checks always written to specified payees and not to cash?

☒ Yes ☐ No ☐ Don't Know By Whom:

Comments:

Are pre-numbered checks used for all bank accounts?

☐ Yes ☒ No ☐ Don't Know By Whom:

Comments:

Our computer system makes sure all check numbers are unique.

Are checks written by the same individual who approves payments?

☐ Yes ☒ No ☐ Don't Know By Whom:

Comments:

Accounts Payable Clerk writes checks and Treasurer signs them.

Have there been any changes in authorized signatures during the fiscal year?

☐ Yes ☒ No ☐ Don't Know By Whom:

Comments:

Has a signature stamp ever been used for any account?

☒ Yes ☐ No ☐ Don't Know By Whom:

Treasurer

Comments:

Is the organization professionally audited by a CPA?

☒ Yes ☐ No ☐ Don't Know By Whom:

Love, Cody & Co.

Comments:

Does the Authorized Representative assist in the audit planning process?

☒ Yes ☐ No ☐ Don't Know By Whom:

Finance Director

Comments:

Is a specific individual responsible for correcting audit findings?

☒ Yes ☐ No ☐ Don't Know By Whom:

Finance Director

Comments:

Are regular financial reports prepared for the board?



☒ Yes ☐ No ☐ Don't Know By Whom: Finance Director

Comments:

Reports are submitted to the Select Board on a monthly basis showing actual expenditures and comparison to budget.

Are budget to actual reports prepared for each department?

☒ Yes ☐ No ☐ Don't Know By Whom: Finance Director

Comments:

Has the Authorized Representative borrowed money from the utility?

☐ Yes ☒ No ☐ Don't Know By Whom:

Comments:

Has the organization had a theft, embezzlement or wire fraud in the last 5 years?

☐ Yes ☒ No ☐ Don't Know By Whom:

Comments:

Has the Treasurer or CFO participated in any business which does business with the system/utility?

☐ Yes ☒ No ☐ Don't Know By Whom:

Comments:

Does the Applicant loan money to employees?

☐ Yes ☐ No ☒ Don't Know By Whom:

Comments:

Have board members attended financial trainings?

☐ Yes ☐ No ☒ Don't Know By Whom:

Comments:

Has the Treasurer/CFO attended trainings on recordkeeping?

☒ Yes ☐ No ☐ Don't Know By Whom: Finance Director

Comments:

Does the Applicant have written financial policies and procedures?

☒ Yes ☐ No ☐ Don't Know By Whom: Finance Director

Comments:

Does each employee have copies of these policies and procedures?

☒ Yes ☐ No ☐ Don't Know By Whom:

Comments:

### KEY PERSONNEL

Please list the names and qualifications of the following key personnel including areas of expertise, years of experience in similar programmatic work, years at current position, and/or any relevant qualifications.

*Please include all personnel related to the loan. Authorized Rep, Alternative Authorized Rep(s), Clerk, Board Members, Financial Manager, etc. Failure to include all key personnel will result in the application considered incomplete.*

NAME

POSITION (select from the list or enter another value)

Larry Gates

Alternate Representative

X

QUALIFICATIONS:

18 years at Public Works. 2+/- years as Assistant Public Works Superintendent.

NAME

POSITION (select from the list or enter another value)

Cassandra Barbeau

Clerk

X

QUALIFICATIONS:

25 years as Town Clerk/Assistant Town Clerk.

NAME

POSITION (select from the list or enter another value)

Joan Pinsonneault

Treasurer

X

QUALIFICATIONS:

13 years as Treasurer.

NAME

POSITION (select from the list or enter another value)

Stuart Hurd

Town Manager/Administrator

X

QUALIFICATIONS:

47 years at Town, the majority as Assistant Town Manager and Town Manager.

NAME

POSITION (select from the list or enter another value)

Jeannie Jenkins

Governing Body Chair

X



QUALIFICATIONS:

Select Board Chair. Five years on the Board.

[Add Another Key Person](#)

ADDITIONAL COMMENTS

Provide any additional comments for your application here:

## Certification

The Applicant certifies that it possesses the legal authority to apply for the SRF loan, and to finance and construct the proposed facilities. A resolution, motion, or similar action has been duly adopted or passed as an official act of the Applicant's Legislative Body authorizing the filing of the application. A resolution, motion, or similar action has been duly adopted or passed authorizing the person identified herein as the authorized representative of the Applicant in connection with the project for the purpose of furnishing information, data and documents pertaining to the project as required by the State of Vermont.

Authorization Date:

REPRESENTATIVE SIGNATURE

Jeannie Jenkins, Chair

PRINT NAME

REPRESENTATIVE SIGNATURE

PRINT NAME

REPRESENTATIVE SIGNATURE

PRINT NAME

REPRESENTATIVE SIGNATURE

PRINT NAME

REPRESENTATIVE SIGNATURE

PRINT NAME

## Clerk Certification

Clerk Signature Date:

SIGNATURE OF CLERK

Cassandra Barbeau, Clerk

PRINT NAME

## Authorized Representative Certification

Authorized Representative Signature Date:

SIGNATURE OF AUTHORIZED REPRESENTATIVE

Stuart Hurd, Town Manager

PRINT NAME

Submit completed application and all attachments via email to:



**Celia Riechel, DWSFR Project Lead**

[phone] 802-585-4904 [email]

**Department of Environmental Conservation**  
Facilities Engineering Division





## Boards and Commissions

The following list of the Town of Bennington Boards and Commissions includes a brief description of the duties of each office and those positions that will be available in March and May 2021.

**DEVELOPMENT REVIEW BOARD** - The Development Review Board hears and decides upon permit applications regarding development in the Town of Bennington including, Variance Requests, Conditional Use Requests, Site Plans, Design Plans, Planned Unit Developments, Planned Residential Developments, Subdivisions, and Appeals of the Zoning Administrator's decisions. Board members will be expected to attend at least one training session annually to develop and maintain the skills and knowledge necessary to perform their powers and duties on the Board.

(appointed to 3-year term)

Charles W. Copp	5/2021
Barry Horst	5/2021
Daniel Malmborg	5/2022
Jane Griswold Radocchia	5/2022
Ron Alderman	5/2023
William Barney	5/2023
Charles N. Kokoras	5/2023

**HISTORIC PRESERVATION COMMISSION** - An appointed position with a term of three years and requires expertise or qualifications in the fields of architecture, historic preservation, etc. Meetings are held twice per month. The Historic Preservation Commission is empowered by ordinance to act in the preservation and identification of Bennington's historic sites and structures; oversee the survey and review of historic sites eligible for the National Register, educate and advise other boards and commissions as well as the general public with regard to historic preservation matters.

(appointed to 3-year term)

Anne G. Bugbee	3/2021
Michael P. McDonough	3/2021
Kelly Clarke, RA	5/2023
Jeffrey Goldstone	5/2023
Joseph H. Hall	5/2023

**HOUSING AUTHORITY** - An autonomous body appointed for terms of five years by the Select Board which acts as the Board of Directors for Housing Authority properties (Willowbrook, Brookside Apartments, Beech Court, and Walloomsac Apartments) and oversees the staff and sets policies for operation.

(appointed to 5-year term)

Sandra Bessette	3/2021
Sharyn L. Brush	3/2022
Christopher Oldham	3/2023
Nancy V. Messina	3/2024
Paul Walden	5/2025

**BOARD OF LISTERS** - An appointed position with a term of two years. Meetings are held once or twice per month or as needed. The Listers inspect properties, approve assessments developed by the Assessor's Office and hear and act upon appeals by property owners.

(appointed to 2-year term)

Robert W. Ebert	3/2021
Peter Greene	5/2022
Carol L. Holm	5/2022

**PLANNING COMMISSION** - An appointed position with a term of four years. Meetings will be established when the Commission meets. This is a five-member board. The Planning Commission drafts, revises, updates and upholds the provisions of the Town Plan; makes recommendations to the Select Board regarding amendments to the Zoning Bylaw, sign ordinance, and subdivision regulations; actively participates in the preservation of historic sites and agricultural lands; and is charged with the overall planning of Bennington.

(appointed to 4-year term)

Charles W. Copp	5/2021
Michael P. McDonough	5/2021
Nicholas T. Lasoff	5/2022
Kenneth Swierad	5/2023
Robert W. Ebert	5/2024

**REGIONAL COMMISSION** - An appointed position with a term of two years. The Regional Commission, part of a county-wide planning commission charged with development of the overall regional planning policies, is empowered to develop budgets, employ staff and assist in development of a regional plan.

(appointed to 2-year term)

Jon E. Hale	3/2021
Daniel Monks	5/2022

#### **ENERGY COMMITTEE**

David Traver Adolphus	6/2021
Michael Kuser	6/2021
Bruce Lierman	6/2021
Deanna Oakes	6/2021
Jeannette Jenkins	6/2021
Wendy Sharkey	6/2021
Nancy Thompson	6/2021



## MANAGER'S REPORT April 26, 2021

### ACTION

Water/Sewer Interest Waiver Last April 6, the Board voted to waive interest on delinquent water/sewer payments from January 2020 on. We are now preparing for the first billing which will be due at the end of the fiscal year. I am suggesting that we revoke the waiver for the ensuing year. Note: we also waived late fees on dog licenses for last year only. They will be re-instated this year when we re-open the office.

Action Requested Motion to re-instate interest on delinquent water/sewer fees.

### INFORMATIONAL

Annual Information Annually I present the Annual Calendar for Board activities and as the Purchasing Policy requires, I present the exceptions to the policy and the reasoning.

Hydrant Flushing The biannual hydrant flushing will take place from April 26 until May 14. The period of time has been extended one week due to the additional hydrants installed as part of the PFOA remediation projects. If your water is discolored flush with cold water only until clear.


Sidewalk Construction – Paving Cost Comparison As we approach the next construction season, RJ has suggested changing the pavement surface in certain areas. I attach the cost comparison he has developed. Dan and I agree that moving away from concrete sidewalks is cost-effective, may provide a better walking surface, may be more suitable for ADA access and use, and is easier to maintain in all seasons. Our initial thought is to maintain concrete sidewalks within the downtown district/ the historic district and along urban portions of Class 3 collector streets such as Elm Street. Once outside this area, we would use asphalt for the surface and concrete curbs. There is a tremendous saving both in time and materials if we move in this direction. When installed properly, they last a fairly long time and do not suffer the heaving that concrete sidewalks do.

### FOLLOW-UP

The Bike/Ped Monthly Report is attached.

## MEMORANDUM

To: Select Board

From: Stuart A. Hurd, Town Manager 

Re: Annual Calendar and Purchasing Policy Exceptions

Date: April 16, 2021

Attached you will find the Annual Calendar which highlights key actions and the timing throughout the year. You will also find the exceptions to the Purchasing Policy which must be submitted to you before April 30 of a given year.



## SELECT BOARD ANNUAL CALENDAR

- Apr Board reorganization-first meeting.  
Staff evaluations performed by the Manager are to be completed by June.
- May Water /sewer budgets presented to Board. Board begins review.  
Downtown Improvement District funding set by Board after review of requests.  
BBC Workplan reviewed as part of DID funding determination.  
Boards and Commissions appointment process begins.
- Jun Water/sewer budgets adopted by Board and rates set. Town and DID tax rates set.  
Manager sets employee salary increases for the coming year.
- July Last opportunity to set tax rate for General, Highway Fund, and Fire Fund.  
Last opportunity to hear and accept BBC Work Plan and set DID tax rate.
- Aug Tax bills are mailed. Nov 10<sup>th</sup> is the adopted due date. It may be pushed back due to weekend or Veteran's Day calendar.
- Sept Biannual Citizen Survey is published for return by November/ early December.
- Oct Staff begins General and Highway Fund budget development. Board may provide direction on salary increases for non-union employees and overall budget increase. If union contract expiring next June 30, negotiations may start.
- Nov General and Highway Fund taxes due. Manager evaluation performed by Board.  
Manager continues review of department budgets.
- Dec Late December, Manager presents budgets to Board and Board schedules work sessions. Applications from agencies not petitioning are provided to Board.
- Jan Board reviews and adopts budgets by end of the month. Sets pay for Manager, Clerk and Treasurer. Petitioned Articles added to Warning.  
Board signs Warning for Annual Meeting at last meeting in January.
- Feb At the 2<sup>nd</sup> Board meeting, the School/Town budgets presented to the public.
- Mar. Annual Town Meeting first Tuesday in March; floor meeting the night before.

## MEMORANDUM

To: Select Board

From: Stuart A. Hurd, Town Manager



Re: Exceptions to the Purchasing Policy  
Multi Year Agreements

Date: April 16, 2021

The Purchasing Policy requires notification to the Board no later than April 30<sup>th</sup> of a given year for Professional Services Exceptions. The Policy also requires notification to the Board for Sole Source Purchases within 30 days. I will be including these Sole Source vendors because this is the first year and some of these were in place before the Policy was revised. Multi Year Agreements must also be sent to the Board. I will include the current vendors as well.

### Professional Services Exceptions

These exceptions are "characterized by a high degree of professional judgement, discretion and continuity including legal, financial, auditing, engineering, and insurance services".

### **MSK Engineering**

Provides engineering and surveying services for the municipal water system, for pathway projects, for forestry and land management purposes.

### **Milone and MacBroom**

River science engineering

### **Paul Miller**

Provides environmental engineering services for pollution/contamination matters

### **Woolmington, Campbell, Bent and Stasny PC**

Provides legal services for all departments except those covered by our Property and Casualty Insurer, PACIF (VLCT).

### **Love Cody and Company**

Auditing services

### **Newport Group**

Provides retirement group actuarial services for the audit, a new GASB requirement.

### Sole Source Exceptions

These vendors have been selected because they are the only possible source.

### **Lafaso Electric**

Provides traffic control services for signal lights and controllers.

### **Morse Repair**

Provides repair services for all heavy equipment and large trucks not under warranty from dealer. They are the only one local with the capabilities.



**Peckham Industries**

Provides all concrete for municipal projects; the only one available.

**Sherwin Williams Paints**

Only provider of traffic paint.

**Electrical Installations Ins**

Provides WTF SCADA maintenance

**LCS Controls**

Provides WWTF SCADA maintenance

**Hach**

Provides water instrumentation service and calibration

**Green Mountain Pipeline**

Slip lining services-only competitive bidder

**Surpass Chemical**

Provides polymer and chlorine to WTF

**Airgas**

Bulk carbon dioxide for WTF

**Holland Company**

Provides sodium bisulfate

**Evoqua**

Provides sodium bioxide for odor at West Rd sewer pump station

**Multi Year Agreements**

These are agreements ranging in length from three years to five years.

**Wells Communications**

Provides radio maintenance services to all departments.

**Repeat Business Solutions**

Provides copier lease agreements for most departments ranging in length as noted above.

**First Choice Communications**

Provides telephone hardware and maintenance services.

**First Light**

Provides telephone, internet, ELAN Network services for all departments.

**RCS Consulting**

Provides internet and computer software assistance.

**R.C. Pembroke and Sons**

Provides tree planting and maintenance and island planting and maintenance for multiple locations

**Sweet William Garden Design**

Provides downtown planting design and maintenance.



# **Town of Bennington's Semi-Annual Water Main HYDRANT FLUSHING**

**NOW 3-Week Period**

**Monday through Friday**

**7:00am thru 5:00pm**

**Beginning**

**April 26 – 30, 2021**

**and**

**May 03 – 07, 2021**

**AND**

**May 10 – 14, 2021**

- Bennington's Hydrant Flushing is a STATE Mandated Program that occurs every April and October.
- Due to the recent Water Main Extension project, we now have an ADDITIONAL 20 miles of Water Mains and 150 New Hydrants to maintain. Therefore, we must extend Hydrant Flushing into a Third Week.
- It ensures a higher Water Quality and allows for proper Hydrant Maintenance for Fire Protection.
- You may experience low water pressure.
- You may also experience discolored water.
- These are normal and unavoidable side effects of the program.
- We recommend you schedule clothes washing and other cleaning projects **after** daily flushing hours and **once your water has run clear**.
- If you experience discolored water **Run Your Cold Water Until It Is Clear**.

**Any further questions please call the Bennington Town Offices at 442-1037.**



# CONCRETE VS. PAVEMENT SIDEWALK COMPARISON – January 2021

## CONCRETE Total Cost per Linear Foot = \$ 19.64

**MATERIAL ONLY:** Estimate per 100 linear feet (measurement= 5' wide x 100' long x 6.5" thick average) with driveway aprons = 12 cubic yards

12 cu yds x \$135.00 per yard = **\$1,620.00**

Therefore \$1,620.00 / 100 linear feet

= **\$16.20 per Linear Foot in Material Costs**

**LABOR COST:** It takes a crew of 8 men x 8 hours each x \$37.64 (current rate) to set up 700 LF of concrete walk; However only 375 linear feet can actually be poured in 8 hours.

Therefore  $64 \times \$37.64 = \$2,408.96$  (per day labor) / 700 LF = **\$3.44 per Linear Foot in Labor Costs**

**Equipment Costs:** No additional Equipment costs (included in the \$135 p/cuyd cost from Dailey's)

**Total Costs for Concrete Sidewalk = \$19.64 per linear foot**

---

## Hot Mix Total Cost per Linear Foot = \$ 9.88

**MATERIAL ONLY:** Estimate per 100 linear feet (measurement of 5' wide 100' long and 3" thick) = 9.41 tons

9.41 tons x \$70.00 per ton = **\$659.00**

Therefore \$659.00 / 100 linear feet

= **\$6.59 per Linear Foot in Material Costs**

**LABOR COST:** We can pave 2,000 LF in an 8-hour day with 8 men x \$37.64 (current rate) = \$2,408.96

Therefore \$2,408.96 per 2,000 LF

= **\$1.21 LF in Labor Costs**

**Equipment Costs:**

Trucks:  $2 \times 8 \text{ hrs} \times \$90.00 \text{ p/h} = \$1,440.00 / 2,000 \text{ LF} = \textbf{\$0.72 per LF Trucking}$

Excavator:  $1 \times \$145.00 \text{ p/h} \times 8 \text{ hrs} = \$1,160.00 / 2,000 \text{ LF} = \textbf{\$0.58 per LF Excavator}$

Roller:  $1 \times \$50.00 \text{ p/h} \times 8 \text{ hrs} = \$400.00 / 2,000 \text{ LF} = \textbf{\$0.20 LF Roller}$

Paver:  $1 \times \$145.00 \text{ p/h} \times 8 \text{ hrs} = \$1,160.00 / 2,000 \text{ LF} = \textbf{\$0.58 per LF Paver}$

**Total Costs for Hot Mix Paved Sidewalk = \$9.88 per linear foot**

---

### Additional Notes:

- ▶ If a service must be replaced, Town must pay a "Small Load Charge" for concrete (under 4cy.) Residents must pay this cost. Hot mix you can get less than a ton at no extra charge.
- ▶ The paved sidewalks are much easier to plow and the dark color clears the walk much quicker.
- ▶ Paving more sidewalk in the summer would allow more to get done, both in the number of sidewalks completed and maintenance of our roads.
- ▶ We must saw cut concrete sidewalks. Pavement we do not.
- ▶ Concrete takes longer to set up, therefore residents cannot access driveway for several days. Paving sidewalks is much less time for residents to not be able to enter their driveways (Hours vs. Days).
- ▶ Also, detectable warning devices would have to be poured into concrete at intersections (at additional costs).

# Town of Bennington Bike/Ped Projects

## Update

### April 2021

#### Orchard Village (formerly Applegate) to Willowbrook Path

**Project Description:** Pathway to connect Orchard Village, Willowbrook Apartments and Molly Stark Elementary School.

**Status:** Construction is well underway and is scheduled to be completed this Summer.

#### Ninja Trail

**Project Description:** The proposed path is 2.12 miles. It begins on Hicks Avenue at the existing pedestrian bridge and ends at the intersection of VT Route 67A/College Drive/Silk Road/Matteson Road. From there, pedestrians and cyclists can reach the Village of North Bennington via Bennington College's paths and low-speed roads. The path varies between wooded areas, open fields, and roadside facilities. It crosses streams, goes under an overpass, and crosses a highway.

**Status:** \$1 Million in State/Federal Grants have been secured. A recent update of the cost estimate using current pricing indicates that significant additional funding will need to be secured. Additional grant opportunities are being explored. Segments of paved path between Hicks Avenue and Harmon Road (behind Walmart) and between Bennington College entrance and the Hampton Inn have been constructed. Interim path (dirt and gravel) between the two completed segments is open for use. Preliminary plans for the construction of the remainder of the paved path have been approved by the State. The Town has now obtained all of the easements required for the project. Construction is scheduled for 2022 subject to State permits being issued in a timely fashion.

#### Bennington Pathway – Rail/Trail

**Project Description:** Shared use path (bike path) along Railroad Right-of-Way from Bennington Station to Emma Street (off of Northside Drive). The portion of the path from Bennington Station to Orchard Road will be paved. The remainder of the path will be gravel.

**Status:** State/Federal Grant for 90% of cost has been secured. A local match of \$100,000 is being held in a reserve account. An additional \$80,000 match is necessary and will impact the FY 22 budget. The project was recently put out to bid and Markowski Excavating was the low bidder. The Town will soon enter into a contract with Markowski. A pre-construction meeting will occur on



April 28<sup>th</sup> and a preliminary construction schedule will be developed soon thereafter. Construction will begin this Summer and will conclude in Spring of 2022.

## **Benmont Avenue Bike/Ped Improvements**

**Project Description:** Improvements to make Benmont Avenue safer and more attractive for pedestrians, cyclists, and drivers, including significant changes to the Hunt Street intersection. The improvements will act as an extension of the Ninja Trail into Downtown Bennington.

**Status:** A total of \$559,000 in State/Federal Grants have been awarded, including a State of Vermont Bike/Ped Grant in the amount of \$309,000 that was awarded in November 2020. The Town match will be approximately \$140,000. All easements have been obtained. Additional funds may need to be sought. The Town DPW will likely construct a portion of the project to keep costs down. Currently, it appears that the DPW will construct the Hunt Street intersection improvements and the grant funds will be used to construct the remainder of the project. Final plans are scheduled to be completed by Summer of 2021. Project scheduled to be put out to bid in Winter of 2021/22. Construction scheduled for Summer of 2022.