

**Approved
Minutes
Hartford Planning Commission
November 14, 2022**

**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), 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, and Jo-Ann Ells, Zoning Administrator

Absent: Bruce Riddle, Vice Chair, (02-07-25)

John Reid read the Hybrid Meeting Script and took a roll call.

Administrative Matters

1. Minutes

Colin Butler moved to approve the minutes of October 17, 2022. John Heath seconded, and the motion passed unanimously.

2. Administrative Permits

Jo-Ann Ells reviewed the following Administrative Permits:

Accessory Structure -Snow Village Condos
Replace Deck- Snow Village Condos
Accessory Structure/Testing Building Concepts NREC
Multi-use Field Scoreboard/Press Box at HHS

3. Act 250 Applications

None

4. Town Plan Steering Committee update (Bruce Riddle)

Tabled

5. Regional Planning Commission update (Bruce Riddle)

Tabled

6. Climate Action Steering Team update (John Reid)

John Reid gave an update on the work of the Climate Action Steering Team.

7. Availability for the next Public Hearing

All Commissioners anticipated being available for the December 19, 2022 Hearing

8. Public comment

Noting the length of the agenda, Tim Fariel asked if there was a better way to set the agenda. John Reid explained that the meeting schedule is required to be set annually and there is no way of knowing what will be submitted.

Public Hearing

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

1. Application #22-25 by Richard Larabee and Steven Davis (owners/applicants) for approval of boundary line adjustments between lots 24-0017-000, 24-0032-000, and 24-0071-000, Sherman Drive and Manning Drive, Hartford, in R-1 and R-2 zoning districts.

Richard Larabee and Skip Nalette were present.

Jo-Ann Ells reviewed the draft Findings of Fact.

There was a brief discussion regarding existing boundary lines and the location of land being annexed.

It was noted that lot 24-0071-000 was landlocked. Skip Nalette explained that the parcel did not have road frontage or access to the road, but since abutting lots 24-0032-000, and 24-0071-000 are both owned by Richard Larabee, he could provide access over his developed lot.

There was no public comment.

Toby Dayman moved to close the Hearing. Dillon Bianchi seconded, and the motion passed unanimously.

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

2. Application #22-27 by Schaal Real Estate Revocable Trust and Schaal Associates, LLC (owners/applicants) for approval of a boundary line adjustment between lots 22-0251-000, 22-0252-000, 73 and 89 Depot Street, Wilder, in VRC and R-1 zoning districts.

3. 11-14-22

Tim Schall was present.

Jo-Ann Ells reviewed the draft Findings of Fact.

There were no questions from the Commission or the Public.

Toby Dayman moved to close the Hearing. Dillon Bianchi seconded, and the motion passed unanimously.

Dillon Bianchi moved to approve the application as presented. Toby Dayman seconded, and the motion passed unanimously.

3. Application #22-28 by Crystal Howard (owner/applicant) for changes to the location of an approved driveway and building envelope, lot 03-0010-006, Wildlife Road, Hartford, in an RL-5 and Rural Lands Overlay zoning district.

Skip Nalette and Charlie Bagley were present.

Skip Nalette reviewed the application and explained that changes to the house site and driveway locations in a 2017 application to amend the design of the right-of-way were unintentional. He stated that the proposed house site had gentler slopes and that the Department of Public Works had granted conditional approval for the driveway.

Toby Dayman noted a typographical error in the Findings.

There was no public comment.

Colin Butler moved to close the Hearing. Dillon Bianchi seconded, and the motion passed unanimously.

Dillon Bianchi moved to approve the application with the noted correction. Robin Adair Logan seconded, and the motion passed unanimously.

4. 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.

Byron Hathorn, Nik Fiore, Chad Michaud, and Adam Sevi were present.

It was noted that the Hearing on the application was opened on October 17, 2022 and continued.

Nik Fiore reviewed new site plans including existing conditions and cross sections of potential development. There was a brief discussion regarding the scale of the cross section plans and location of property lines.

Nik Fiore commented that building on a 3:1 slope is a fairly common standard.

There was a discussion regarding the existing catch basin on the Davis lot across the street and culvert under Stacey Lane to proposed lot #1.

Nik Fiore reviewed photographs of the upper part of the subdivision where development is proposed.

Robin Adair Logan stated that she was unsatisfied that new core samples were not done for the geotechnical report, expressed concern with the potential for erosion and the loss of trees and noted that this occurred when the Assisted Living Facility was built (on Currier Street), where the soils are the same. She said that she did not agree with the statement that the soils are stable and was unhappy with the application.

Nik Fiore stated that S.W. Cole had analyzed the slope using the existing core samples which is acceptable practice as the soils have not changed since they were taken in 2020.

Chad Michaud added that the analysis includes test borings and logs from the 2020 report. He stated that the soils are sand material with a low percentage of fines. Robin Adair Logan questioned if this was a good surface to build on. Chad Michaud stated this was a good surface to build on and Robin Adair Logan stated that she disagreed.

Chad Michaud explained that an important piece of the review is the steepness of the slope. He noted that the proposed development areas are much flatter than the Assisted Living Facility below. Nik Fiore added that material is not being removed from the toe of the slope as it was with the Assisted Living Facility. Robin Adair Logan stated she would never agree with what was being said.

Colin Butler asked where excavated materials would go. Nik Fiore stated that this would be determined at the time of construction.

Colin Butler stated that it feels like the applicant is trying to squeeze in development on the side of a bank and expressed concern for the potential liability the Town would have if problems occurred.

Nik Fiore state that the design provided demonstrates that the lots can be developed.

John Heath asked about the "limits of disturbance" as discussed at the October Hearing.

Nik Fiore explained that disturbance will be from a house being built, and that tree cutting would be allowed. Colin Butler asked if trees were stabilizing the slope. Nik Fiore stated that it will not be an issue if the stumps are not removed and vegetation is allowed to grow. He added that there is no reason for someone to clear on the lower portion of the project as it would not enhance a view. John Heath questioned what would guarantee no one would cut trees on the lower portion of the project. Nik Fiore commented that it could be a condition of the subdivision.

John Heath asked about the maintenance of the proposed catch basins. Nik Fiore stated that this would be the responsibility of the property owner. John Heath questioned how this would be done. Nik Fiore suggested it could be a condition of the permit.

Chris Holzwarth, Town of Hartford Project Manager, suggested that a Master Plan could be formed to address stormwater maintenance.

Colin Butler asked if there are ditches along Stacey Lane and Birchwood Drive. Chris Holzwarth stated that there are no ditches and explained that water leaves the roads and drains onto the proposed lots. Nik Fiore noted that the subdivision will take care of the water from the road.

Robin Adair Logan commented that she did not want the homeowners to be responsible for maintenance of the drainage infiltration basins. She added that she was worried that buyers would not be aware of the conditions of the subdivision until after they purchased a lot.

Byron Hathorn stated that the design of the project will address the water sheeting from the street and will direct water to infiltration basins. He added that maintenance should be the responsibility of the homeowner.

Toby Dayman asked about the sizing of the raingardens. Nik Fiore explained that they were designed for the specific drainage area of the project and for a 100-year storm.

Colin Butler asked what would prevent a landowner from filling in a rain garden. Chris Holzwarth stated an annual inspections by a Professional Engineer could be required.

Chris Holzwarth noted that the house sites are conceptual. He added that the applicant has shown proof of concept for the stormwater design and that final design will be required to be reviewed by the DPW before a Zoning Permit will be issued for any construction.

There was a brief discussion about the potential mechanisms to ensure a potential buyer is aware of the conditions of the subdivision including possible disclosure requirements of a realtor and discovery of conditions by anyone searching a title of a lot.

John Heath expressed concern with his lack of qualifications to review the technical part of the application and draft appropriate conditions.

John Reid asked for public comment.

Nancy Howe, Birchwood Lane, stated that she understood the need for housing and in-fill development. She voiced concern with the small portion of the lots that could be built upon due to the slope, drainage, and the number of conditions that would be placed on the subdivision. She asked how rain gardens will function when the ground is frozen, and it

rains. She asked for clarification of the statements made in item #3 of Nik Fiore's October 31, 2022 memo regarding construction on 3:1 slopes. She expressed concern with the potential for tree cutting, maintenance of the stormwater infiltration basins by homeowners, and the compatibility of the lots with the neighborhood given there is little room to build.

Janet Potter, Bullard Street, showed the Commission a 1970's aerial photo of the area. She stated that currently trees are falling and there are sinkholes on her property. She expressed concern with drainage from the proposed retaining wall on lot #1, liability on the Town, validity of ownership of the land, and suggested an outside technical review.

David Davis, Stacey Lane, noted that his lot is connected to the project by a culvert and expressed concern with the maintenance of the stormwater infiltration basins, and how the property came into ownership.

David Briggs, Hillcrest Terrace, stated that he is a lifelong friend of Byron Hathorn. He suggested that once the land stopped being used as a sandpit it became more stable and that the soils are the same as the land above Stearns Produce. He noted that he is a licensed engineer and that building on a 3:1 slope is not threatening or challenging. He noted that credible firms are supporting the subdivision.

Cathy Melocik, Hartford Avenue, noted that in the past Byron Hathorn and David Briggs were business partners. She expressed concern with building on sandy soils on a slope, drainage, and ownership. She added that Robin Adair Logan is a trained engineer, and her concerns should be considered.

Tim Fariel, Worcester Avenue, noted that the soils are the same where he is and expressed concern with stability. He questioned why the Commission was not addressing proof of ownership.

Byron Hathorn addressed ownership and noted that the Town acknowledged it in 2017.

Janet Potter asked the Commission to address ownership and to protect endangered Elm trees on the slope.

Heidi Duto, Christina Street, asked why the closure of Gates Street was not being considered and asked the Commission to strongly scrutinize the application.

John Reid observed that there were a lot of comments regarding construction and the slope and offered that this had been analyzed by S.W. Cole who determined that the project would not destabilize the slope. He asked if Chad Michaud could provide examples of similar projects. Chad Michaud stated that he could.

John Reid suggested a five-minute break followed by a Deliberative Session.

Colin Butler moved to close the Public Hearing, take five-minute break, and enter Deliberative Session. Dillon Bianchi seconded, and the motion passed unanimously.

Upon exiting Deliberative Session, Colin Butler moved to re-open the Public Hearing. Dillon Bianchi seconded, and the Public Hearing was reopened.

Noting the time, the Commission unanimously agreed to extend the Hearing to 10:00 p.m.

John Reid explained that the Commission was not ready to vote on the application. He stated that the Commission wanted an independent technical review of the application conducted at the applicant's expense. Byron Hathorn stated that he did not think this was fair, especially if the independent review concurred that the application was designed properly. John Reid stated that the Regulations allow the Commission to ask for an independent technical review at the Applicant's expense.

Colin Butler moved to continue the application to February 6, 2023 in order for the Town to conduct an Independent Technical Review at the applicant's expense. John Heath seconded, and the motion passed unanimously.

Given the hour, the Commission discussed a date to hear the remaining applications with the applicants.

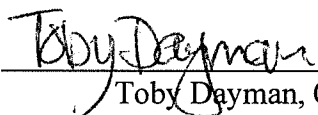
Nate Stearns requested that the order of the agenda be changed such that application #22-29 could be heard first.

A motion was made to continue the remaining applications (#22-24, #22-29, and #22-30), with the change to the order of the agenda as requested, to 6PM, Monday, November 28, 2022. Robin Adair Logan seconded the motion, and the motion passed unanimously.

Adjournment

At 10:05 p.m., Toby Dayman moved to adjourn. Dillon Bianchi seconded, and the Hearing was adjourned.

Respectively Submitted,


Toby Dayman, Clerk