

Village of Old Bennington
Minutes, Trustees' Hearing on Conditional Use Permit
July 2, 2026

The hearing was held at The Barn, and was accessible on Zoom. To watch a recording of the hearing, click this link:

https://zoom.us/rec/share/rGT1PdI-H7S7FtsML081M2o93h5Tb1qbs-mxsn_coJ8dX8xZlxP6bBBGSJ6ZlaWo.98USY2eYLwQbIepA?startTime=1783033215000

Passcode: n^T%?1ME

Officials present: Presiding Officer Jim Thatch, Trustees Rennie Ponvert, Kristin Roessner, Ed Woods, and Susan Wright; Zoning Administrator David Kiernan, serving as Zoom operator; Treasurer Ron Rabidou; and Clerk Mary Walsh.

Officials absent: Auditor Kathy Wagenknecht.

Other participants present: Rafe Churchill and Casey Sunderland, of The Walloomsac Property LLC; Merrill Bent of Woolmington, Campbell, Bent and Stasny, counsel to the Village. Liam Murphy of MSK Attorneys, counsel to the developers, participated via Zoom.

The names of Village residents who participated, both in person and on Zoom, are included below, with brief summaries of their statements. Parties wishing to listen to the hearing in its entirety are referred to the Zoom recording, linked above.

JT called the hearing to order at 7 p.m. and introduced the five Trustees, the principals of The Walloomsac Property LLC, and the attorneys for the project and the Board of Trustees. He said the hearing's purpose was to consider The Walloomsac Property LLC's application for a Conditional Use Permit under the Village's Interim Bylaw. [Clerk's note: The Walloomsac Property LLC holds the

deeds to the properties at 67 Monument Avenue and 3 Seminary Lane.] A copy of the application is available [here](#).

JT summarized the Interim Bylaw that was approved by the Board on Jan. 5, 2026. He also summarized the application, which called for The Walloomsac Property LLC to operate the property at 3 Seminary Lane (now known as The Seminary), as an ancillary guesthouse to the Walloomsac Inn. It would have six guest rooms, no food-and-beverage service, mandatory quiet times, and occupancy solely by guests aged 21 and older. In addition, the barn behind the inn would be used only for storage, not events or programming of any kind.

JT then asked MB to conduct a group swearing-in. She asked all those who planned to offer testimony to swear that their evidence would be truthful under penalty of perjury. JT also instructed participants to state their names and addresses for the record.

[Clerk's note: A copy of the Village's Interim Bylaw is available [here](#). Under "Section 2, Applicability," the Interim Bylaw lists five criteria that a development project must meet if it is to qualify for consideration under the Interim Bylaw. Because a number of participants referred to these criteria, they are being listed here for readers' convenience:

- a. The structure is individually listed or is a contributing structure within the Old Bennington Historic District on the National Register of Historic Places;
- b. The structure was lawfully used for a nonresidential purpose prior to the adoption of current zoning regulations prohibiting such use;
- c. The nonresidential use was discontinued for a period exceeding the time otherwise allowed for continuation as a nonconforming use under the current Zoning Bylaws;
- d. The proposed reuse is substantially the same as the building's historic use or is a new use that would not adversely impact the character of the surrounding area or the broader, historic character of the Village; and,
- e. The structure or a substantial portion thereof has fallen into disuse and/or is in a deteriorated condition such that immediate preservation or restoration is in the public interest.

[End of Clerk's note.]

JT summarized the conditions under which The Seminary will operate. They included the lack of any food-and-beverage service, mandatory quiet hours, a minimum guest age of 21 years, and the requirement that a barn on the property be used solely for storage, not events.

JT, 10 West Road, then made an opening statement, saying he had researched the developers' firm, met with villagers to hear their concerns, and responded to them in person and by email. He said he was proud that the Village was listed on the National Register of Historic Places, and believed the residents had a responsibility to preserve its history at every reasonable opportunity. He said he supported the project because it honored that history while maintaining the character of the Village. He also said the Board also had a duty to foster economic prosperity sustainability and a high quality of life, and the project at 3 Seminary Lane was a logical step in that direction. He said the developers had already made an investment in the Village, been transparent about their intentions, done everything that had been asked of them, and had shown their willingness to be good neighbors by amending their original application after listening to public comment.

RC and CS were then offered the chance to make opening statements, which they declined. The following people then spoke:

Tamara Kremer, of 32 Bank Street, said she was concerned about the wording of the application. She said the Walloomsac Inn had no history of having an external guest house, nor had The Seminary ever been used as a guest house. She said the developers had been restoring 3 Seminary Lane as a residential property but now wanted to link it to the Walloomsac Inn. She said she wasn't comfortable with the way the two buildings were being tied together.

Marc Baetens, of 21 West Road (the Four Chimneys), wanted to know who had approved The Seminary's site plan.

Brian Scheetz, of 19 Monument Circle, Chair of the Planning Commission, responded that the owners of 3 Seminary Lane had brought their application before the Planning Commission when they doing restoration work, such as the rebuilding of the bell tower and the reconfiguration of the driveway.

[Clerk's note: BS reported this in a regular Trustees' meeting on June 30, 2025. The Village's 2017 Plan of Development had not yet expired then; it expired at the

end of August, 2025, without a successor Plan in force. The State can bar zoning changes by municipalities without Plans, but makes an exception for municipalities with Interim Bylaws, like the one that Old Bennington adopted last January.]

BS said the bell tower and driveway changes were approvable under the existing bylaws last year, and the owners hadn't proposed significant reconfigurations since then—nothing that would have triggered additional approvals from the Planning Commission. He went on to say that in general, he wanted to speak in favor of The Seminary's operation as an inn; the owners were professional operators who he thought would run a fine establishment. But he said that he opposed to the current application for a Conditional Use Permit under the Interim Bylaw, because the Interim Bylaw was not contemplated for properties that were not in an abandoned or dilapidated state.

Nancy Coseo, 3 Monument Circle, said that the Seminary Lane application did allude to another property that would likely warrant a permit. Therefore, she wanted to know if there had been a site visit, as a standard procedure. She said the impact of a Conditional Use Permit would be significant, and it would be reasonable for some clear, precise conditions to be put in place, reflecting the Villagers' concerns. For example, she said Villagers have expressed concerns about parking and traffic. If the Trustees granted the Conditional Use Permit but included conditions on parking and traffic, it would show support for the developers while also giving assurances to the Villagers that parking and traffic would not exceed acceptable levels. She also said that she was disappointed to see commercial advertising for the project on Instagram before the Trustees had acted.

RP, of 11 Monument Avenue and a Trustee, said he had walked the property the previous day, so there had been a site visit. He also pointed out recent changes in the application.

Daniel Richmond, of 362 West Road, said his property abutted the western Boundary of 3 Seminary Lane. He said he and other family members enjoyed the quiet, natural setting, and had been paying property taxes for half a century, thus making significant investments in the Village and Town. He said he had opposed the restoration of 3 Seminary Lane last year and now opposed turning the property to commercial use, which he said conflicted with the Village bylaws. He said the neighborhood was now being subjected to construction noise, tree removals, trenching, and the noise of strangers visiting the property every day. He said the property did not meet the Interim Bylaw's criteria, because it was not unused and

dilapidated prior to its purchase by the current owners. He left photos on the table for listeners to examine.

RR, 323 Elm Street and the Village Treasurer, said he had several objections to the application for a Conditional Use Permit, but now wanted to focus on just one: Section 2(e) of the Interim Bylaw, which says a qualifying structure must have “fallen into disuse and/or is in a deteriorated condition such that immediate preservation or restoration is in the public interest.” He said the developers hadn’t shown that for 3 Seminary Lane. He brought listing photographs from 2024, when the property was last put on the market, and said they showed only routine wear and tear, and that the property sold for \$530,000 only a few months after it was listed. He called on the Trustees to reject the application for a Conditional Use Permit, and said that if the owners wished to continue, they should go through the Village’s regular zoning process once the Interim Bylaw was no longer in force.

Thomas Scheetz, 19 Monument Circle, said he believed that the property did fall into disuse after the owners (the Geer family) had died. He said he thought that if the application was denied, the owners would still be able to list it as a short-term rental, and the Village hadn’t ever shown much interest in enforcing its bylaw prohibiting Airbnb-type rentals. That being the case, if the Village would probably trigger costly litigation if it tried to stop short-term rentals at this particular property. He said he was generally concerned about housing-price trends, but he still thought the Board had to approve this application.

JT then read a statement supplied by Jared Newell and Caitlin Roberts, 7 Seminary Lane, who could not attend the hearing. It said they thought the restoration of 3 Seminary Lane to have been exceptional, and they would accept a Conditional Use Permit with certain conditions attached: 1) that The Walloomsac Property LLC install signage directing visitors to the guest house, to keep them from wandering elsewhere; 2) that visitors be prohibited from walking across the neighbors’ properties; and 3) that the guest house be screened off from view by well-placed trees. wanted any signage to be left in, to discourage unnecessary traffic, and they wanted screening with trees along the boundary between their property and The Seminary. They said they had already discussed these conditions with RC, and he was amenable.

Kate Musso, of 11 Catamount Lane, said she had looked at online views of 3 Seminary Lane and saw that it wasn’t falling to pieces the way the Walloomsac Inn has been. She also said that she attended a meeting where The Seminary project was said to be completely separate from the Walloomsac Inn, but now the two

were being linked. She said her main concern, as a retired attorney, was that she didn't know where this project was coming from, in terms of the legal arguments, or where it was headed next. She said she found that frightening.

Marc Baetens, of 21 West Road, raised several issues that he took with the current application: 1) there was no indication of whether an innkeeper would be on the premises to keep noise under control; 2) there would be no food-and-beverage service, so he presumed that guests would go get food at the Walloomsac Inn, which would strain the parking system; 3) he didn't think the 21-and-over rule could be enforced because people with reservations would show up with children they hadn't mentioned; and The Seminary did not have the required wheelchair ramp at its front door. He also said he disagreed with the claim that The Seminary was dilapidated.

CS responded that there would be an innkeeper on the site; that The Seminary would have no food-and-beverage service and guests would be invited to eat at the Walloomsac Inn; and that required wheelchair ramp was at the back entrance to The Seminary.

RC said he wanted to address the concerns about the level of dilapidation of the property. He said the experience of looking at online real-estate photos was very different from looking at a property in person. He said real-estate photos generally portrayed building as a single-family homes, but when you wanted around inside a property like The Seminary, you saw that wasn't what it was suited for. People were taken aback and lost interest.

KR said she had toured the house when it was up for sale and she thought it would have been livable.

RC said anyone touring the home would have found loose plaster falling off the lathe, lead paint peeling off the ceilings, cracked and leaking radiators, a boiler that needed to be restored, a dangerous electrical system, plumbing held together by bandaids, and a general need for preservation. He said that anyone who looked it now wouldn't be able to see what it was like before, because it had been restored, the utmost respect for the neighborhood. He said was why the bell tower had been rebuilt: out of respect for the community and history.

Liam Murphy, the project's lawyer, asked to explain that the Board of Trustees had to address a two-step process. First, it had to decide if the project was qualified for consideration under the Interim Bylaw, by meeting the five criteria, the fifth of

which [Section 2(e)] had an and/or construction. Second, if the application did qualify, then the Trustees had to decide whether to give the project the Conditional Use Permit. For that, they would have to determine that it wouldn't have an "undue negative effect" on traffic or the character of the area, that it wouldn't overwhelm the existing infrastructure, and that it wouldn't violate any Village bylaws.

Merrill Bent, attorney for the Village, added that there was an extensive body of law defining "undue adverse effect." After looking for more detail online, she said that virtually every development project had some impact, so Vermont courts had found that any adverse effect had to be material and substantial for it to rise to where they would use it to justify the denial of a permit.

LM, the developers' lawyer, added that the analysis of "undue adverse effect" involved first determining if the effect was materially adverse, and then determining if the effect was undue, which was a three-part test: 1) Did the adverse effect violate a clear, written community standard; 2) did it offend the average person's sensibilities; and 3) had the developers taken all reasonable steps to mitigate the adverse effect.

Wendy York, 77 Monument Avenue, said she didn't believe 3 Seminary Lane would be tenable as a parking solution for The Walloomsac Property LLC, because the street was narrow and got even narrower in the winter. She also thought it would be dangerous for drivers to turn at the corner with West Road because the traffic there was very fast. She said she saw the overall project being broken into pieces, with approvals granted here and there, which boxed the Village into piecemeal agreements. She said everybody wanted the Walloomsac Inn project to succeed, but not in this manner, and she urged the developers to look for other land for parking.

Galen Jones, 10 Walloomsac Road, said he had moved to Old Bennington seeking rural-residential surroundings, then served on the Planning Commission for nine years. He said a recent survey showed that a majority of people in the Village had no appetite for commercial activity. He was concerned that if one commercial project was allowed, more would follow, and soon the Village would be on a slippery slope. If too many commercial projects were allowed, he thought residents might sell their homes and move away, and the State Home Act would allow their parcels to be carved up into many multiple dwelling units. He also said he did not think the developers had met criteria D or E of the Interim Bylaw.

SW, of 29 Monument Avenue, and a Trustee, said that everyone had raised valid concerns, but it was important to see the Big Picture: Vermont needed investment and Vermont had to grow. She said that her late husband always said, "For Old Bennington, everything's a battle, and we need to fight this battle." But as a community, she said, people had to think of the greater good, not fight on and on about their own back yards. She said Bennington was the gateway to Vermont, and this decision could contribute to the greater good of the Village, the Town, the County and the State.

EW, of 25 Monument Avenue, and a Trustee, said the Trustees had known before adopting it that the Interim Bylaw would raise the likelihood of controversies like this one. No one was surprised. He also said he could easily imagine how hard the realtor who marketed 3 Seminary Lane worked to make it look inviting and livable; many of the people present at the hearing had taken walk-throughs of his house at 25 Monument and declined to make an offer, they knew they would have to put in a lot of work to make it acceptable as a home. He said the developers' application included five or six conditions that were all favorable toward the quality of life in Old Bennington. He said he wanted to thank them for making those conditions something that fit into their business plan. Citing his years in the hospitality business, he said the business plan made good economic sense, and he'd be glad to start getting the tax revenues the restorations would generate.

Upon further questioning, EW said he was not making any mention of a commercial tax rate.

Andrea Lampron, of 348 West Road, said that her parcel corner-abutted The Seminary's parcel. She said she was alarmed to see statements in the application that were incorrect. For instance, she said the application said 3 Seminary Lane was once a dormitory, but in fact the dormitory was in another building to the south that was no longer there. And she said the application claimed The Seminary was in the center of the Village, but in fact it was far removed from the center, on a dead-end road. She said it appeared that the Trustees had already told the developer that the application would be approved. She said she had lived in her house for 62 years and was now taking care of her elderly mother, with dementia, and when her mother passed away she had been hoping to inherit the house and enjoy a quiet existence there. She said she wanted an eight-foot privacy fence installed along the north and western boundaries of The Seminary so that she wouldn't have to see it or hear it. She also wanted to know if the developers were going to install a bell in the restored bell tower, because she didn't want to listen to

it tolling. She said she didn't understand why the project would produce any more revenue as a hotel than as a house.

MW said she could explain why the revenue would rise: It would rise because the restored properties' assessed values would be higher than their current assessed values. When the assessed value of a property increases, it has a direct, upward effect on the property owner's tax bill. In the case of a big property like the Walloomsac Inn, in a small municipality like Old Bennington, the change could be drastic enough to affect everybody's taxes, possibly even making some homeowners' taxes go down in the first year after a re-assessment.

AL said it still didn't make sense to her why the numbers would be different for a house than for a hotel.

RP, of 11 Monument Avenue, and a Trustee, said that as a matter of law, the Trustees couldn't approve the application because Criterion E had not been met. He said the Trustees had to abide by the bylaws and carry them out, not change them.

Suzanne Buchsbaum, of 129 Monument Avenue, said Villagers had been told that the Interim Bylaw covered only one property.

MB said that was incorrect. The Interim Bylaw applied to all Village properties that met the five listed criteria. If the Trustees decided The Seminary's application met the five criteria, they would then move on to deciding whether to grant it a Conditional Use Permit. They had a maximum 45 days to deliberate and issue a written decision.

SB asked whether The Seminary could be up and running in the meantime.

MB said no, it would need a permit.

EW moved to close the public hearing at 8:33. RP seconded the motion and the public hearing ended. The Trustees then entered a closed deliberative session to discuss whether the application was qualified for consideration under the Interim Bylaw.

After the initial deliberations, the Trustees voted 3-2 that the application qualified for consideration under the Interim Bylaw. They will next deliberate the question of whether to grant the Conditional Use Permit for 3 Seminary Lane.