

**DRAFT
Minutes
Hartford Planning Commission
November 1, 2021**

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

Present: Bruce Riddle, John Reid, Toby Dayman, Robin Adair Logan, Dillon Bianchi, John Heath, Colin Butler, Kim Souza, Selectboard Liaison, Lori Hirshfield, Planning and Development Director and Jo-Ann Ells, Zoning Administrator

Absent: None

Administrative Matters

1. Minutes of September 27, 2021

John R. moved to approve the minutes of September 27, 2021. Colin seconded, and the motion passed unanimously.

2. Administrative Permits

Bruce noted a permit was issued for Vehicles Sales/Food Vendors on the corner of Route 5 and Ballardvale Drive.

3. Availability for the next Public Hearing

All Commissioners anticipated being available for the December 6th Hearing.

4. Public comment

Kim asked if the Planning Commission had scheduled a workshop with the Ad Hoc Committee on Emergency Shelter regarding the use of RV's for sleeping quarters.

Jo-Ann noted that staff is discussing it and hopes to schedule a workshop in November.

Public Hearing

Bruce stated that the Hearing was being recorded.

Bruce read a script as required by Act 92, reviewed the Hearing process, and took a roll call.

1. Application #21-09 by Mark Zeytoonjian and Aditya and Skyler Joshi

2. 11-01-21

(owners/applicants) for approval of amendments to the Red Barn Farms Planned Development involving changes to the building envelope for house site #3, lot 7-0047-003-H3, Galaxy Hill Lane, Quechee, in the Red Barn Farms Planned Development.

Skip Nalette was present on behalf of the applicants.

Skip gave an overview of the application.

Toby asked if the building envelope was lidar or surveyed in the field. Skip confirmed it was surveyed in the field.

Toby asked if the applicants wanted to rotate the envelope a little more. Skip stated that the applicants wanted what was presented in the application.

Toby asked if each lot has a landscape easement. Skip confirmed.

There were no additional questions.

John R. moved to close the Public Hearing, Dillon seconded, and the Public Hearing was closed.

John R. moved to approve the application as presented. Dillon seconded, and the motion passed unanimously.

2. Application #21-10 by Mark Zeytoonjian (owner/applicant) for approval of amendments to the Red Barn Farms Planned Development involving changes to the building envelope for house site #6 and to increase the maximum building height on sites #7 and #8, lot 7-0047-003-H6, H7 and H8, Galaxy Hill Lane, Quechee, in the Red Barn Farms Planned Development.

As requested by the applicant, John R. moved to continue the application to the Planning Commission's Hearing scheduled for December 6, 2021. Dillon seconded, and the motion passed unanimously.

3. Application #21-11 by Ken Parker (owner/applicant) for approval of the demolition of two structures on lot 45-0151-000, 160 Gates Street, White River Junction, in the CB and Design Review zoning districts.

Ken Parker was present.

Bruce Riddle administered the oath.

Ken asked for confirmation that the Planning Commission received the draft Findings of Fact and exhibits. It was confirmed.

Ken stated that his application was straight forward as outlined in the draft Findings of Fact and exhibits. He said that he proposed to remove both structures on the property. He

explained that he has owned the property since the 1970's, previously ran his insurance company from there, and that the structures have deteriorated to the point rehab would cause a undue financial burden/inability to realize a reasonable return on investment.

Ken stated that the furnace stopped working in March of 2021 causing pipes to freeze and water damage. He added that the estimates to repair the damage were between \$195,000-\$200,000.

Ken noted the potential rent he could anticipate as outlined in the exhibits.

Ken added that it is difficult to borrow money to do repairs.

Jo-Ann noted that the criteria in the Regulations the Commission was viewing the application under was "Rehabilitation of the building, or portion thereof, would cause undue financial hardship. The applicant must provide clear and convincing evidence that any reasonable return cannot be obtained from the building without approval of the request for demolition."

Jo-Ann introduced Denise Welch-May, the Chair of the Design Review Committee (DRC). (The DRC is advisory to the Planning Commission.)

Denise explained that the DRC got into a quandary when they reviewed the application and noted that the DRC typically sees applications for development/re-development not just demolition.

Denise stated that the DRC conducted a site visit and felt that rehab might be possible, but the financial burden needed to be evaluated. She stated that she felt Ken put together a valid case, but the DRC struggled with not knowing what would happen on the lot after demo occurred. She noted that Ken's application demonstrated that the financial hardship to rehab met the criteria for demolition.

Jo-Ann added that, as outlined in the DRC's minutes, the DRC does not like how the Regulations for demolition are written.

Toby asked if there was a plan to redevelop. Ken stated that he did not have plans to redevelop, but another party has interest.

Colin thanked the DRC for their deliberations. He noted that there are a number of older structures in the downtown that could get to this state. He suggested that the application could fall into "demo by neglect," stated that he appreciates the expense to rehab, but the structures deserve to be considered if they should be preserved.

Colin offered that the new buildings in the downtown do not fit in and replacing more old buildings with new is a concern. He suggested that the applicant's motivation is to demo so he can sell to the interested party. He voiced concern with defining financial hardship in a measurable way. He questioned why rental from a commercial space was not

included in Ken's analysis, stated he was not sure Ken had made a clear case for financial hardship and questioned why the property was not put on the market to sell to someone who would rehab it.

Ken offered that the Commission cannot begin to know his personal finances and that borrowing money at this point in his life does not make sense.

Ken stated that there was an apartment in the back of the building that a tenant destroyed and that this part of the building needs to be removed.

Ken stated that there is and has been an option on the property since 2019 and the property is a burden on him.

Ken noted that entities like Twin Pines Housing Trust have grant opportunities to pay for rehab that are not available to him.

Ken stated that he has applied to the Planning Commission to remove the buildings based on financial hardship as stated in the Regulations and he believes he has fulfilled his obligation to make the case.

John R. read the criteria as outlined in the Regulations and wondered if the second sentence trumped the first. He stated that he would like Ken to provide more information about reasonable rents if the building was renovated including information from a third party about rental rates and the possibility of using the barn for parking. He added that if the rear of the building has structural problems that should be substantiated by a structural engineer.

Robin Adair stated that she has spent her career restoring buildings and while fixing the building might not be an option for Ken, there are likely buyers out there who could afford to restore it. She questioned if Ken was getting the most money possible from an option holder if he had not put it on the open market.

John H. asked why Ken did not put the property on the market.

Ken explained that he is honoring his agreement with the option holders.

John H. noted that the main structure is a prominent building in WRJ, and the owner has a responsibility to maintain it. He agreed this may be a case of "demo by neglect," and offered that based on his professional opinion as a builder, the building appears to be of good construction, and someone could renovate and sell for rental purposes at a profit. He added that not knowing Ken's personal financial situation it is hard to decide.

Bruce stated that he felt Ken's application met the requirements for demolition as outlined in the Regulations.

Ken noted that Northern Stage owns the apartment buildings on either side of him and

gets 1,400 for two-bedroom units. He added that there is a workforce housing problem, and that anything proposed to be built there will require DRC and likely Planning Commission approval. He stated that he heard 3 of the 4 DRC members say that his application met the criteria in the Regulations and asked that the Planning Commission review the application based on the Regulations.

Ken asked if the Planning Commission would be reviewing the application if the property was not in the Design Review District. Bruce stated that they would not.

Colin questioned why Ken's application noted structural problems with the buildings, but Ken is not applying to demo under the criteria for structural unsoundness.

Dillon stated that he was comfortable deciding based on the evidence presented and felt that Ken had met the burden of proving a financial hardship.

Robin Adair suggested that the property be put on the market for 30 days to see if someone would buy and rehab.

Lori asked that the Planning Commission focus on the criteria in the Regulations and noted additional information could be requested if Commissioners felt they needed it to decide on the application. She advised that they did not have the ability to tell him what options to investigate (i.e., put on the market).

Bruce acknowledged that the Regulations need to be re-written and stated that he believed Ken has presented the required evidence to allow demolition. He agreed the Commission could not require him to look at other options, but can ask for additional information if needed.

Ken expressed concern that the Commission was interfering with his option.

John R. suggested that Ken speak to a real estate profession with experience in this type of property.

Colin noted that the Commission is not required to approve the application just because Ken has an option.

Bruce suggested polling the Commission to determine if they were ready to vote or needed more information.

John R. stated that he wondered if Ken put the property on the market if he could get a reasonable return.

Colin stated that he wanted Ken to submit more compelling evidence before voting.

John H. stated that while he wished Ken would put the property on the market, he understood Ken did not want to do this and therefore he was ready to vote based on the

information provided.

John R. noted that the option is not binding until demo approved and that given the current real estate market, he believed selling the property to someone who would repair it was worth investigating.

Eric Bunge introduced himself as the Special Projects Manager at Northern Stage. He told the Commission that Northern Stage owns property on either side of Ken and that they are the option holder. He stated that they have spent a considerable amount of money investigating rehabbing the property into nine apartments and discovered that it would cost 1.3 million dollars more to rehab then to build new. He explained that Northern Stage has an obligation to house their union members and building a new building would free up the affordable units that they use now for other people to use.

John R. commented that the Commission needs to review Ken's application on its own, not Northern Stage's future plans.

Robin Adair asked if removing the structure would mean that Northern Stage would apply to build housing for themselves. Eric stated that this was correct.

Colin asked if this new housing would free up housing elsewhere. Eric stated that this was correct.

Bruce polled the Commission on their thoughts on approving the application.

John R. stated that he was swayed by the information on the cost of rehab presented by Eric.

Toby stated that he agreed the applicant made a case for demo based on the criteria.

John H. stated that he opposed approving the application.

Dillon stated that he would approve the application based on the criteria in the Regulations.

Colin stated that he was opposed and wanted more information.

Robin Adair stated that she also wanted more information.

Bruce stated that he supported approving the application.

Colin noted that the information presented by Eric would have been helpful earlier in the discussion.

Colin moved to continue the application to the Commission's hearing on December 6, 2021 to obtain more information. Robin Adair seconded. The motion passed 4-3 with

7. 11-01-21

Colin, John H, John R. and Robin Adair in favor, and Bruce, Toby and Dillon opposed.

A discussion regarding new information followed.

Lori reviewed the information the Commission was seeking as follows:

- Provide the total cost to:
 - Bring the building back to pre-water damage
 - Bring the building up to today's code per the Fire Marshal beyond the water damage
- Based on the above information, provide profit and loss calculations as outlined on page #4 of Ken's September 10, 2021, letter.

For this analysis, use current market rental rates provided from an impartial third party for both residential and commercial uses.

- For the purpose of providing an example of the cost to redevelop the site by rehabbing versus building a new building, provide a copy of the analysis of the cost to rehab the building for 9 units versus building a new building.

The Commission agreed that this was the information they wanted.

Irene Greene, Managing Director at Northern Stage, introduced herself and commented that Northern Stage's intent is to be transparent and that they understand the town's process.

Adjournment

The Commission adjourned the meeting at 8:45PM.

Respectively Submitted,

Toby Dayman, Clerk