

**Approved  
Minutes  
Hartford Planning Commission  
February 6, 2023**

**THIS MEETING WAS CONDUCTED IN COMPLIANCE WITH  
THE VERMONT OPEN MEETING LAW  
IN PERSON WITH ELECTRONIC PARTICIPATION AVAILABLE**

**Present:** Bruce Riddle, Vice Chair, (02-07-25), Robin Adair Logan (02-10-23), Toby Dayman (06-28-24), Dillon Bianchi (09-05-25), John Heath (03-22-24), Colin Butler (07-12-24), Kim Souza, Selectboard Liaison, Chris Holzwarth, Hartford Project Manager, and Jo-Ann Ells, Zoning Administrator

**Absent:** John Reid, Chair, (01-11-24)

Bruce Riddle read the Hybrid Meeting Script and took a roll call.

**Administrative Matters**

1. Minutes

Colin Butler moved to approve the minutes of December 19, 2022. John Heath seconded, and the motion passed unanimously.

2. Administrative Permits

Jo-Ann Ells reviewed the following administrative permits:

A Street, Penguin Pottery, Pottery Supply Distribution.

Hartford Ave./Former Blodgett's Building, CED/Twin State Electric, change to hours of operation.

35 Railroad Row, added dwelling unit.

3. Act 250 Applications

Jo-Ann Ells noted that the Planning Commission has seen the following Act 250 applications either at a Public Hearing or administratively:

Twin Pines, Hotel Conversion. Ballardvale Drive.

Dewey Historic Barns (Dandeneau) Subdivision.

Jasmin, Subdivision, Site Plan Amendments, Parking Facility.

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QLLA, tennis court, groomer building, kids camp, bathhouse.

Granite Way/The Vale Condos, garage .

4. Town Plan Steering Committee update

Bruce Riddle noted that Town Planner, Matt Osborn, was working on scheduling up a meeting.

5. Regional Planning Commission update

Bruce Riddle reported that the January meeting was cancelled.

6. Climate Action Plan update

Tabled

7. Availability for the next Public Hearing

All Commissioners anticipated being available for the March 13<sup>th</sup> Hearing.

8. Public comment

None

**Public Hearing**

Robin Adair Logan arrived.

Bruce Riddle opened the Public Hearing, read the Hybrid Meeting Script, took a roll call, explained the Hearing process, and administered the oath.

1. Application #22-26 by Gates and Dickson, LLC (owners/applicants) for approval of the subdivision of lot 45-0212-000 into 4 lots, Stacey Lane and Birchwood Drive, White River Junction, in R-1 and CB zoning districts. (Continued from October 17, 2022, and November 14, 2022)

Byron Hathorn, Nik Fiore of Engineering Ventures, and Chad Michaud of S.W. Cole were present. (Nik Fiore explained that he was receiving texts from Byron Hathorn who was participating remotely. He noted that Byron could hear and see the participants attending the Hearing, but his camera and microphone were not working.)

Jo-Ann Ells explained that the Hearing on the application was opened in October of 2022, continued to November of 2022, and further continued to February 6, 2023, in order for a third-party review of the drainage analysis and geotechnical report to be

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conducted. She noted that the Town hired Dubois & King to conduct the review and it was complete and included in the application materials.

Nik Fiore shared that comments had been received from Dubois & King on the drainage analysis and geotechnical report and that Dubois & King was satisfied with the responses from Engineering Ventures and S.W. Cole.

Nik Fiore reviewed the application and described it as a 4-lot subdivision with frontage/ access on Stacey Lane and Birchwood Drive. He explained that a “proof on concept” plan for handling stormwater had been completed, and final plans would be done and reviewed by the Hartford Department of Public Works before a permit would be issued for construction. He noted that the project is on town water and sewer.

Chris Holzwarth suggested that the Commission require a “no disturbance/no cut zone” on proposed lot #4 and shared a marked up plan suggesting boundaries. He noted that any disturbance/cutting in this area should be required to obtain approval from the Department of Public Works and Tree Warden.

John Heath asked if additional test pits would be done for the final design of the stormwater. Nik Fiore confirmed they would.

Robin Adair Logan questioned who would be responsible to seek approval of the final stormwater plans. Chris Holzwarth stated that it would be the person seeking to build.

John Heath asked who would be liable if the stormwater system failed. Chris Holzwarth explained that the lot owner would be responsible to maintain the system.

John Heath asked if footing drains would be installed. Nik Fiore noted that they may not be needed because the soils are very sandy, but that this would be determined when the final stormwater design is completed.

Robin Adair Logan expressed her continued concern with a potential buyer being responsible to address the stormwater design and the possibility that they might not be aware of the condition until after they purchase the property. Jo-Ann Ells suggested that the Commission could add a condition that requires the owner to make a potential buyer aware of the permit conditions.

Bruce Riddle asked if there was any public comment.

David Davies, 11 Stacey Lane, stated that he was concerned that the neighbors were not being heard, and that previous questions he’d asked had not been answered. He stated that while he did not have the expertise to review the technical part of the application, and he felt that there was something wrong with the application.

He asked what would happen to the storm drain that is currently in his yard that is piped across the street to one of the proposed lots. Chris Holzwarth stated that stormwater will

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be fully designed by an engineer and approved by the Department of Public Works when someone proposes to build. He stated that the individual stormwater systems will be underground. He noted that existing conditions will be considered.

David Davis commented that he hoped that the Commissioners were concerned with the lack of payment of taxes for the property.

David Davis questioned the ownership of the lot and accuracy of the town records. He acknowledged a survey had been completed for the project.

David Davis asked if any of the Commissioners had done a site visit. Five members confirmed they had.

David Davis asked if Commissioners would approve the application if they lived on the street.

Nancy Howe, Birchwood Drive, stated that she agreed with David Davis' comments. She stated that she appreciates the need for housing but was concerned that the application has so many conditions and that future owners are responsible for maintenance. She commented that she did not think the Commission should approve the application.

Janet Potter, 170 Bullard Street, expressed concern with the water that currently comes down Bullard Street onto her lot, and noted that she has a sinkhole on her lot. She expressed concern that additional water would end up on her lot and stated that she echoed David Davis' comments. She asked if the existing piping on proposed lot #4 would remain. Chris Holzwarth confirmed it would remain.

Janet Potter commented that she believes the town is liable for any damage.

Bruce Riddle commented that he was able to find the property in the Town records.

David Davis questioned that the Town's engineers reviewed the applicant's reports and did not do their own reports. Nik Fiore confirmed that this procedure is common practice. Chris Holzwarth added that Dubois & King are familiar with the area as they did work for the town on the municipal parking lot.

Nik Fiore confirmed that water will not be directed to Janet Potter's property. Janet Potter stated that she is distrustful of the process and the Town and already has problems with tree loss and a sinkhole. Robin Adair Logan asked if the problem with tree loss and the sinkhole started when the Assisted Living Facility was built. Janet Potter confirmed that she did not have problems before the Assisted Living Facility was built.

Colin Butler moved to close the Public Hearing. Robin Adair Logan seconded, and the Public Hearing was closed.

Jo-Ann Ells reviewed changes to the Findings of Fact as discussed.

Robin Adair Logan asked where the Decision on the application will be stored. Jo-Ann Ells explained that the survey will be recorded in the Land Records and the full file on the application will be available in the Department of Planning and Development.

Dillon Bianchi acknowledged that some of the public's concerns were valid. He stated that he felt it was deceiving to include potential house footprints on the plans, and expressed some concern with the size of the lots noting he is used to larger lots but stated that he recognized that things are changing. He noted that the application allows a homeowner options to control stormwater. He concluded by stating that he supports the application and appreciated the public's participation.

Colin Butler acknowledged the work completed by Dubois & King and commented that it validates the work done by the applicant's engineers to demonstrate that stormwater can be handled on site.

Colin Butler read section 200-2 B of the Subdivision Regulations which requires the Planning Commission to determine that a subdivision will:

Promote a desirable relationship to the land form, its topography and geology, natural drainage and surface water runoff, surface water, and groundwater.

He noted that he did not think the application met these criteria because the proposed lots do not fit into the land and therefore the application should be denied.

Toby Dayman moved to approve the application with the noted changes. John Heath seconded. Bruce Riddle polled the Commission:

Colin Butler stated that he was a no vote based on section 200-2 B of the subdivision regulations. John Heath agreed. Toby Dayman and Dillon Bianchi stated that they were both were a yes vote, Robin Adair Logan stated that she was a no vote based on section 200-2 B of the subdivision regulations, and Bruce Riddle stated that he was a yes vote. The result was a 3-3 vote.

Jo-Ann Ells suggested that the Commission reopen the Hearing and continue it because a tie vote was neither an approval nor a denial of the application. She explained that a quorum of the Commission is required for a Decision to be made. She added that this issue had come up recently with the Zoning Board of Adjustment and she had obtained an opinion from the Vermont League of Cities and Towns. She offered to share the opinion.

Robin Adair Logan moved to reopen the Public Hearing. John Heath seconded, and the motion passed 5-1 with Colin Butler opposed.

Dillon Bianchi offered that as an alternative to continuing the application, the Commission could revoke.

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Toby Dayman and Colin Butler stated that they wanted to hear from John Reid.

Toby Dayman moved to continue the hearing to March 13, 2023. Robin Adair Logan seconded, and the motion passed 5-1 with Dillon Bianchi opposed.

Jo-Ann Ells confirmed that John Reid would need to listen to the recording of the Hearing.

**Adjournment**

At 7:55p.m., John Heath moved to adjourn. Dillon Bianchi seconded, and the Hearing was adjourned.

Respectively Submitted,

  
Toby Dayman, Clerk