

Village of Old Bennington
Trustees' Meeting Minutes
August 4, 2026

[Note: These are draft minutes, to be finalized at the September Trustees' meeting.]

The meeting was held at The Barn and on Zoom. The Minutes do not attempt to capture every word, which is why we usually supply a link here to a recording of the meeting. Unfortunately, we can't do that this time because no recording was made, due to technical problems. These minutes will be the only record, so the Clerk is erring on the side of including more detail, rather than less. The Trustees do plan to upgrade their audio/visual equipment soon, and there is hope that failed recordings, inaudible speakers, and over-long minutes will then become a thing of the past.

Officials present: Presiding Officer Jim Thatch; Trustees Renny Ponvert, Kristin Roessner, and Ed Woods; Treasurer Ron Rabidou; Auditor Kathy Wagenknecht; and Clerk Mary Walsh.

Officials absent: Trustee Susan Wright.

Village residents participating in person: Brian Scheetz (also Planning Commission Chair) and Sheila Scheetz; Marc Baetens; Tamara Von Ouhl-Kremer; Andrew Buchsbaum and Suzanne Buchsbaum (also Nominating Committee Chair); Nancy Coseo; Galen Jones; and David Silver (also Chair of the Zoning Board of Adjustment).

1. Call to order: JT called the meeting to order at 7:10 p.m., after a delay caused by Zoom equipment malfunctions.
2. Changes or updates to the regular agenda: JT said he would like to have a Nominating Committee report, after the citizen comments.

3. Approval of minutes from the July 7 meeting: JT asked if anyone had changes or corrections to request. There were none, and the minutes were unanimously approved.
4. Citizens' comments not related to the agenda: Marc Baetens pointed out that the section of the Village website telling which officials were responsible for what duties was out of date and needed to be updated. [Clerk's note: As of Wednesday, Aug. 5, that page had been updated.]
5. Nominating Committee report: SB said there had been a great response to the call for volunteers interested in serving on the Village's three governance bodies, the Board of Trustees, the Planning Commission, and the Zoning Board of Adjustment. She said she now expected another opening for a Planning Commissioner, because Chris Ponessi is moving out of the Village. Therefore, she said, the Committee's call for residents interested in volunteering would remain active.

JT pointed out that the Board still needed a regular Zoom operator and tech person and asked anyone who knew of a good candidate to put them in touch. SB said the Nominating Committee wasn't in a position to evaluate tech people. EW said that CAT-TV had a package rate for recording meetings and making the recordings available online. JT said that he would put a discussion of CAT-TV on the agenda for the September meeting if the Village didn't have a volunteer by then.

6. Zoning Board of Adjustment candidates: David Silver said the Board had selected candidates Andy Buchsbaum and Wendy York; they found a third candidate, Thomas Scheetz, to be highly qualified but constrained because he's usually at Harvard and not in the Village. DS said he had known AB for 40 years and knew he was intelligent, open to new ideas, and not wedded to fixed opinions. He said he didn't know WY, who moved to the Village recently, but did know she was very enthusiastic and intensely interested in this community. GJ added that AB had previously served as a Trustee and a Planning Commissioner and had deep knowledge. EW moved to accept the

two candidates. RP seconded the motion. The two candidates were unanimously accepted.

RR said DS also needed to nominate Zoning Board Member Anthony Mazzola for another term, because his current term was expiring. RR said he had discussed this with AM and could confirm that AM wanted to serve another term. DS said he would recommend AM for another two-year term, and AM's renewal was unanimously accepted.

RR also reminded the Trustees that the Zoning Board's terms were staggered, and proposed that WY's term would run from FY 2025 to FY 2027, and AB's term would run from FY 2026 to FT 2028. The Board approved the staggered terms unanimously.

7. Interim Bylaw discussion: [Clerk's note of background: The [Interim Bylaw](#) was enacted following a special meeting on Jan. 5, 2026. At that time, the Village lacked the power to work on zoning measures, because the most recent Village Plan of Development (which the State requires of all municipalities) had expired before a new one was drafted. That meant the Walloomsac Inn's zoning status was frozen in "residential," to which it had reverted after the Berry sisters stopped running it as an inn. The Interim Bylaw was seen as a path forward for the Walloomsac Inn to be renovated and restored as an inn. Much discussion of the Interim Bylaw and its purpose can be found in the minutes from that time.]

BS said that as a citizen (and not as Planning Commission Chair), he was going to ask the Trustees to consider repealing the Interim Bylaw, because the critical project that had raised the need for it had by now received the Nonconforming Use Permit that it needed and was moving forward. He said that keeping the Interim Bylaw in place was likely to invite more disputes. He said he didn't think many villagers had ever really thought that the Interim Bylaw would cover more properties than just the Walloomsac Inn. Now, however, with the Interim Bylaw still on the books, other properties might be opened up to restoration, for purposes the villagers might not like.

BS pointed out that it was now clear that the permitting decisions made under the Interim Bylaw could be appealed. He said he had recently received a citizens' petition for repealing the Interim Bylaw, which met the statutory requirement of being signed by at least 5 percent of the Village's registered

voters. He said the Interim Bylaw included a provision saying its repeal would have no effect on the permitting decisions that have already been made.

BS said he would now like to know what the first step would be to warn a hearing on the repeal of the Interim Bylaw.

JT said he hadn't received a copy of the petition himself. He said he had asked the Village's lawyer about it, but had not received a response. He said he didn't necessarily disagree with the idea of a repeal, but at the same time he didn't anticipate a flood of applications for Conditional Use Permits from people hoping to take advantage of the Interim Bylaw. He said he wanted to know how such a repeal would interplay with the ongoing drafting of the Village's new Plan of Development.

MW recalled that when the Interim Bylaw was enacted, some people were concerned that it would be seen as a spot-zoning measure, and therefore illegal, making the Village vulnerable to legal challenge. To avoid this, the Interim Bylaw was carefully written to apply to a number of structures, not just the Walloomsac Inn. She said she was concerned that repealing the Interim Bylaw now, after it had been applied to just two properties [the Walloomsac Inn and 3 Seminary Lane], would undo that careful writing and make the Village vulnerable to accusations that the Interim Bylaw had been a sham, used to cover up illegal spot zoning. She said she was concerned about the integrity of the Village's legislative process.

JT said the Interim Bylaw had been used to enable the Walloosac Inn's restoration and he thought it had been a success.

AB asked about the requirement that 5 percent of the registered voters had to have signed the petition for repeal. He said that wasn't applicable to the 3 Seminary Lane application, because the restoration of that property had, in fact, begun before the Walloomsac Inn's zoning had become an issue.

RR said there were a number of properties in the Village that had previously been used for some purpose other than their present one. It therefore seemed to him that there might be other properties in the Village that could be renovated and converted to another use if the Interim Bylaw remained in force.

SB said she agreed with BS. She said there were a couple more properties in the Village that might be considered to be “dilapidated,” and therefore candidates for zoning changes under the Interim Bylaw. She was concerned that if the Interim Bylaw stayed in force, more of them could be renovated.

EW said that if Merrill Bent agreed, what harm would there be in repealing the Interim Bylaw? If there were another application being prepared for another Village property, he’d need to know about it before voting on any proposed repeal. He would want to know whether the Trustees would be held harmless for their actions.

BS said the Board of Trustees needed to ask Merrill Bent how the prospective repeal would fit with the requirements of 24 V.S.A. Section 4442, the State law that governs how municipalities in Vermont adopt, amend, or repeal their bylaws. BS said he also wasn’t sure whether the vote on a repeal had to be taken by the Trustees or by all registered-voter residents of the Village.

RR asked about the current timetable for the Village Plan’s completion. NC asked whether the repeal of the Interim Bylaw would be in line with what the Villagers wanted, based on the recent survey of Village opinion by the BCRC. BS said the survey showed that the overwhelming majority were not interested in any additional commercial development.

GJ said the new Village Plan was not intended to replace the Interim Bylaw. Therefore, he said, at some point the Village would have to repeal the Interim Bylaw if the Trustees didn’t do so now.

[Clerk’s note: The Interim Bylaw was written to remain in effect for two years, with a possible one-year extension after that.]

SB pointed out that the petition stated that the Interim Bylaw allowed the Board of Trustees to usurp the traditional powers of the Planning Commission and the Zoning Board of Adjustment.

JT said this was a misreading of the Interim Bylaw, which does not allow any such usurpation. He said that the Interim Bylaw gave the Board of Trustees only the power to decide whether a development project was qualified to move forward, by meeting certain conditions. If the Board of Trustees found that the project qualified, then it moved to the Planning

Commission, which still held the authority to do all the usual site-plan approvals and make related permitting decisions. No authority was taken away from the Planning Commission or the Zoning Board, he said.

RR asked if the Interim Bylaw didn't take away some of the Planning Commission's flexibility, in the sense that it limited them to just five requirements. GJ said that was incorrect because the Planning Commission still had power over all the site-planning work under the Interim Bylaw.

There was a discussion of the Planning Commission's authority and the five requirements that projects must meet in order to proceed under the Interim Bylaw. BS said that there was a difference between granting a "permitted use" and making an alteration to a structure. If a developer needed to install anything like signage or exterior lighting, they would still have to make an application to the Planning Commission. For example, the owners could now use 3 Seminary Lane as an Airbnb, but if they wanted to use it as an inn, they would still have more work to do. BS also mentioned that his wife had recently driven by 3 Seminary Lane and thought it looked as if the owners were building a circular driveway.

JT said he didn't know about that. BS said that if the owners were, in fact, doing something different from their approved site plan, then the Zoning Board of Adjustment would need to receive a complaint from a citizen to take action.

BS also said there was no effort underway to change the zoning of the Village; rather, he said there was an effort underway to update the Village records, to show where all the nonconforming uses were. He said that at the State level, certain zoning terminology was being changed; the phrase "rural residential" was being changed to something like "rural general." He said he couldn't remember the State's planned terminology precisely, but whatever it was, it wasn't an effort to allow for "commercial" zoning in Old Bennington.

GJ said there was no provision for commercial property in Old Bennington under any circumstances. He also said that it had been said many times that the Interim Bylaw was enacted because the Village's old Plan of Development had expired before a new one could be put into place. He said that wasn't true.

EW said that in fact, the Village lawyer, Merrill Bent, had counselled the Trustees that after the old Village Plan had expired, making any zoning changes would be frowned upon until the new Village Plan had been drafted and approved by the State. Therefore, the Trustees had decided to use the Interim Bylaw to create a path forward toward what the citizens wanted [the restoration of the Walloomsac Inn]. Other than the qualifying restorations, the Board had decided not to change any ordinances or bylaws at a time when the Village wasn't supposed to.

JT said he thought it would be appropriate to remove the Interim Bylaw if counsel approved of taking that step.

RP said he wanted to make a motion that in the September Trustees' meeting there would be a vote on repealing the Interim Bylaw, once people had been notified about any concerns the Village counsel might have. EW said it was essential to follow the State's procedural requirements for repealing the Interim Bylaw, which might include another public hearing, which in turn could have a different "warning" schedule than the schedule for regular Board meetings. He said the Board didn't need a motion at this point because there was consensus that the Village first needed to get Merrill Bent's guidance, then continue accordingly.

8. Project application discussion: How much personal information should be available online?

BS said he had received a polite complaint from a Villager, who said that after her project application came before the Planning Commission, she and another applicant had become targets of a phishing expedition. She asked whether cost estimates for projects really had to be made available online, because she thought that was what had attracted the scammers. The Planning Commission discussed the request at a recent meeting, and Zoning Administrator David Kiernan had explained that Old Bennington posts far more information about projects and applicants than other municipalities do. BS said he liked the idea of information being in the public domain, but he also recognized that there was a downside. He said he didn't know if the Planning Commission could change project application requirements by itself, and he wanted to get input from the Trustees. He needed to know what the minimum amount of available information would be, and pointed out that in Sutherland, the Planning Commission posted nothing but an agenda

item when a project application was going to be discussed. Anybody who wanted information about the project had to come to the meeting.

GJ said abutting neighbors needed to be informed of project details. He said sometimes applications included more detail than what was required (e.g., interior blueprints) because there had been a document dump.

KR said that perhaps just the dollar amounts should be redacted from the application forms before they were placed online. She said the cost projections were the single item most likely to draw scammers. KW recommended also removing applicants' phone numbers and email addresses. EW agreed that non-officials in the Village didn't want their contact information posted online.

BS said he thought the application form needed to be redesigned. He thought the Village could start by removing dollar amounts from applications posted online, then continue to redesign the entire form. He said the Planning Commission could retain the unredacted version of the application for its own use.

KR made a motion to remove the personal-identification details and financial details from the applications posted online, and to start working on an application redesign. The motion passed unanimously.

9. Traffic calming update: RP said he had noticed that on Route 9, the speed limit went from 50 mph to 40 mph, and soon after that to 30 mph, but not to 25 mph, which is the speed limit in the Village. He wondered if the State would permit a sign on Route 9 saying something like "Slow: Congested Area." He also wanted to know who had placed a speed cart near the top of Monument Avenue.

EW said the speed cart belonged to the Town of Bennington Police Department, which was collecting data on a rotating basis around the Town. It was scheduled to be there for a week.

TV said the residents who live on Bank Street had been promised that a speed cart would be positioned there, but it never was.

JT said the Village would eventually get its own speed sign, which would collect data and be rotated to different positions on Village streets.

TV asked about the use of speed cameras in Old Bennington, saying she did not believe there was any statewide ban against their use in Vermont.

EW said this wasn't the first time the Trustees had discussed speed cameras. For now, he said, it was not possible to put up a camera in the Village and use the resulting photos to ticket drivers. He said the relevant statute might be amended. He also said that speeding data collected by the Bennington County Regional Commission had been sent to Google, with a request that Google's GPS system stop routing highway traffic through Old Bennington. MW said she didn't believe the data were being collected at the places where speeding was most egregious. She said that if data were collected from lower Monument Avenue, where the road widens out and still has the yellow center lines that should have been removed, she believed the average speeds would be faster than on upper Monument Avenue, which looks less like a major thoroughfare.

SB said there was no speed-limit sign between the Bank Street/Monument Avenue intersection and Route 9. EW said some speed-limit signs in the Village were so overgrown that they're invisible, and the Village needed to do an inventory. JT said that he thought Thomas Scheetz had done an inventory already. AB asked about the timeline for the Village getting the electronic speed sign that's in this year's budget.

10. Reports of Commissioners:

- a. Presiding Officer: JT said that in mid-August, the anniversary of the Battle of Bennington would include a festival, a potluck dinner, a footrace, and other events. He said details could be found at bennington250.org.
- b. Roads Commissioner: EW said he had been working on plowing and salting arrangements for the coming winter, since last year's contractor couldn't do the job again this winter. He said he had asked the Town of Bennington if their drivers could also plow the Village's streets, because every year they drive through the Village with their plows up, then put them back down when they exit the Village. Since

they're here anyway, he thought it would make sense to have them keep their plows down and plow the Village's snow, too. Those discussions will continue, but he said the Town has no interest in plowing the Village's sidewalks, because they're narrower than the Town's sidewalks and the Town's equipment. He found out that Pembroke still plows Bennington College's sidewalks, which have the same narrow width as the Village's sidewalks. So he has asked Pembroke if it could clear snow only from the Village's sidewalks, not the streets. He will continue these talks.

KR asked if Village officials would still be able to call the Town in the middle of the night, if necessary, if the Village contracted with the Town to plow the streets. EW said no, but he had observed in prior years that the streets in the Town were plowed earlier than the streets in the Village.

For salting, EW said the Town generally followed State guidelines. KW said the Village didn't want any more salt than necessary. She asked if the prices quoted to EW so far included salt and other materials. EW said that salt would be a separate purchase for the sidewalks only.

JT moved for EW to pursue these options so the Board could vote on the contracts at a future meeting. RP seconded the motion. It passed unanimously.

RR reported that the vendor selected to fill Village potholes was doing a good job.

- c. Parks and Sidewalks Commissioner: SW was absent, so there was no news.
- d. Tree Commissioner: RP said the Village was likely to do some major tree removal around the Old First Church, including three maples and a pin oak. Replanting is recommended for the site, but RP said it wouldn't happen until November. RP said that taking down failing trees was the responsibility of the property owners. EW said the Village had to agree on whether Village funds would be used to subsidize replanting, and the cost of replacement trees should be discussed separately from the removal of failing trees.

RP said that thanks to Joe Musso's work clearing overgrown vegetation, it was now possible to see the 25 mph sign on Catamount Lane. But he said Joe couldn't be expected to clear away all the overgrowth encroaching on that street. There's a shallow culvert there that needs a thorough cleanout, over about a quarter mile, for example. Under Village bylaws, removing brush and debris from the right-of-way is the responsibility of the property owner. But on Catamount Lane it's a really big job, and there are differences of opinion as to priorities. And to further complicate things, one of the properties on the Catamount Lane right-of-way is being sold, and the liability for removing overgrown vegetation isn't mentioned in the closing documents. RP said that SW had saved a lot of money on sidewalk repairs, so her budget could subsidize some of this work.

There was a discussion of who should pay for this. EW said the same thing had happened a couple years ago at Tzaims Luksus's property, which had been standing empty since 2020. The unpruned vegetation was encroaching on Walloomsac Road, and it was deemed a safety issue, with the property owner responsible for clearing it away.

RR said that in keeping with that precedent, the Village needed to send the Catamount Lane property owners letters, giving them a clear time window to do the brush removal themselves, and saying that if they didn't comply, the Village would hire a contractor to clear the brush and bill the property owners for the cost. RR also said the Village needed to have a Bylaw creating a lien on the property if the Village had to do such clearance and the owner failed to pay the cost. The current Bylaw says the vegetation must be removed if it impedes travel on the road. Catamount Lane may be passable now, he said, but the Village must clear the vegetation to enable proper plowing in the winter. In that regard, EW noted that the Town of Bennington was aware of the condition of the Catamount Lane right-of-way and saw it as problematic.

RP said that last year a large tree near Catamount Lane fell down and crushed a car at the Sonatina music camp. The trunk is still lying nearby, and it might cost as much as \$10,000 to have it removed. The owners of the property where the tree stood before it fell were

responsible, and he said he could envision them coming to Board meetings and complaining. He wondered if the cost could be assigned to the property owners' property tax liability.

KR asked how this would tie in with the closing of the property's sale. RR said it was hard not to see the cost of removal as a closing item. GJ said that process and precedent were of critical importance.

KW said it would be unfair to divert the unspent portion of SW's sidewalk-repair budget (public money) to subsidize property-owners' cost of clearing away vegetation on their private property. RR said the respective Village Bylaw said the individual property owners would be billed in such cases.

BS said he was thinking about the large tree trunk that's been lying on the ground, and wondering whether that property owner is going to make a claim on the property owner who owns the land where the tree was growing before it fell. RP said that was the house that was being sold. EW said the sale couldn't close until the lawyers had been in touch with the Village treasurer. RR said the Village must notify the property owner, in case the buyer wasn't already notified. He said that when a tree fell down in the Town of Bennington, the Town's policy was to clear the road and dump everything on the side of the road, where the property owner would have to deal with it. EW said he felt sure the owner of the fallen tree was aware of all this.

- e. Police Commissioner: KR said she had no news. She noted that her daughter would be getting married at her house in a few days, and that was the reason for the big tents there.

11. Report of the Treasurer:

RR said he would start with the warrant, since the Treasurer's monthly report was already posted under the "Board of Trustees" tab on the Village website. He said there were just two checks, one to Pembroke for park maintenance, and one to Herrmann Construction for the plumbing work on the now-restored water fountain. The other items were all regular monthly expenses. EW said the water fountain's restoration had turned out to be a great collaboration

between the Village and the Town. EW moved to approve the warrant as presented. JT seconded the motion, and the warrant was unanimously approved.

RR also said he was planning to send out the property-tax bills this month.

RP pointed out that the buyer of the house at 34 Monument Avenue was buying it after having been turned down on an offer for 130 Monument, whose owner is approaching two years of tax delinquency.

12. Auditor's report:

KW said she had no news to report.

13. Old business: There was none.

14. Adjournment:

KR moved to adjourn the meeting. EW seconded the motion, and the meeting was adjourned at 9:03.