

**Approved
Minutes
Hartford Planning Commission
March 13, 2023**

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

Present: John Reid, Chair, (01-11-24), Bruce Riddle, Vice Chair, (02-07-25), Toby Dayman (06-28-24), Dillon Bianchi (09-05-25), John Heath (03-22-24), Colin Butler (07-12-24), Kim Souza, Selectboard Liaison, and Jo-Ann Ells, Zoning Administrator

Absent: None

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

Administrative Matters

1. Minutes

Bruce Riddle moved to approve the minutes of February 6, 2023 with one addition. Colin Butler seconded, and the motion passed unanimously.

2. Administrative Permits

None

3. Act 250 Applications

Jo-Ann Ells noted that applications, previously reviewed by the Planning Commission, by The Haven, Twin Pines Housing, and Apex Storage had been submitted to Act 250.

4. Town Plan Steering Committee update

Bruce Riddle noted that there would be a meeting the end of the month.

5. Regional Planning Commission update

Bruce Riddle stated that the February meeting of the RPC was cancelled, and a meeting was scheduled for the end of the month.

6. Climate Action Plan update

John Reid shared that students from the University of NH are obtaining data about carbon emissions in town. He added that on April 1st an Energy Event is scheduled in town with multiple vendors and electric vehicles on display.

2. 03-13-22

7. Availability for the next Public Hearing

All Commissioners anticipated being available for the April 17, 2023 Hearing.

8. Public comment

Colin Butler asked about the process for the Planning Commission to review revisions to Town Plan for neighboring towns. Jo-Ann Ells stated that she would talk to staff and get back to him.

Public Hearing

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

1. Application #22-26 by Gates and Dickson, LLC (owners/applicants) for approval of the subdivision of lot 45-0180-000 into 4 lots, Stacey Lane and Birchwood Drive, White River Junction, in R-1 and CB zoning districts. (Continued from October 17, 2022, November 14, 2022, and February 6, 2023)

Byron Hathorn, Nike Fiore, and Adam Sevi were present.

John Reid noted the application had been continued from October 17, 2022, November 14, 2022, and February 6, 2023. He asked if the applicant had anything to add since the last time they met. Byron Hathorn stated that he did not have anything to add.

John Reid noted that at the last meeting a motion to approve the application resulted in a tie vote (3-3) and that Commissioners opposed to the motion cited §200-2B of the Subdivision Regulations as their reason for opposing the motion.

§200-2B of the Subdivision Regulations requires the subdivision:

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

He asked the Commissioners to discuss their concerns

Colin Butler stated that he did not have anything to add to what he already said noting that he did not feel that the application promoted a desirable relationship to the items listed in §200-2B. John Reid commented that this was the first time since he had been on the Commission that this section of the Subdivision Regulations produced such a division on the Commission. He noted that it was his opinion that the applicant had provided detailed documentation suggesting that development will not cause a problem and that he cannot see a legal basis to object.

3. 03-13-22

Colin Butler expressed concern that the Commission is not able to review the final drainage plans and that a person buying a lot will be responsible for this expense. He noted that he would oppose a motion to approve the application as he did at the last meeting.

John Reid stated that he believed the creation of four lots, with conditions, was acceptable.

Jo-Ann Ells reviewed changes to the Findings of Fact since the last meeting.

John Heath suggested that the "No Cut or Disturbance Zone" be delineated by an elevation, not a boundary line. Colin Butler added that this Zone should be determined with science behind it. Amending the condition regarding this Zone in the draft Findings was discussed.

John Heath noted he was concerned with the stability of the bank, lack of a requirement for oversight during construction, enforceability of the "No Cut or Disturbance Zone," and therefore could not support the application as proposed.

John Reid noted typographical errors in Finding #12.

Byron Hathorn expressed surprise at the conversation as he thought the Commission had heard the testimony and would be revoting.

Adam Sevi stated that he believed that the slope is stable and emphasized the importance of leaving the infrastructure installed by the US Army Corp. in place.

David Davis asked if John Reid listened to the recording of the February Hearing. John Reid confirmed that he did.

David Davis expressed concern with the ability of the town to enforce the no cut zone. Bruce Riddle commented that landowners would be made aware of the condition and noted that he could not think of a time when such a condition was violated.

David Davis asked if the application met the Subdivision Regulations regarding development on steep slopes.

(Section 200-18D of the Subdivision Regulations reads: Subdivision boundaries, lot layout and development envelopes shall be located and configured to minimize adverse impacts to slopes greater than 15% and to avoid disturbance to slopes in excess of 25%.)

After review, Bruce Riddle confirmed that the condition was being met. John Heath questioned if this was correct. Dillon Bianchi commented that the existing topography appears to be under the steep slope percentage. Colin Butler noted that topography was a concern of his and one reason he objected to the application.

4. 03-13-22

Nik Fiore pointed to plan sheet 2.2 which includes cross sections of the building envelopes which he described as “fairly flat”.

Janet Potter expressed concern that David Briggs and Adam Sevi spoke as engineers but are not licensed as such and noted that David Briggs acknowledged he is a lifelong friend of Byron Hathorn.

Janet Potter expressed concern with the non-payment of taxes on the property and ownership. She noted that she contacted the IRS about the taxes. She expressed concern that Robin Adair Logan was not reappointed to the Planning Commission and the loss of her expertise as an engineer.

Janet Potter read a petition opposing the project from October 2022.

Bruce Riddle moved to close the Public Hearing. Dillon Bianchi seconded, and the Public Hearing was closed.

Changes to the draft Findings of Fact were reviewed.

Bruce Riddle moved to approve the application as amended. Dillon Bianchi seconded, and the motion passed 4-2 with Colin Butler and John Heath opposed citing non-compliance with §200-2B of the Subdivision Regulations.

2. Application #23-01 by Catamount Self Storage, LLC (owner/applicant) for Site Development Plan Approval under section 260-45 of the Hartford Zoning Regulations for a self-storage facility, lot 08-0090-000, Route 14, White River Junction, in an IC zoning district.

Nick Tsouknakis, David Grayck, Jeff Goodrich, and Skip Nalette were present.

Jo-Ann Ells distributed a letter from John Hughes dated March 6, 2023 and undated letter with attachments from Michael Lazar.

Dillon Bianchi recused himself and asked if he could stay in the room. Jo-Ann Ells reviewed the Rules of Procedure and stated that they did not speak to the issue. Noting the Rules were silent on the matter, John Reid stated that it was his opinion that Dillon Bianchi could participate as a citizen if so desired. Jeff Goodrich stated that the applicant did not object.

Jo-Ann Ells reviewed changes/conditions that the Zoning Board of Adjustment made at their Hearing the previous week and noted that they continued their Hearing so that the additional information could be submitted.

Skip Nalette gave a brief overview of the application.

5. 03-13-22

John Heath noted that he agreed with the Zoning Board that a photometric plan and elevation plans should be submitted.

After some discussion, it was agreed that the Commission wanted to see a turning movement plan for a tractor trailer.

Colin Butler requested that the plans be amended to indicate the extent of the pavement in front of building #4.

It was noted that building #4 would be cut into the existing slope.

Jeff Goodrich reviewed the proposed stormwater design.

Toby Dayman requested that the owner of the lot (applicant) be noted on the coversheet.

Toby Dayman asked if the gate would be accessed with a "card reader."
Nick Tsouknakis confirmed.

Jeff Goodrich noted that building #4 is designed to allow for storage of large vehicles like RV's.

Toby Dayman commented that he wanted to see screening/landscaping on the NW side of building #4.

John Reid asked how the restriction in the lease prohibiting the storage of hazardous materials would be enforced since the facility will not be staffed. Skip Nalette noted there would be security cameras. It was acknowledged that this is difficult to enforce.

John Reid asked if the buildings would support rooftop solar. Skip Nalette stated that this was being considered.

Toby Dayman questioned whether there was enough room to store snow on site. Jeff Goodrich stated that it will be trucked off site as needed.

Steve Foster of AG Self Storage questioned if the applicant has a right to put their overflow stormwater in the exiting catch basin in the 50' right-of-way which discharges to AG Self Storage's property.

Jeff Goodrich stated that this is a civil issue. Colin Butler questioned this response. Jeff Goodrich stated that the design meets the State's requirements and added that a State Stormwater Permit is required.

Michael Lazar noted that he had submitted written comments. He noted that he understands that it is not the Planning Commission's jurisdiction, but felt it necessary to point out that Pathways had copied the design of his facility. He noted he was concerned with the proposal to add stormwater to the catch basin in the right-of-way which drains to

his property, cutting into the hill for building #4, the existing drainpipe on the property that the applicant's consultant states they cannot find, the size of the facility, and the possibility that the shared access could be blocked. He suggested that if approved, the Commission require that the existing access be repaved after construction. He added that he would like to see landscaping on the west side of the lot, and any test pit data to determine if there are prime agricultural soils on the lot.

Bruce Riddle suggested continuing the Hearing to April 17th and that the applicant submit the additional information to Jo-Ann Ells by April 3rd.

Jo-Ann Ells reviewed the list of additional materials requested and changes to the Findings of Fact as discussed.


Colin Butler moved to continue the Hearing to April 17, 2023 as discussed. Bruce Riddle seconded, and the motion passed unanimously.

Adjournment

John Heath thanked Robin Adair Logan for her hard work on the Commission.

At 9:09 p.m., Bruce Riddle moved to adjourn. John Heath seconded, and the Hearing was adjourned.

Respectively Submitted,



Toby Dayman, Clerk