

HARTFORD ZONING BOARD OF ADJUSTMENT

October 12, 2022

Meeting Notice and Agenda

The Hartford Zoning Board of Adjustment will meet on Wednesday, October 12, 2022, beginning at 6:30 p.m. to consider the following Applications and Administrative Matters.

This meeting will be conducted in person at Hartford Town Hall, 171 Bridge Street, White River Junction, Vermont. In addition, you may join the meeting remotely as follows:

Microsoft Teams meeting

Join on your computer, mobile app, or room device

[Click here to join the meeting](#)

Meeting ID: 234 998 233 870

Passcode: jVSCou

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

1(802) 377-3677

Phone Conference ID: 204 436 808#

If you cannot access this meeting notice electronically or if you are having difficulty connecting to the meeting, please email Jo-Ann Ells at jells@hartford-vt.org

A. Public Hearings, beginning at 6:30 p.m.

1. Application #17-22 by Gary and Karen Douville (owners/applicants) for Conditional Use Approval under section 260-16 of the Hartford Zoning Regulations for a Home Business, 211 Sweetwater Drive, lot 09-0042-001, Hartford, in an RL-5 zoning district.
2. Application #18-22 by Mary Trammell (owner/applicant) for approval of a setback waiver under section 260-52 of the Hartford Zoning Regulations for a carport and canopy, lot 09-0106-000, 127 Stonecrest Avenue, Hartford, in a R-3 zoning district.
3. Application #16-22 by The Upper Valley Haven, Inc. (owner/applicant) for Conditional Use Approval under section 260-16 of the Hartford Zoning Regulations to allow cooking as part of Food Distribution and Food Shelf uses, 713 Hartford Avenue, 43-0092-000, Wilder, in a Planned Development. (Continued from September 14, 2022)

B. Administrative matters: 1. Minutes. 2. 2023 Meeting Schedule. 3. Administrative Permits. 4. Availability for the next Public Hearing. 5. Public comment.

Application materials are available at the Hartford Town Hall, Department of Planning and Development Services, 171 Bridge Street, White River Junction, Vermont (802) 295-3075.

Persons wishing to appear and be heard may do so in person, or be represented by another party and/or submit written testimony.

An interested person who has **participated** in a municipal regulatory proceeding may appeal a decision rendered in that proceeding to the Vermont Environmental Court. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.

Steve Lagasse, Chair

Application #17-22
Gary and Karen Douville

**DRAFT
FINDINGS OF FACT
CONCLUSIONS OF LAW
AND
DECISION**

HARTFORD ZONING BOARD OF ADJUSTMENT

**Application #17-22 by Gary and Karen Douville
for Conditional Use Approval for a Home Business
211 Sweetwater Drive, lot 09-0042-001, Hartford, in an RL-5 zoning district**

This decision pertains to application #17-22 by Gary and Karen Douville (owners/applicants) for Conditional Use Approval under section 260-16 of the Hartford Zoning Regulations for a Home Business, 211 Sweetwater Drive, lot 09-0042-001, Hartford, in an RL-5 zoning district.

FINDINGS OF FACT

Based upon the information contained in the exhibits for this application (see attached list) and the evidence adduced at the Zoning Board of Adjustment meeting of October 12, 2022 the Hartford Zoning Board of Adjustment makes the following Findings of Fact:

General Information

1. The owners of record of lot 09-0042-001 are Gary and Karen Douville who acquired the lot on 05-30-85. The deed is recorded in volume 107, page 636 of the Hartford Land Records.
2. The lot is approximately 14.95 acres.
3. The lot is developed with a single-family dwelling and detached garage.
4. The lot is a class 3 lot (on-site water and wastewater).
5. The lot is in a RL-5 zoning district.

This Application

6. The applicants propose to use an existing woodshop over the garage for a Home Business for woodworking.
7. Section 260-33 of the Zoning Regulations states:

Home Businesses:

H. The applicant must demonstrate that the volume of traffic generated by the commercial activity does not alter the essential character of the neighborhood or impair the use of other properties.

Sales will be by appointment only.

I. Permitted commercial activities include:

- (1) Barber shop, beauty salon;
- (2) Catering;
- (3) Computer consulting, design, programming and management;
- (4) Food processing;
- (5) Woodworking, furniture making/repair/caning;
- (6) Home crafts such as rug weaving;
- (7) Instruction in arts or recreational activities such as writing, painting, sculpting, music, dance, skating, and skiing;
- (8) Home office;
- (9) Photo studio;
- (10) Sewing/Tailoring/Upholstering;
- (11) Telephone answering and sales;
- (12) Tutoring.

Woodworking is permitted as a Home Business.

8. Snow will be stored on site and will be removed as needed. Snow will not be stored in such a manner as to create a hazard.
9. The applicants understand that they retain the obligation to identify, apply for, and obtain relevant local and state permits for this project.
10. The applicants understands that all activities authorized by the issuance of the zoning permit shall be started within six (6) months and completed within two (2) years of its date of issue, or the zoning permit shall become null and void and reapplication to complete any activities shall be required. Any activities not completed within the above permit period shall be subject to any ordinance in effect at the time of reapplication. One six (6) month extension to both time periods may be granted by the Planning Commission.
11. The applicants understand that they must obtain a Certificate of Occupancy from the Zoning Administrator upon completion of the project. The applicant understands that a Certificate of Occupancy will not be issued if the project is not in compliance with these Findings, Plans and any conditions placed on the decision.

CONCLUSIONS OF LAW

5. #17-22

conditions and findings are violated or modified without written approval.

The applicants are responsible for insuring compliance with all applicable State and Federal regulations pertaining to this application.

Those in favor:

Those in opposition:

Those not participating:

Dated at Hartford, Vermont this ____ day of October 2022.

HARTFORD ZONING BOARD OF ADJUSTMENT

By: _____
Chairperson/Vice-Chairperson

Appeal Rights: An interested person who has participated in the proceeding related to this decision has the right to appeal this decision to the Vermont Environmental Court, pursuant to 24 V.S.A. s. 4471 and V.R.E.C.P.5, in writing, within 30 days of the date of this decision. The fee is \$250. If you fail to appeal this decision, your right to challenge this decision at some future time may be lost because you waited too long. You will be bound by this decision, pursuant to 24 V.S.A. s. 4472 (d) (exclusivity of remedy; finality).

EXHIBIT LIST

1. Application #17-22
2. Site Plan entitled "Douville, Gary M, Douville Karen L, 211 Sweetwater Drive, White River Junction, VT 05001-2818" with two attachments
3. Document entitled "§260-33 Home Business"
4. Copy of an email from the applicants to neighbors
5. Photographs of the woodshop
6. Photographs of the house, garage, and parking area
7. Abutter List

Planning Commission App. # NA
Zoning Board of Adjustment App. # 17-22

TOWN OF HARTFORD APPLICATIONS

(For office use only)

[illegible]

PLEASE COMPLETE ALL ITEMS APPLICABLE AND PROVIDE THE CORRECT NUMBER OF COPIES OF THIS APPLICATION AND THE SITE PLAN OR SUBDIVISION PLAT. ABUTTING LANDOWNERS WILL BE NOTIFIED BY THE PLANNING/ZONING OFFICE.

1. **NAME & ADDRESS OF RECORD OWNER(S)** Gary & Karen Douville

Deed Recorded Book 0107 Page 0636 (Available at Town Clerk's Office)
Telephone: Work _____ Home 802-295-1121 Fax _____
Email Address: kdouville74@gmail.com Cell _____

- 2. NAME & ADDRESS OF APPLICANT(S)** Gary & Karen Douville

211 Sweetwater Dr, White River Jct, VT 05001

Telephone: Work _____ Home 802-295-1121 Fax _____

Email Address: kdouville74@gmail.com _____ Cell _____

- ### 3. NAME & ADDRESS OF APPLICANT'S CONSULTANT

Telephone: Work _____ Home _____ Fax _____
Email Address: _____ Cell _____

- 4. PROJECT LOCATION** 211 Sweetwater Dr, White River Jct, VT 05001

- 5. PRESENT USE OF PROPERTY** Single Family Residence

6. **BRIEFLY DESCRIBE PROJECT** (in addition, a detailed narrative must be submitted). Friends have asked to purchase woodturned bowls, a hobby started at the beginning of Covid. Vermont says any sales over \$400 is a business. Hartford says hobby sales from woodshop over an existing detached garage requires a home business permit.

7. **PROJECT SIZE IN SQ. FT OR ACREAGE** 14.95 acres
 Lot Width ~ 1370' Lot Depth ~ 475'

8. **IS PROJECT ON TOWN WATER/SEWER?** Yes _____ No X If Yes, estimated
 Water Consumption/day _____
 Amount of Sewer Flow Projected _____
 Size of Closest Lines Above (water) _____ (sewer) _____

TOWN OF HARTFORD, VERMONT

§ 260-33. Home Businesses.

Home businesses are conditional uses in all districts. A commercial activity or business carried out in the home or an accessory structure shall be considered a home business if the following requirements are met. Such activity must obtain a conditional use permit.

- A. The principal operator of the business or activity shall be a full time resident of the dwelling.
- B. No more than three employees (two in VBD, VRC and VR Districts) who are not full-time residents of the dwelling shall be employed in the business.
- C. The Zoning Board of Adjustment may limit the number of vehicles bearing the name of the business that may be stored or parked where they are visible from the street or adjacent properties. One piece of heavy equipment/construction equipment under 30 feet in length may be stored or parked on site. Tow trucks under 30 feet in length are permitted, providing that the commercial activity is limited to dispatch of the tow truck from the residence and that the client's vehicle is not towed to the property where the home business is permitted.
- D. Signs shall conform to the requirements of the Hartford Sign Ordinance. See Ch. 160, Signs.
- E. Subject to limitations set by the Board of Adjustment, products produced on site by the business may be displayed and sold from an accessory structure or at an outdoor stand. Materials relating to the business may be stored outside if they are properly screened.
- F. Retail sales are limited to products produced on site or accessory products.
- G. Parking meeting the requirements of § 260-24 is provided off street with no more than two spaces in the front yard. For uses not included in § 260-24C (9) (a) of the Zoning Regulations, the Zoning Board of Adjustment shall decide the number of parking spaces required.
- H. The applicant must demonstrate that the volume of traffic generated by the commercial activity does not alter the essential character of the neighborhood or impair the use of other properties.
- I. Permitted commercial activities include:
 - (1) Barber shop, beauty salon;
 - (2) Catering;
 - (3) Computer consulting, design, programming and management;
 - (4) Food processing;
 - (5) Woodworking, furniture making/repair/caning;
 - (6) Home crafts such as rug weaving;
 - (7) Instruction in arts or recreational activities such as writing, painting, sculpting, music, dance, skating, and skiing;
 - (8) Home office;

I sent the following email to our neighbors:

Doug and Ellen Hawn
Susan McKenzie
Kevin Metheny and Cecelia (Zaz)Brelsford
Toby Kravitz

Morning neighbors,

At the start of the pandemic Gary started turning wooden bowls (they are gorgeous) and three years in he now has 100s of bowls.

Friends have started to ask about purchasing his bowls and according to someone at the state if he sells more than \$400/year (less than 10 bowls), it's not a hobby but a business (if it's a business he's clearly losing money as there is no way he could make even minimum wage with the hours it takes to make one bowl).

At any rate, the state says his hobby is a business.

If he sells bowls the Town also requires a permit. We thought a simple "home occupancy" permit would be the best fit but because Gary's shop is in the detached garage and not in the house (what a mess that would be) it has to be classified as home business and go before the Zoning Board.

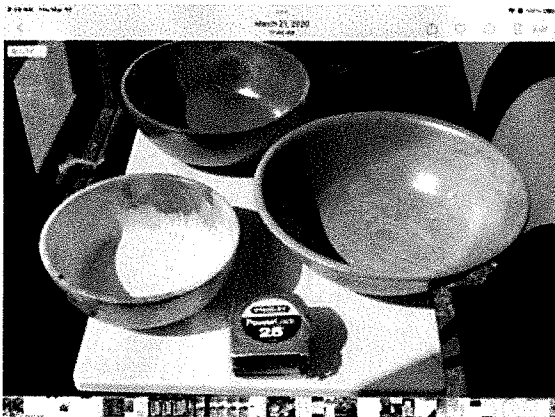
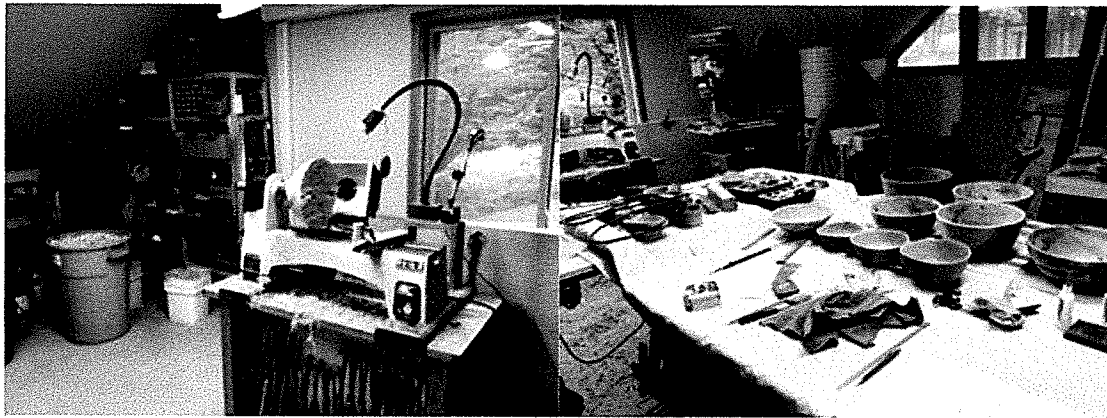
There will be no employees, he gets the wood from blow downs on our property or from friends, deliveries and shipments will be the same as if he gave all his bowls away to friends.

We wanted to see if any of you have questions or concerns before we apply for the permit.

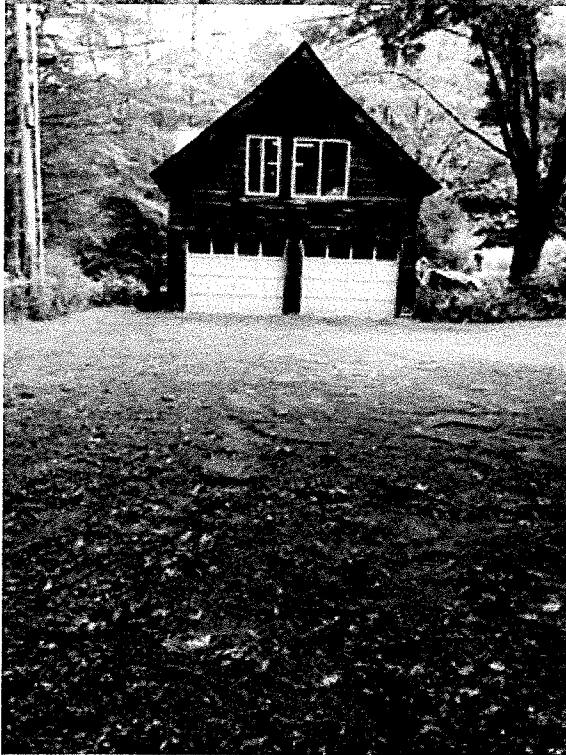
Thanks K&G

And here are their replies:

- Doug Hawn, "Go for it!"
- Ellen Hawn, "Good for Gary! He should be able to sell some of his bowls. They are gorgeous!"
- Susan McKenzie, "Absolutely no problem from us-sounds like a great retirement project/business"
- Kevin Metheny and Cecelia (Zaz) Brelsford, "Sounds fine with us, Karen"
- Toby Kravitz, "Fun! No problems here."



This was taken last year, there are more bowls now



Garage/woodshop from end of parking area



Parking area from front of garage
It's about 60' from the back edge of the parking area (where it drops off for snow storage) to the front of the garage.

Abutters:

VON MOLTKE SOFIA
#4 CAMPDEN HILL SQUARE
LONDON, W87LB UK

METHENY KEVIN
BRELSFORD CECELIA
158 SWEETWATER DRIVE
WHITE RIVER JCT VT 05001

MCKENZIE SUSAN & RUOFF KATHRYN L TRUSTEE

MCKENZIE & RUOFF REVOCABLE TRUST
87 SWEETWATER DRIVE
WHITE RIVER JCT VT 05001

TOBY KRAVITZ
JENNIFER KRAVITZ
985 DOTHAN
WHITE RIVER JCT VT 05001

HAUN ROBERT D
HAUN ELLEN F
106 SWEETWATER DRIVE

WHTIE RIVER JCT VT 05001

LAMARE KATIE E
SHERWIN ROBERT D
1112 DOTHAN RD
WHITE RIVER JCT VT 05001

DOUVILLE GARY M
DOUVILLE KAREN L
211 SWEETWATER DRIVE
WHITE RIVER JCT VT 05001-2818
9-42-1
14.95 acres, ~1370 x 475'

Existing woodshop
over garage

Snow

2 parking
spaces

Snow

50 ft
setback

OTHAN RD

VON MOLTKE SOFIA
#4 CAMPDEN HILL SQUARE
LONDON, W87LB UK

DOUVILLE GARY M
DOUVILLE KAREN L
211 SWEETWATER DRIVE
WHITE RIVER JCT VT 05001-2818
9-42-1
14.95 acres, ~1370 x 475

LAMARE KATIE E
SHERWIN ROBERT D
1112 DOTHAN RD
WHITE RIVER JCT VT 05001

Existing woodshed
over garage
50 ft
setback
2 Parking
Spaces
Snow
Snow

METHENY KEVIN
BRELSFORD CECELIA
158 SWEETWATER DRIVE
WHITE RIVER JCT VT 05001

HAUN ROBERT D
HAUN ELLEN E
106 SWEETWATER DRIVE
WHITE RIVER JCT VT 05001

MCKENZIE SUSAN & RUOFF KATHRYN L TRUSTEE
MCKENZIE & RUOFF REVOCABLE TRUST
87 SWEETWATER DRIVE
WHITE RIVER JCT VT 05001

TOBY KRAVITZ
JENNIFER KRAVITZ
985 DOTHAN
WHITE RIVER JCT VT
05001

Scale 1: 2257
Prepared by Karen Douville
8/15/22

Douville Home Business Application 8/18/22

211 Sweetwater Dr. (Sweetwater Drive is private rd off Dothan Rd)
White River Jct, VT 05001

Standardized Parcel: 285-090-11406

1 of 2

×

☆ Standardized Parcel: 285-090-11406

Standardized Parcel Boundary
HARTFORD - 2022
SPAN: 285-090-11406
Map ID: 9--42-1
Property Description: 101 1 FAMILY
Category (Real Estate Only): Residential-2
Resident Ownership Code: T
Grand List Acres: 14.95
Listed Real Value (Full): 224400
Current Use Reduction (Homestead): 0
Current Use Reduction (Non Res.): 0

PLEASE NOTE: ANR does not manage the parcel boundary dataset. For **ALL** inquiries regarding parcel mapping, please contact the [Vermont Center for Geographic Information \(VCGI\)](#).



Application #18-22

Mary Trammell

1. 18-22

**DRAFT
FINDINGS OF FACT
CONCLUSIONS OF LAW
AND
DECISION**

HARTFORD ZONING BOARD OF ADJUSTMENT

**Application #18-22 by Mary Trammell
for approval of a setback waiver for a carport
lot 09-0106-000, 127 Stonecrest Avenue, Hartford, in a R-3 zoning district**

This decision pertains to application #18-22 by Mary Trammell (owner/applicant) for approval of a setback waiver under section 260-52 of the Hartford Zoning Regulations for a carport, lot 09-0106-000, 127 Stonecrest Avenue, Hartford, in a R-3 zoning district.

FINDINGS OF FACT

Based upon the information contained in the exhibits for this application (see attached list) and the evidence adduced at the Zoning Board of Adjustment meeting of October 12, 2022 the Hartford Zoning Board of Adjustment makes the following Findings of Fact:

General Information

1. The owner of lot 09-0106-000 is Mary Trammell who acquired the lot on 07-22-22. The deed is filed in vol. 603, pp. 173 of the Hartford Land Records.
2. The lot is located at 127 Stonecrest Avenue in Hartford.
3. The lot is developed with a single-family dwelling.
4. The lot is approximately 18,000 sq. ft.
5. The lot is class one (1), municipal water and sewer.
6. The lot is in an R-3 zoning district.

This Application

7. The applicant proposes to construct a 14' x 22' one-car carport and a 10' x 5' canopy between the dwelling and carport. The carport will be built in the existing driveway.

2. 18-22

8. The setbacks in the R-3 zoning district are:

<u>Front</u>	<u>Side</u>	<u>Rear</u>
25	15	20

9. The applicant seeks a Setback Waiver to allow the carport to infringe on the front and a side setback. The carport will be 5' from the front property line and 6' from the side property line.
10. Section 260-52 of the Zoning Regulations sets forth a process and criteria for obtaining a setback waiver. The intent of section 260-52 of the Zoning Regulations "is to provide flexibility in setback requirements for the placement of primary and accessory structures in all zoning districts while maintaining the character of the area." A setback waiver may be considered, providing that a minimum setback of 5' is maintained, if one of the following criteria is met.
- (A) When the reduction is no greater than the front or side setbacks for existing structures on adjacent lots on the same street frontage.
 - (B) For greater fire safety as recommended by the Hartford Fire Department.
 - (C) For greater preservation of open land/agricultural land or scenic vistas.
 - (D) For greater preservation of other natural resources, such as, but not limited to surface waters, wetlands, or steep slopes.
 - (E) For increased energy conservation and renewable energy structures.
 - (F) The waiver, if authorized, will represent the minimum necessary to achieve the stated purpose of this Section."

The structure will meet the 5' setback requirement.

According to the applicant, "to locate the carport farther from the road would require cutting existing mature cedar trees and building a significant foundation as a steep downward slope begins about 6 feet from the front of the house." (D)

11. The applicant understands that construction of the project must comply with the following:

Earth moving and hauling, rock drilling or crushing, jack hammer and similar excessively loud equipment shall not be operated on Sundays or between the hours of 5:30 p.m. and 7:00 a.m. except in emergency situations.

12. The applicant understands that any stockpiling of materials related to the construction of the project must be located twice the distance of the height of the stockpiled materials from any public or private right-of-way or property boundary.

3. 18-22

13. The applicant understands that the project must meet the following standards:
 - (1) Any changes in grading shall be made so that runoff is directed to established drainage courses and will not cause ponding or flooding of other properties, or exceed the capacity of downstream drainage facilities.
 - (2) When possible, drainage systems shall be designed so that water runoff existing prior to site development shall not be increased after development.
 - (3) All changes in grade shall be controlled so as not to cause a nuisance or damage to other properties or erosion of topsoil.
14. The applicant understands that during construction erosion and sediment control measures as specified in the most current edition of the Low-Risk Site Handbook for Erosion Prevention and Sediment Control published by the Vermont Department of Environmental Conservation will be followed.
15. The applicant understands that they retain the obligation to identify, apply for, and obtain any relevant State permits for this project.
16. The applicant understands that a zoning permit is required before the commencement of construction of the project. The applicant further understands that the issuance of the zoning permit only authorizes the construction of the project in compliance with the Findings, Conclusions of Law, Approved Plans, Exhibits and Conditions as specified herein.
17. The applicant understands that all activities authorized by the issuance of the zoning permit shall be started within six (6) months and completed within two (2) years of its date of issue, or the zoning permit shall become null and void and reapplication to complete any activities shall be required. Any activities not completed within the above permit period shall be subject to any ordinance in effect at the time of reapplication. One six (6) month extension to both time periods may be granted by the Planning Commission prior to the expiration periods noted.
18. The applicant understands that they must obtain a Certificate of Occupancy from the Zoning Administrative Officer upon completion of the project. The applicant understands that a Certificate of Occupancy will not be issued if the project is not in compliance with these Findings, Plans and any conditions placed on the decision.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Hartford Zoning Board of Adjustment concludes that the proposed development will:

- Be compatible with the scale and design of structures and overall existing development pattern of the surrounding area.

4. 18-22

- Not impair reasonable or appropriate use of adjoining properties.
- Not result in greater impacts on natural resources.
- Not impair sight distances on public or private roads.

DECISION

The Hartford Zoning Board of Adjustment, based upon the forgoing Findings of Fact and Conclusions of Law, hereby approves application #18-22 by Mary Trammell (owner/applicant) for approval of a setback waiver under section 260-52 of the Hartford Zoning Regulations for a carport, lot 09-0106-000, 127 Stonecrest Avenue, Hartford, in a R-3 zoning district **on the condition that before a Certificate of Occupancy is issued, the applicant submits written verification to the Zoning Administrator confirming that the project was constructed in accordance with the approval.**

This decision is also subject to the condition that no modification or expansion shall be made to the project as described and limited in the above Findings of Fact and Conclusions of Law without the written approval of the Hartford Zoning Board of Adjustment and/or the Hartford Planning Commission. This decision may be revoked, and a new application or permit required if conditions and findings are violated or modified without written approval.

The applicants are responsible for insuring compliance with all applicable State and Federal regulations pertaining to this application.

Those in favor:

Those in opposition:

Those not participating:

Dated at Hartford, Vermont this ____ day of October 2022.

HARTFORD ZONING BOARD OF ADJUSTMENT

By: _____
Chairperson/Vice-Chairperson

Appeal Rights: An interested person who has participated in the proceeding related to this decision has the right to appeal this decision to the Vermont Environmental Court, pursuant to 24 V.S.A. s. 4471 and V.R.E.C.P.5, in writing, within 30 days of the date of this decision. If you fail to appeal this decision as described above, your right to challenge this decision at some future time may be lost. You will be bound by this decision, pursuant to 24 V.S.A. s. 4472 (d) (exclusivity of remedy; finality).

5. 18-22

EXHIBIT LIST

1. Application #18-22
2. Site plan dated September 26, 2022
3. September 26, 2022 response from Mary Trammell to Jo-Ann Ells September 19, 2022 memo
4. Letter from Mary Trammell dated September 12, 2022
5. Two photographs

Planning Commission App. # NA
Zoning Board of Adjustment App. # 18-22

TOWN OF HARTFORD APPLICATIONS

(For office use only)

Map/Lot/Plot # 9-106-0 Fee Pd. \$ _____ Receipt # _____
PC: Site Plan _____ Min. Sub. _____ Maj. Sub. _____ PD _____ PD Amend. _____ Other _____
ZBA: Conditional Use _____ Variance _____ Appeal _____ Other Setback Waiver
Zoning District(s) R-3 Date Filed _____ Official Submittal Date 9-12-22
////////////////////////////////////

PLEASE COMPLETE ALL ITEMS APPLICABLE AND PROVIDE THE CORRECT NUMBER OF COPIES OF THIS APPLICATION AND THE SITE PLAN OR SUBDIVISION PLAT. ABUTTING LANDOWNERS WILL BE NOTIFIED BY THE PLANNING/ZONING OFFICE.

1. NAME & ADDRESS OF RECORD OWNER(S) Mary W. Drammell
Family Trust, 127 Stone Crest Ave, WRT, VT 05001
Deed Recorded Book _____ Page _____ (Available at Town Clerk's Office)
Telephone: Work _____ Home 802-738-8997 Fax _____
Email Address: trammesvenator@gmail.com Cell 802-738-8997
2. NAME & ADDRESS OF APPLICANT(S) Mary W. Drammell
Telephone: Work 802-738-8997 Home _____ Fax _____
Email Address: trammesvenator@gmail.com Cell 802-738-8997
3. NAME & ADDRESS OF APPLICANT'S CONSULTANT Jason T. Leomis, LLC
51 Justin Melville Hwy, S. Stratford, VT 05070
Telephone: Work 802-766-2707 Home _____ Fax _____
Email Address: jtleomis@gmail.com Cell 802-291-3369
4. PROJECT LOCATION 127 Stone Crest Ave, WRT, VT 05001
5. PRESENT USE OF PROPERTY Residence
6. BRIEFLY DESCRIBE PROJECT (in addition, a detailed narrative must be submitted). Construction of one car carport on east side of house
7. PROJECT SIZE IN SQ. FT OR ACREAGE
Lot Width 120' Lot Depth 150'
8. IS PROJECT ON TOWN WATER/SEWER? Yes ☒ No ☐ If Yes, estimated
Water Consumption/day _____
Amount of Sewer Flow Projected N/A.
Size of Closest Lines Above (water) _____ (sewer) _____

4
2
1

9. DESCRIBE LANDSCAPING PLAN None
10. IF A BUSINESS - Present Employees _____ Proposed _____
Days & Hours of Operation _____
Will you use the landfill & recycling center? Yes _____ No _____
The main waste by-product of your business is _____
11. IF A RESTAURANT - Present seating _____ Proposed _____
12. PARKING SPACES - Number to be provided 1
13. SIGNAGE - Free Standing _____ Attached _____
14. FENCING - Location _____ Height _____
15. NEAREST WATER SUPPLY FOR FIRE PROTECTION across street @ 40'
16. ESTIMATED VALUE OF PROPOSED WORK \$14,500.00
17. IS THERE AN EXISTING DRIVEWAY? yes
18. IF A SUBDIVISION - Number of New Lots to be Created _____
Do you request that the Town consider taking over maintenance of - Roads _____
Or Park/Open Space _____

I HEREBY CERTIFY THAT THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.
(This certification must be signed by lot owners and applicants).

Mary W. Drummell
Applicant's Signature (date)

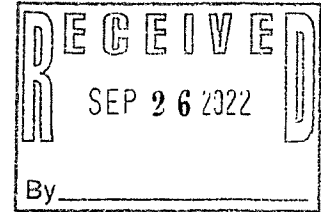
Mary W. Drummell, TREE
Lot Owner's Signature (date)

Co-Applicant's Signature (date)

Co-Owner's Signature (date)

NOTE: It is the applicant's responsibility to contact the State for any permits that may be required.

Memorandum



Handwritten mark: A small circle with an arrow pointing to the "To:" field.
To: Mary Trammell (via email)
From: Jo-Ann Ellis
Date: September 19, 2022 *09/26/22*
Re: Setback Waiver

Please submit a response to the following comments on your application for a Setback Waiver to my office before **9:00 a.m., Monday, September 26, 2022**. If you are unable to meet this deadline, please contact me as soon as possible to discuss the deadline to have your application considered at a future Hearing.

Prior to the Zoning Board of Adjustment's Public Hearing, you will receive an agenda, draft Findings of Fact, and additional staff comments if there are any. Please feel free to contact me at any time during this process. (Direct #802 478-1117)

1. Please submit the application fee (\$155).

2. Please revise your site plan as follows:

- Draw the plan to scale - *enclosed*
- Add the names of the owners of the abutting properties
- Add the map lot number (09-0106-000) - *on drawing*
- Indicate the distance from the front of the carport to the front property line (must be a minimum of 5') - *5'*
- Add the date - *09/26/22*
- Include/Clarify the property lines and setbacks - *on drawing*

Handwritten notes:
w. Armande Boright
#49 Stone Crest
Roy and Mary Ann
Black
#149
Stone
Crest

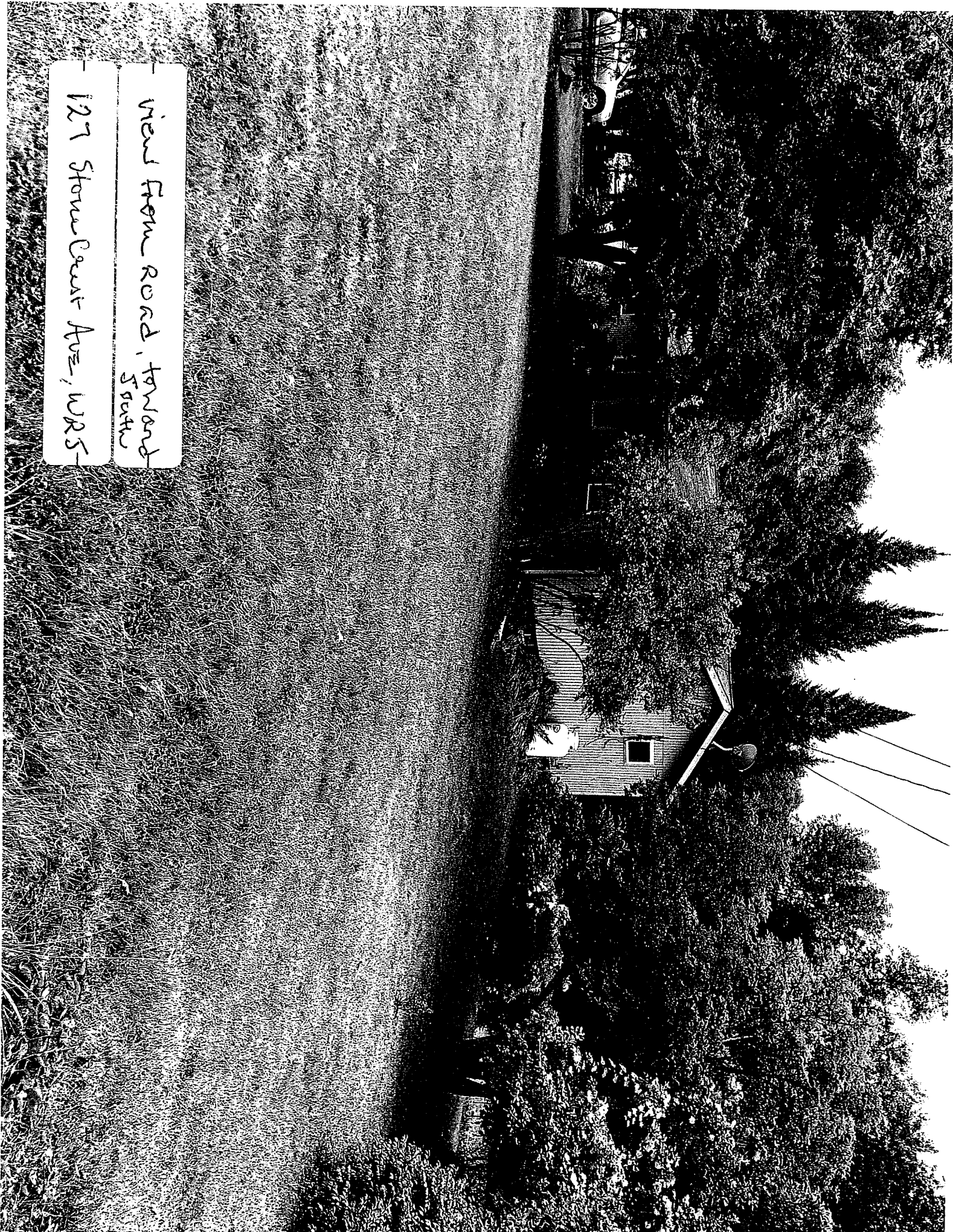
3. Once the project is complete and before a Certificate of Occupancy will be issued, you will need to submit written verification certifying that the project was constructed in compliance with the approved plans and Findings of Fact.

Please acknowledge that you understand this requirement.

4. Please submit six copies of:

- Your written response to this memorandum = *submitted*
- Revised site plan

Handwritten signature: Mary K. Trammell

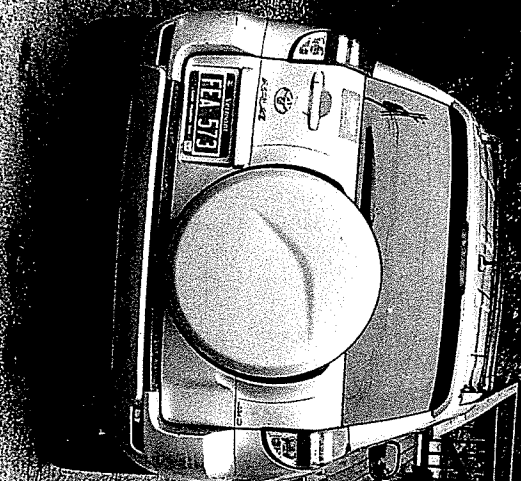


view from road, toward
South

127 Stoneheart Ave, WRS

- view from the Road, toward
South

- 127 Stone Crest Ave
USR J. VT 05001



Monday, September 12, 2022

Mary L Trammell
127 Stone Crest Ave.
White River Junction, VT 05001
802-738-8997

**Application for a Setback Waiver
Supplemental Information**

I am requesting a setback waiver for construction of

- 1) a carport to accommodate one car, and
- 2) a small canopy to protect a portion of the deck between the house entry door and carport.

The carport would be built in the existing driveway, which is topped with a hardpack.

The carport would be adjacent to the entryway on the east side of the house. There is no other available entryway on the front or sides of the house.

There would be no walls on any side of the carport.

* 20' JE

The carport would extend 22 feet from the front of the house and would be 14 feet wide.

Thus, the distance from the front footing of the carport to the road would be about 19 feet.

5' to P/L JE

To locate the carport farther from the road would require:

- 1) cutting existing mature cedar trees, and
- 2) building a significant foundation as a steep downward slope begins about 6 feet from the front of the house.

Clearance between the carport and the east property line would be 6 feet.

Respectfully submitted,

Mary Louise Trammell

Mary Louise Trammell,
Trustee, Mary Louise Trammell Family Trust.

127 Stone Crest Ave.
WRI, VT
M.L. Trammell
09/26/2022

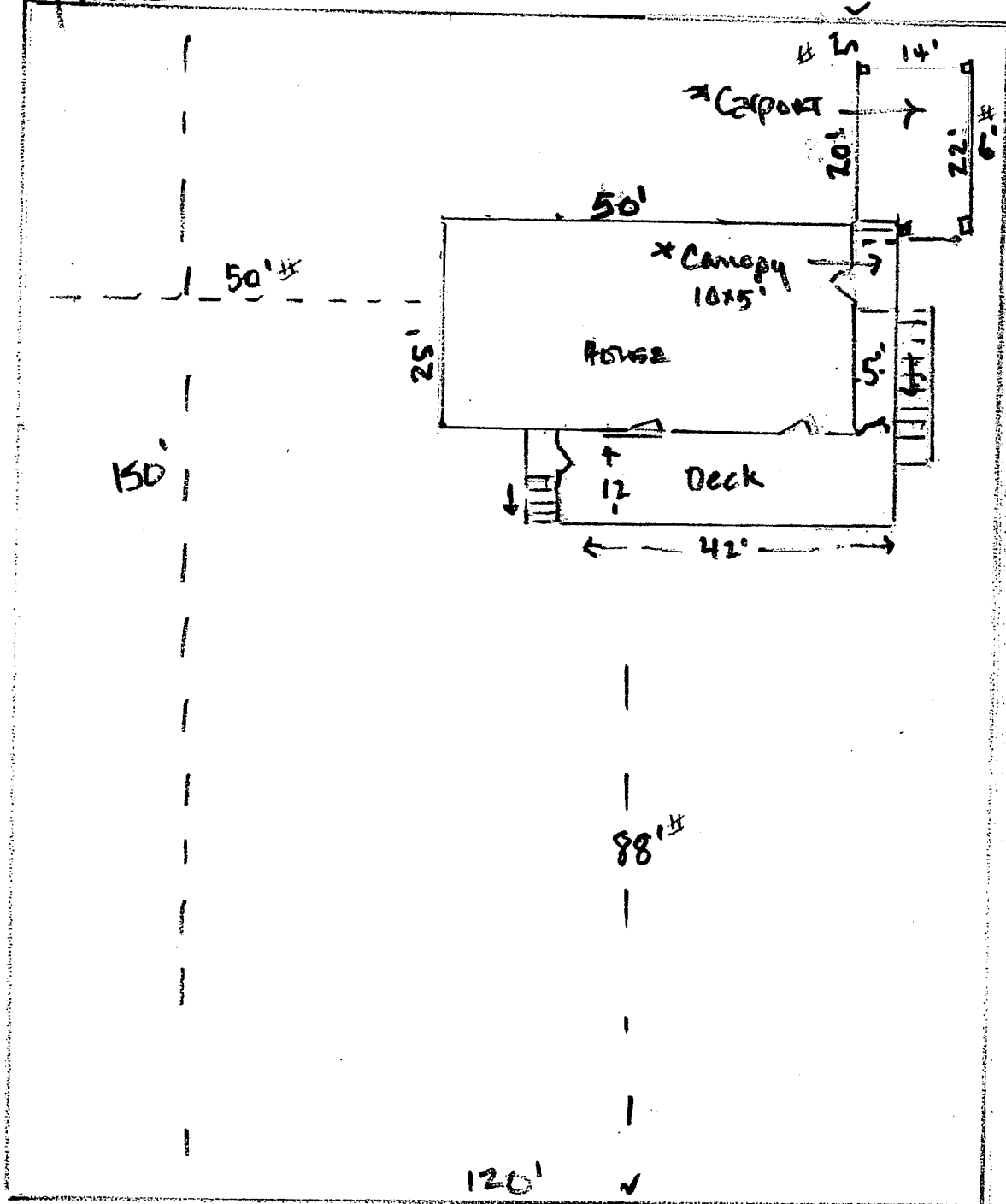
Center of Road



25'

Property Line

Armande Boright
99 Stone Crest



Ray & Mary Ann Blake
149 Stone Crest

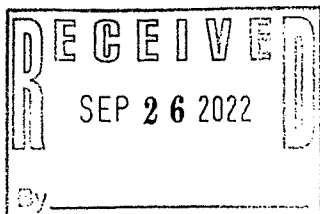
Lot No. 09-0106-600

Dimensions 150' x 120'

Scale 1" = 20'

* Additions proposed

Setbacks



Application #16-22

The Upper Valley Haven, Inc.

1. 05-22

**FINDINGS OF FACT
CONCLUSIONS OF LAW
AND
DECISION**

HARTFORD ZONING BOARD OF ADJUSTMENT

**Application #05-22 by The Upper Valley Haven, Inc., and St. Paul's Episcopal Church (for
Conditional Use Approval
for changes to uses at The Upper Valley Haven and
approval of shared parking between the lots, 713 and 749 Hartford Avenue
lots 43-0074-000 and 43-0092-000, Wilder
in a VR-C zoning district and a Planned Development**

This decision pertains to application #05-22 by The Upper Valley Haven, Inc., and St. Paul's Episcopal Church (owners/applicants) for Conditional Use Approval under section 260-16 of the Hartford Zoning Regulations for changes to uses at The Upper Valley Haven and approval of shared parking between the lots, 713 and 749 Hartford Avenue, lots 43-0074-000 and 43-0092-000, Wilder, in a VR-C zoning district and a Planned Development.

FINDINGS OF FACT

Based upon the information contained in the exhibits for this application (see attached list) and the evidence adduced at the Zoning Board of Adjustment meeting of June 8, 2022, the Hartford Zoning Board of Adjustment makes the following Findings of Fact:

General Information

1. The owner of record of lot 43-0074-000 is St. Paul's Episcopal Church who acquired the lot on 03-30-64. The deed is recorded in volume 60, page 182 of the Hartford Land Records.

The owner of record of lot 43-0092-000 is The Upper Valley Haven, Inc. who acquired the lot on 02-23-81. The deed is recorded in volume 93, page 110 of the Hartford Land Records.

2. Lot 43-0074-000 is developed with St. Paul's Episcopal Church and a parsonage.

Lot 43-0092-000 is developed with The Upper Valley Haven's campus.

3. The lots are class one (1), municipal water and sewer.

2. 05-22

4. In February of 2022, the Planning Commission approved application #22-03 for a boundary line adjustment between lots 43-0074-000 and 43-0092-000. To date, the applicants have not finalized this approval by filing a Mylar/obtaining a Zoning Permit. This Decision has been drafted assuming the lot line adjustment has been finalized and is conditioned as such.
5. Lot 43-0074-00 is developed with St. Paul's Episcopal Church.
6. Lot 43-0092-000 is developed with The Upper Valley Haven including three buildings: the Byrne building (the main building), Hixon House (north of Byrne), and Bev's House (south of Byrne).
7. The Haven is open to the public Monday through Friday, 7:30 am to 5:30 pm. The family and adult shelters are open 24/7.
8. From 2015 through March of 2020, The Haven operated an emergency shelter in the Byrne Building. The Haven understands that the emergency shelter may not re-open until appropriate approvals and permits are obtained. (They have applied for approval of a Low Barrier Shelter in a new building. (Application #22-15 and #09-22.)

This Application

6. The purpose of this application is to obtain approval for existing uses/activities as follows (details of each use/activity are described below):

- The removal of Public Assembly use from the first floor of the Byrne building and the addition of Food Distribution to the first floor of the Byrne building, and parking of an associated delivery truck.

The addition of Food Distribution requires an amendment to The Haven's Master Plan. This aspect of the application requires approval by the Planning Commission. (See exhibit #8)

- Use of a 1,784 sq. ft. of Bev's House for Daycare Facility for after school and summer camp programs. (Daycare is a Conditional Use in The Haven's approved Master Plan.) Use of a tent behind Bev's House for staff to meet with clients.
- Obtain approval for two dumpsters in the front of the Byrne Building parking area, a temporary walk-in cooler unit on the north side of the Byrne Building (where one dumpster was previously located) and a permanent pedestrian shelter in front of the Byrne Building.
- Shared parking between The Haven and St. Paul's.

(The Hixon House is an approved adult homeless shelter with 20 beds. No changes are

3. 05-22

proposed to the Hixon House.)

7. The Byrne Building is 12,907 sq. ft.

Of that, 2,732 sq. ft. of the first floor is used for Food Shelf, Clothing Room, and Food Distribution and 3,655 sq. ft. is used for Office space. The second floor is used as a family homeless shelter for 8 families.

According to the applicant, the Food Shelf provides reliable, healthy groceries including prepared food to anyone in need, regardless of income with some items offered on a daily basis and some items restricted to one visit per month. Once a month visits are available with pre-registration for a full order of groceries including dairy, eggs, meat, and non-perishable food. Daily visits are also available as needed with pre-registration for produce, bread, desserts, and specialty items. In addition, grab and go visits are available without registration for prepared foods, personal care items, and non-food items that may include clothing, and books. The Food Shelf is open Monday-Thursday 9:00am-4:30pm, Friday 9:00am-3:00pm.

The Food Shelf use on the first floor of the Byrne Building has evolved to include storage, packaging, and distribution of prepared and packaged foods, produce, and other food and grocery products to off-site locations. The Haven has a delivery truck for pickup and distribution. It is parked in the food shelf driveway on the north side of the Byrne building.

The Office space in the Byrne Building and in Bev's House is used for administrative staff, program staff, and as offices for the service coordinators on the Supportive Housing, Shelters, and Community Outreach staff. Prior to COVID, service coordinators would meet with clients in their offices if convenient to all. Some service coordinator staff use their office primarily for administrative functions and meet with clients and/or attend meetings off-site since their clients live in the community. In that the community rate of COVID infections are still unacceptably high, the applicant continues not allowing community residents to meet with service coordinators in their offices. One of the temporary shelters we had constructed is used for this purpose as is a tent located in back of Bev's House that is available spring through fall. Hixon and Byrne guests are able to meet with service coordinators in some selected indoor spaces where social distancing is possible. Post COVID, the applicant will return to meeting with clients in their offices.

8. The addition of Food Distribution requires amendments to The Haven's Master Plan.

The applicant proposes to amend The Haven's Master Plan to include "Food Distribution" as a Conditional Use and to define Food Distribution as "The collection, storage, preparation for distribution, and distribution of food and other items that are typically carried in a grocery store." (This aspect of the application requires approval by the Planning Commission.)

4. 05-22

9. Bev's House contains 2,090 sq. ft. Of that space, 306 sq. ft. is used as Office space and 1,784 sq. ft. is used for Daycare. The Daycare use involves after school and summer camp programming and has 3 staff and can provide services for up to 10 children.

The Daycare functions as an After-School Program which operates weekdays from 2:30 p.m. to 5:30 p.m. for school-aged children who are current and former shelter guests, every day that the local school system is in session. Recognizing that children who have experienced homelessness have been exposed to trauma, the program works to build resiliency and developmental skills in a strength-based model. These include coping skills, social skills, attention regulation and regulation of arousal levels. The After-School Program's environment and curriculum also focuses on mentoring. The program includes: assistance with homework; a wide variety of enrichment activities including rock climbing, music, dance, cultural performances, and arts/crafts activities; seasonal activities such as skating and hiking; life skill components such as financial literacy, nutrition, and cooking.

In the summer, the Daycare operates as a Summer Camp runs from 9:00 a.m. to 3:00 p.m. Each summer there is a theme that provides opportunities to focus on community engagement, future planning, engagement with the natural environment, career visioning, skill building in swimming, bike riding and other outdoor activities. Exposure through trips to cultural activities, science, the outdoors, and other fun programs occurs every day. Children's Services also works in the Byrne Family Shelter to design and implement child development activities with families and children.

10. According to the applicant, to support Food Shelf operations during COVID, The Haven moved the dumpster from the north side of the Byrne building to the front parking lot and located a walk-in cooler in the prior dumpster location. The Haven seeks approval to locate two dumpsters in the front parking area with screening (fencing), and to temporarily locate a walk-in cooler where the dumpster was previously located to support Food Shelf operations during COVID. Applicant also seeks approval for the permanent placement of a pedestrian shelter in front of the Byrne building.

11. **Parking**

Existing Parking

There are 38 parking spaces at The Haven and 39 parking spaces at St. Paul's Church.

Required Parking

The Haven

Office Byrne

12

(3,655/300=12.18)

5. 05-22

Food Shelf/Clothing Room	9	(2,732/300=9.1)
Family Shelter	8	(approved in 2002)
Adult Shelter	7	(approved in 2007)
Office Bev's	1	(306/300=1.02)
<u>Daycare</u>	<u>5</u>	<u>(1/5 children=2 + 3 staff)</u>
Total	42	

St. Paul's Church was built before the adoption of Zoning Regulations and therefore parking is grandfathered.

Proposed Parking

The Haven proposes to use the 38 parking spaces on site, lease 30 of the 39 parking spaces in St. Paul's parking lot, Monday through Friday 7:30 am to 5:30 pm. for a total of 68 parking spaces. Currently, 7 parking spaces in The Haven parking lot are taken up by tents and sheds that have enabled the food shelf to function during the COVID pandemic. The tents and sheds are temporary and will be removed at a future date to be determined.

St. Paul's Church and Twin Pines Housing Trust have applications pending for a multi-unit building on proposed lot 43-0074-001. If these applications are approved, the number of parking spaces The Haven will lease from St. Paul's will be reduced to 20, making the total available parking spaces for The Haven 58. While the temporary use of 7 parking spaces for the food shelf continues, the available spaces will be 51.

Traffic Volumes and Parking Demand

Given that this application is for uses that are in place currently, The Haven engaged a parking demand study to confirm the actual level and timing of traffic volumes and parking demand. This study was completed by Wall Consulting Group (WCG) and summarized in a report dated April 15, 2022. (See exhibit #5) Because The Haven has an agreement with the St. Paul's Church to use 30 of the 39 spaces during the week, the WCG study included the Church parking lot and driveway.

Counts were taken on both a Sunday morning (April 3, 2022) and a Wednesday (April 6, 2022). According to the Applicant, "Sunday morning was chosen because that is the highest weekly parking demand period for the Church. Wednesday was chosen both because Wall Consulting Group (WCG) recommends mid-week counts to be done on a Tuesday, Wednesday or Thursday, and The Haven confirmed that that Wednesday was a typical day and that there are not significant variations in day-to-day operations that would skew the parking demand on that day."

However, the Wednesday count was on a day that had no activities scheduled at St. Paul's Church until 3:15.p.m.

6. 05-22

Turning Movement Data

The traffic counts were done on vehicles turning in and out of The Haven driveway on Wednesday from 6:00 AM to 6:00 PM. Counts include all vehicle types (including trucks). The Report identified two highest one-hour peak periods on Wednesday, one in the AM and one in the PM.

- 9:15-10:15 AM (44 vehicles - 22 in and 22 out); and
- 12:15 – 1:15 PM (44 vehicles – 23 in and 21 out) (see WCG Report's Turning Movement Section Figures 1 and 2, and Turning Movement Count Data)

During these same two peak periods, 12 vehicles in the AM and 8 in the PM turned in and out of the Church driveway. Given The Church is leasing 30 spaces to The Haven, The Haven has stated this activity should be attributed to Haven traffic. Therefore, total new and existing trips generated by The Haven would be 56 in the AM and 52 in the PM peak periods.

Parking Demand

WDC determined the number of parked cars by counting the number of cars in The Haven and St Paul's parking lots at the beginning of each day (see number in box on the last column labeled "Parking Demand" on the Report's Turning Movement Count Data). WDC then used the 15-minute turning movement counts for each driveway to add or deduct the number of cars parked from that initial beginning number of parked cars, to arrive at the parking demand count for each 15-minute period. The highest parking counts are in bold for that day.

The WDC Report states that the highest combined parking demand for both The Haven and Church lots for Wednesday is 12:15 with maximum combined parking demand of 44 spaces (17 at The Haven lots and 27 at the Church lot.)

Given that there were no activities at the Church on the April 6, 2022, and it was not a typical weekday of Church activity as compared to the other weekdays of that week, the Applicant provided additional information on parking counts done by The Haven. (See exhibit #6)

According to the Applicants, "St. Paul's has very little activity on-site during the week, with sporadic classes and Office use that is not a significant or consistent driver of parking demand. Therefore, to test Wall Consulting Group's report, the report's Wednesday peak was compared against the anticipated demand based on The Haven's records of expected people on site over the course of a typical weekday. The following hour by hour chart shows the anticipated people/cars on site including staff, volunteers, Food Shelf customers, and residents of the Hixon and Byrne shelters. It supports a typical peak parking demand of 44 around noon."

7. 05-22

<u>Hour of</u> <u>day</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
Staff	28	28	28	28	28	28	28	28	29	2
Volunteers	0	5	5	5	7	5	5	5	0	0
Food Shelf	0	0	4	4	4	4	4	4	0	0
Shelter										
Hixon	5	2	2	2	2	2	2	2	2	5
Byrne	4	3	3	3	3	3	3	3	3	4
Total	37	38	42	42	44	42	42	42	34	11

According to the Applicant, "To further test the Wall Consulting Group report, The Haven counted cars three times per day for the period from April 26, 2022 through May 3, 2022. According to the applicant, these counts are largely consistent with the Wall Consulting Group report, but do show some exceedances. The 50 cars on Tuesday May 3rd corresponded to a surge in people visiting the Food Shelf. Even if 50 is used to determine parking demand instead of the 44 determined by the report, there are still enough parking spaces to accommodate weekday demand for The Haven both before the Twin Pines Project (68 spaces) and after the Twin Pines Project (58 spaces)

Parking Counts

	9am	12 noon	3pm
Tuesday, April 26	29	43	31
Wed, April 27	26	41	33
Thurs, April 28	36	42	37
Friday, April 29	32	36	30
Monday, May 2	39	47	39
Tuesday, May 3	50*	42	38

*Count was made at 10:00 a.m."

According to the Applicant, "Peak parking demand for the Church occurs on Sunday mornings, and can be accommodated on the St. Paul's property which has 39 spaces. If the Twin Pines project is built, the Sunday morning parking for St. Paul's will be reduced to 31 spaces. Based on the fact that The Haven does not conduct operations on Sundays other than the shelters, The Haven has agreed to provide St. Paul's with an easement to park on The Haven's property on non-weekday hours, if needed. Based on the parking

8. 05-22

demand study and actual experience, more than 8 spaces are available on The Haven's property on Sunday mornings to compensate for the loss of 8 spaces if the Twin Pines project is built. St. Paul's also has occasional events on nights and Saturdays when The Haven is not using the shared parking."

12. The Haven employs 30 full time and 17 part time staff. According to the applicant, not all staff is on site on the same days.
13. The Haven has volunteers on site in two shifts per day with approximately 5 volunteers per shift.
14. The applicant understands that it is the applicant's responsibility to obtain and comply with any and all applicable State permits.

CONCLUSIONS OF LAW

The Hartford Zoning Board of Adjustment, based upon the forgoing Findings of Fact, concludes that the proposed project will not adversely affect:

260-16A (1) Community facilities.

(a) The capacity of planned or existing **community facilities**, including, but not limited to:

- [1] Emergency services.
- [2] Municipal water or sewer system.
- [3] Recreational facilities.
- [4] The school system.
- [5] Solid waste disposal facilities.

260-16A (2) The **character** of the area, as defined by the objectives of the zoning district within which the project is located and specifically stated policies and standards of the municipal plan, including, but not limited to:

- (a) Scenic or natural beauty, historic sites, or rare and irreplaceable natural areas.
- (b) Compatibility with scale and design of structures existing in that area.

260-16A (3) The capacity of **roads and highways** in the vicinity to safely accommodate expected traffic flows. In making this determination, the Board may require submission of a traffic impact study made by a professional traffic engineer.

260-16A (4) Any Town of Hartford **bylaws** in effect.

260-16A (5) Utilization of **renewable energy resources**.

9. 05-22

DECISION

The Hartford Zoning Board of Adjustment, based upon the forgoing Findings of Fact and Conclusions of Law, hereby approves application #05-22 by The Upper Valley Haven, Inc., and St. Paul's Episcopal Church (owners/applicants) for Conditional Use Approval under section 260-16 of the Hartford Zoning Regulations for changes to uses at The Upper Valley Haven and approval of shared parking between the lots, 713 and 749 Hartford Avenue, lots 43-0074-000 and 43-0092-000, Wilder, in a VR-C zoning district and a Planned Development **on the condition that:**

- 1. The Food Shelf and Food Distribution activities may not include cooking on-site.**
- 2. No food may be placed in the dumpsters.**
- 3. Before a Zoning Permit is issued, the plans are amended to include a fence and landscaping around the dumpsters for review and approval by the Chair and Zoning Administrator.**
- 4. A Zoning Permit and Certificate of Occupancy are obtained by June 30, 2022.**
- 5. Before a Certificate of Occupancy is issued the applicants submit written verification from a Professional Engineer licensed by the State of Vermont certifying that The Haven property is in compliance with these approved plans and Findings of Fact.**
- 6. By November 1, 2022, written verification is submitted to the Zoning Administrator confirming that the walk-in cooler has been removed.**
- 7. Before a zoning permit is issued the applicants:**
 - Finalize the boundary line adjustment (application #22-03).**
 - Record a permanent lease or easement for the use of St. Paul's parking space by The Haven in the Town Land Records.**
 - Move Food Distribution from Permitted Use to Conditional Use in the Amended Master Plan and coordinate the endorsement and recording of the Amended Master Plan with the Zoning Administrator.**
 - Amend the site plan to include the parking space for the delivery truck.**

This decision is also subject to the condition that no modification or expansion shall be made to the project as described and limited in the above Findings of Fact and Conclusions of Law

10. 05-22

without the written approval of the Hartford Zoning Board of Adjustment and/or the Hartford Planning Commission. This decision may be revoked, and a new application or permit required if conditions and findings are violated or modified without written approval.

The applicant is responsible for insuring compliance with all applicable State and Federal regulations pertaining to this application.

Those in favor: Steve Lagasse, Chris Lowe, Tom Franklin, and Stephanie Gile

Those in opposition: None

Those not participating: Alice Maleski, absent

Dated at Hartford, Vermont this 1st day of June 2022.

HARTFORD ZONING BOARD OF ADJUSTMENT

By: 
Chairperson/Vice-Chairperson

Appeal Rights: An interested person who has participated in the proceeding related to this decision has the right to appeal this decision to the Vermont Environmental Court, pursuant to 24 V.S.A. s. 4471 and V.R.E.C.P.5, in writing, within 30 days of the date of this decision. If you fail to appeal this decision, your right to challenge this decision at some future time may be lost because you waited too long. You will be bound by this decision, pursuant to 24 V.S.A. s. 4472 (d) (exclusivity of remedy; finality).

EXHIBIT LIST

1. Application #05-22
2. Plans prepared by Engineering Ventures including sheet C0.3 entitled "The Upper Valley Haven Temporary Structures Plan lot 43-92," and sheet C1.0 entitled "Site Plan The Haven Lot, 43-92," dated received May 6 2022
3. Project Narrative dated received May 6, 2022
4. Letter from Nathan Stearns dated May 6, 2022
5. Traffic Volumes and Parking Demand report from Erica Wygonik dated April 15, 2022
6. Response to Jo-Ann Ells Comments of April 29, 2022
7. Response to Jo-Ann Ells Comments of March 31, 2022

11. 05-22

8. Proposed Amended Master Plan

9. Memo from Erica Wygonik dated June 8, 2022

10. Letters/Emails from:

Linda Simon Miller	April 8, 2022
Joe Alvin	April 5, 2022(two emails)
Marie Alvin	April 5, 2022
Michelle Boleski	April 4, 2022
Marie Alvin dated	March 7, 2022

Planning Commission App. #

Zoning Board of Adjustment App. #

TOWN OF HARTFORD APPLICATIONS

(office use only)

Map/Lot/Plot

Fee Pd. \$

Receipt #

PC: Site Plan

Min. Sub.

Maj. Sub.

PL

PD Amend.

Other

ZBA: Conditional Use

Variance

Appeal

Other

Zoning District(s)

Date Filed

Official Submittal Date

PLEASE COMPLETE ALL ITEMS APPLICABLE AND PROVIDE THE CORRECT NUMBER OF COPIES OF THIS APPLICATION AND THE SITE PLAN OR SUBDIVISION PLAT. ABUTTING LANDOWNERS WILL BE NOTIFIED BY THE PLANNING/ZONING OFFICE.

1. NAME & ADDRESS OF RECORD OWNER(S)

Upper Valley Haven, Inc., 713 Hartford Avenue, White River Junction, VT 05001.

Deed dated 02-23-1981, Recorded Book 93, page 110 of the Hartford Land Records

Telephone: Work (802) 478-1802 Home FAX

Email Address: mredmond@uppervalleyhaven.org

2. NAME & ADDRESS OF APPLICANT(S)

Same as Record Owner

Telephone: Work _____ Home _____ FAX _____

Email Address: _____

3. NAME & ADDRESS OF APPLICANT'S CONSULTANT

Sheehey Furlong & Behm, P.C.

PO Box 909, Norwich, VT 05055

Telephone: Work (802) 353 2256 Home _____ FAX _____

Email Address: nstearns@sheehyvt.com

4. PROJECT LOCATION 713 Hartford Avenue

5. PRESENT USE OF PROPERTY The Haven (planned development/homeless shelter and related services)

6. BRIEFLY DESCRIBE PROJECT (in addition, a detailed narrative must be submitted).
Application to allow cooking as part of Food Distribution and Food Shelf uses

7. PROJECT SIZE IN SQ. FT. OR ACREAGE

2.25 acres

Lot Width _____ Lot Depth _____

Lot Depth

8. IS PROJECT ON TOWN WATER/SEWER?

Yes X No If Yes, estimated

Water Consumption/day _____

Amount of Sewer Flow Projected _____

Size of Closest Lines Above (water) _____ (sewer) _____

9. LANDSCAPING PLAN Included with submission

10. IF A BUSINESS – Present Employees 30 full time, 17 part Proposed No change
time, including remote
Days & Hours of Operation Office uses M-F 7:30 am. to 5:30 pm; Shelter 24/7
Will you use the landfill & recycling center? Yes ☒ No ☐
The main waste by-product of your business is Paper and cardboard

11. IF A RESTAURANT – Present Seating N/A Proposed N/A

12. PARKING SPACES – Number to be provided 70 (including Twin Pines easement and Montshire)

13. SIGNAGE – Free Standing: No changes Attached: No changes

14. FENCING – Location No changes Height No changes

15. NEAREST WATER SUPPLY FOR FIRE PROTECTION No changes

16. ESTIMATED VALUE OF PROPOSED WORK \$0

17. IS THERE AN EXISTING DRIVEWAY Yes

18. IF A SUBDIVISION – Number of New Lots to be Created None

Do you request that the Town consider taking over maintenance of - Roads No

Or Park/Open Space No

I HEREBY CERTIFY THAT THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

(This certification must be signed by lot owners and applicants.)

The Upper Valley Haven, Inc.
By: Michael Redmond
Name/Title: Michael Redmond, Executive Director

Co-Applicant's Signature (date) July 27, 2012 Co-Owner's Signature (date)

NOTE: It is the applicant's responsibility to contact the State for any permits that may be required.

July 28, 2022

Jo-Ann Ells, Zoning Administrator
Hartford Planning & Zoning
Hartford Municipal Building
2nd Floor Room 201 171 Bridge Street
White River Junction, VT 05001

Re: Conditional Use to add cooking to Food Shelf and Food Distribution Uses, 713 Hartford Avenue—Parcel 043-0092-000

Landowner: The Upper Valley Haven, Inc.
Applicants: The Upper Valley Haven, Inc.
Property: 713 Hartford Avenue, Parcel 043-0092-000

Dear Jo-Ann:

Please find enclosed herewith an application for Conditional Use approval to change condition 1 in Decision #05-22 to allow on-site cooking as part of the Food Shelf and Food Distribution Uses at the Upper Valley Haven, Lot 43-0092-000, 713 Hartford Avenue.

At a hearing on June 8, 2022, the Zoning Board considered an application to approve Food Distribution as a conditional use at the Haven. The application reviewed at that hearing requested an amendment to the Haven's Master Plan to add Food Distribution as a new conditional use, defined as

Storage, Packaging and Distribution of prepared and packaged foods, produce and other food and grocery products to off-site locations as part of a charitable food program.

As reflected in the minutes of the Zoning Board of Adjustment's hearing on June 8, 2022, the Applicant testified that cooking has previously occurred on-site as part of both the Food Distribution and Food Shelf uses. Nevertheless, the ZBA noted that "cooking was not addressed in the application materials or draft Findings of Fact," and the ZBA's decision #05-22 contains a condition that "The Food Shelf and Food Distribution activities may not include cooking on-site.

Notwithstanding the condition in the ZBA's decision, however, the minutes from the June 8, 2022 hearing reflect that "Chris Lowe, suggested that the Applicant bring on-site cooking before the Board in a separate application, and the other Board members agreed."

On June 11, 2022, the Haven appeared before the Planning Commission, and received approval to add cooking to the definition of both Food Shelf and Food Distribution uses, as well

as approval for amendments to the Haven's Master Plan that allow cooking uses by right. Section 11 of the Planning Commission's decision #22-11 approved the following definition of "Food Distribution":

Storage, Cooking, Preparation, Packaging, and Distribution of prepared and packaged foods, produce and other food and grocery products to off-site locations as part of a charitable food program.

Section 12 of the Planning Commission decision #22-11 approved the following changes to the Haven's Master Plan:

- *Modify the existing definition of Food Shelf to allow cooking s part of the Haven's program to provide food to those in need as follows:*

A storeroom of groceries and foods cooked and prepared both on-site and off-site, available to anyone needing food.

- *Add "Retail <2,500 square feet" as a permitted use consistent with the uses allowed in the VR-C district.*
- *Add "Food Assembly/Catering" as a conditional use consistent with the uses allowed in the VR-C district.*

Section 14 of the Planning Commission's decision #22-11 also provides that

Food may be consumed on-site. (This use is similar to retail which allows take-out food.)

Based on the Planning Commission's approved changes to the Haven's Master Plan, the Haven requests that the Zoning Board of Adjustment (a) approve the Haven's Food Distribution program (which involves cooking) as a conditional use, and (b) agree that in light of the Planning Commission's decision #22-11 the condition in decision #05-22 that "The Food Shelf and Food Distribution activities may not include cooking on-site," be changed so that cooking may occur on-site as part of the Food Shelf and Food Distribution uses upon issuance of Administrative permits.

The cooking that the Haven would like to continue as part of the Food Shelf and Food Distribution uses includes cooking that would be consistent with "Food Assembly/Catering" or a "Retail" restaurant without seating. The cooking that occurs as part of these programs ranges from reheating soups and other food that were initially made off-site, to using surpluses of donated fresh food to cook meals from scratch (for example a frozen turkey that is about to expire is cooked and sliced to be given to multiple people in need, or fresh produce that is about to expire without being claimed is turned into a stew or casserole). In addition, while some

Jo-Ann Ells, Hartford Zoning Administrator
The Haven, Conditional Use/Cooking
July 28, 2022
Page 3

people who receive food eat it on-site as they have it in hand and the Haven is seeking approval consistent with the Planning Commission's approval #22-11 that allows food to be consumed on site, the Haven is not seeking permission to operate a sit down restaurant.

The cooking use has previously occurred on-site, and there is no evidence that allowing this activity to resume will create an adverse impact on community facilities, the character of the area, traffic, renewable energy use, or other Town bylaws.

Please let me know if you need any additional information. Thank you.

Sincerely,

SHEEHEY FURLONG & BEHM P.C.

/s/ Nathan H. Stearns

Nathan H. Stearns

Enclosures

cc (by email):

Michael Redmond
Andrew Pillsbury
Andrew Winter
Kristina Harrold
Doug Sonsalla
James Wasser
Adam Morse
Kevin Worden
Erik Christman
Erica Wygonik
Kim Butler, Esq.

**Approved
MINUTES
Zoning Board of Adjustment
June 8, 2022**

Present: Steve Lagasse, Chris Lowe, Tom Franklin, Stephanie Gile, Lannie Collins, Selectboard Liaison (attended remotely), Lori Hirshfield, Planning and Development Director, and Jo-Ann Ells, Zoning Administrator

Absent: Alice Maleski

Public Hearing

Steve Lagasse opened the Hearing, read the remote meeting script, and took a roll call. He noted that previously-submitted written testimony did not need to be repeated, asked that all speakers state their name, physical address and mailing address, and requested that attendees mute their microphones unless recognized by the Chair. He explained the Hearing process, noted that Interested Parties would be asked for comments before the general public, and administered the oath.

1. Application #05-22 by The Upper Valley Haven, Inc., and St. Paul's Episcopal Church (owners/applicants) for Conditional Use Approval under section 260-16 of the Hartford Zoning Regulations for changes to uses at The Upper Valley Haven and approval of shared parking between the lots, 713 and 749 Hartford Avenue, lots 43-0074-000 and 43-0092-000, Wilder, in a VR-C zoning district and a Planned Development.

Michael Redmond and Nate Stearns were present.

Jo-Ann Ells explained that the application was for the review of:

- The removal of Public Assembly use from the first floor of the Byrne building and the addition of Food Distribution to the first floor of the Byrne building, and parking of an associated delivery truck.
- Use of a 1,784 sq. ft. of Bev's House for Daycare Facility for after school and summer camp programs. (Daycare is a Conditional Use in The Haven's approved Master Plan.) Use of a tent behind Bev's House for staff to meet with clients.
- Obtain approval for two dumpsters in the front of the Byrne Building parking area, a temporary walk-in cooler unit on the north side of the Byrne Building (where one dumpster was previously located) and a permanent pedestrian shelter in front of the Byrne Building.
- Shared parking between The Haven and St. Paul's.

She noted that the application for a low barrier shelter and office was a separate application.

Nate Stearns (Sheehey Furlong & Behm P.C., Norwich VT) introduced himself.

Nate reviewed site plan sheet C1.0 and the four changes to the existing permit that the applicant was seeking approval.

Michael Redmond, Director of The Upper Valley Haven, introduced himself. He noted that the daycare grew out of a need for parents living in the family shelter to have care for their children and today the daycare serves the needs of families living at the shelter and families who have previously lived there. He added that in 2012, after school and summer camp programs began.

Nate Stearns noted that the daycare serves a maximum of ten children and has three staff. He commented that given this impact from the daycare is limited. He added that the daycare has existed for a number of years and operates in an existing building.

Regarding Food Distribution, Michael Redmond told the Board that food insecurity can be a challenge in the area and service organizations formed a relationship to create remote food pantries and delivery services. He estimated that this creates 6 weekly trips with a truck or van.

Michael explained that food is not consumed on site and that the food shelf includes a “grab-n-go” program with ready to eat food which is prepared by volunteers off site and that some preparation occurs on-site.

Nate Stearns confirmed that food is not consumed on-site.

Nate stated that The Haven has a shared parking arrangement with St. Paul’s Church and asked Erica Wygonik of Wall Consultant Group to review her memorandum of June 8, 2022.

Erica reviewed her memorandum and including various parking scenarios.

Nate Stearns reviewed the applicant’s request to locate two dumpsters in the front of the lot.

Chris Lowe asked if the hours for the Food Shelf and Food Distribution activities were the same. Michael Redmond confirmed they were the same.

Tom Franklin asked how often the dumpsters are emptied. Michael Redmond stated that they are emptied twice a week. Michael explained that food waste is stored inside, and a farmer picks it up.

Tom Franklin commented that 9 parking spaces for the Church does not seem like a lot for weekly activities that could include a funeral. Michael Redmond explained that parking arrangements for The Haven are made with Knights Funeral Home when the Church lot is needed for funerals. Reverend Scott Neal confirmed that the parking at the Church was adequate.

Nate Stearns noted that the application materials include a list of weekly activities at the Church.

Steve Lagasse noted he was pleased the Applicant was not requesting on-site meals. He asked for examples of where food is/would be distributed. Michael Redmond explained that there are 17 locations and gave several examples including Dartmouth Hitchcock Memorial Hospital, a mom's recovery group, and several towns with food pantries.

Steve Lagasse stated that he supported families being able to pick up groceries on-site and noted he had some concerns with the grab-n-go option. He also said that he would like to see a permit condition that prohibited food from being put in the dumpsters, and that the dumpsters be adequately screened.

Michael Redmond asked for clarification regarding Steve's concern with the grab-n-go food. He noted that this part of the food program and serves a big need. He explained that there are approximately 60-100 grab-n-go items picked up per day. He noted that some of this food is donated as leftovers from events and repackaged for pick up. Steve stated that he supported the concept, but not at this location. Stephanie Gile commented that this is similar to grab-n-go items in a grocery store and that she was having a hard time seeing what the concern was regarding this service. Steve Lagasse stated that he could support Haven-supplied grab-and-go food at another location such as the LISTEN center, which already provides community meals.

Nate Stearns read the definition of Food Shelf from the applicant's current permit, "A storeroom of groceries available to anyone needing food." Jo-Ann Ells commented that the grab-n-go items is typical of groceries available in a grocery store.

The Board took a 5-minute break.

Steve Lagasse summarized the application, read the definition of Interested Party, and ask for comments from Interested Parties.

Deb Winslow (116 Wilder Street) asked for clarification on the number of parking spaces that would be available if the Twin Pines multi-unit project on the adjacent lot was built. Erica Wygonik noted that 38 parking spaces on The Haven's lot would remain and that the Haven would lease 20 parking spaces from Twin Pines and that this would serve The Haven's demand. Deb asked about the use of the Church lot for parking by a school bus that brings volunteers to The Haven. Michael Redmond clarified that the bus is not related to The Haven or the Church and that he believes is a school bus driver who is parking there short term.

Noting the recent improvements to the streetscape, Tim Fariel (144 Worcester Ave.) asked the Board to require the dumpster to be moved from the front of the lot. He asked the impacts of the two applications before the Board by The Haven and the recent application by Twin Pines for a multi-unit dwelling on the adjacent lot be considered. He asked the Board to consider the safety concerns that have been expressed and to consider requiring The Haven to appoint a community outreach person, that clients be held to certain behavioral expectations with consequences for failing to follow them, and that The Haven perform an annual community survey.

Cynthia Dale (58 Worcester Ave.) noted it was hard to separate the various applications. She expressed trust with The Haven's expertise, noted that she thought they were an excellent community partner, voiced support for the grab-n-go food items and a community liaison.

Michelle Boleski (165 Hanover St.) expressed frustration with the lack of time to review the memorandum from Erica Wygonik, questioned if food distribution or volunteers would expand, noted it was hard to tell how many people are on-site at any time, questioned traffic and loading/unloading associated with deliveries, and the ability of larger vehicles to maneuver the site. She commented that she did not believe grab-n-go food was similar to grocery store items.

Kerry Heavisides (72 Worcester Ave.) questioned if the parking analysis relieved on an assumption that the Church would not grow in the future.

Marie Alvin (43 Demers Ave.) noted that the Haven has grown over the years without proper permitting that there was no enforcement by the Town for this, and that the food distribution and grab-n-go food are creating a traffic problem. She also commented that LISTEN is set up for and provides meals, so meals at this location are not needed. She also expressed concern with the location of the dumpster, voiced support for the daycare, and noted she wished The Haven would focus solely on families.

Chris Lowe asked for clarification regarding food preparation and cooking on-site. Nate Stearns noted some of the food preparation is repackaging donations.

Michael Redmond noted that some food is prepared off site at the home of volunteers and some minimum food preparation occurs on site.

Steve Lagasse asked for general public comment.

Heidi Duto (240 Christian St.) questioned the parking calculation for the daycare. Jo-Ann Ells explained. Heidi expressed concern with the location of the dumpsters, the location where the delivery truck is parked, traffic and parking counts being limited to two days, and the number of existing staff and volunteers.

Steve Lagasse asked how many deliveries occur per day related to food distribution. Michael Redmond stated that it varies. He explained that Willing Hands comes to the site 1-2 times a week, Vermont Food Bank 1-2 times a week, and there are additional deliveries, generally a couple a day.

Heidi Duto commented that the donation drop off process is not a quick process.

Faith Dubois (153 Locust Street) stated that she has been an employee of The Haven for 12 years and noted that they receive a lot of donations. She noted that some food is cooked on-site so that it is not wasted. She explained that there is a substantial need for food including for people who are employed.

Margo Howland-Masto (228 Wilder Street) questioned if a smaller dumpster could be placed further away from the street.

Michelle Boleski stated that she believes in the mission of The Haven and acknowledged the need for services. She asked if The Haven is outgrowing their campus, questioned if the infrastructure can handle the growth, and if the parking was adequate.

Steve Lagasse moved to close the Public Hearing. Stephanie Gile seconded, and the Public Hearing was closed.

Steve Lagasse noted he had three changes/concerns as follows:

- He suggested a condition be added to the Decision restricting food from being placed in the dumpsters.
- He noted he wanted the dumpsters screened and for the proposed screening to be pre-approved by himself and the Zoning Administrator.
- He noted he was comfortable with cooking on-site if it is related to food distribution, but not for grab-n-go items.

Chris Lowe asked about Steve's concern with cooking related to grab-n-go items. Steve stated that the pickups at the food shelf are mostly scheduled, and suggested the LISTEN center as a better location for grab-n-go food. He added that the nature of the traffic is a concern and that he is sensitive to the safety concerns expressed by the public.

Tom Franklin stated that he was concerned with comments expressed regarding food safety/cooking and noted that he understood that this is a State issue.

Chris Lowe noted that cooking was not addressed in the application materials or draft Findings of Fact.

Lori Hirshfield stated that the Board could amend the draft Findings of Fact to address cooking.

Stephanie Gile stated that grab-n-go meals seemed like an opportunity to provide healthier meals. Steve Lagasse commented that he hesitated about this activity solely due to location.

The Board decided that cooking on-site related to food shelf and food distribution activities should be prohibited. Chris Lowe suggested that the Applicant bring on-site cooking before the Board in a separate application, and the other Board members agreed.

It was agreed that the following be added to the Findings:

1. The Food Shelf and Food Distribution activities may not include cooking on-site.
2. No food may be placed in the dumpsters.

06-08-22

3. Before a Zoning Permit is issued, the plans are amended to include a fence and landscaping around the dumpsters for review and approval by the Chair and Zoning Administrator.

Steve Lagasse moved to approve the application with the noted changes. Chris Lowe seconded, and the motion passed unanimously.

The Board took a 5-minute break.

Noting the time, Steve Lagasse suggested that application #09-22 and its Public Hearing be continued.

Steve Lagasse moved to continue application #09-22 to Wednesday, June 15, 2022 at 6:00 p.m. Tom Franklin seconded, and the motion passed unanimously.

Adjournment

At 8:50 p.m. Steve Lagasse moved to adjourn. Chris Lowe seconded, and the motion passed unanimously.

Respectively Submitted,

Alice Maleski, Clerk

**DRAFT
FINDINGS OF FACT
CONCLUSIONS OF LAW
AND
DECISION**

HARTFORD ZONING BOARD OF ADJUSTMENT

**Application #16-22 by The Upper Valley Haven, Inc.
for Conditional Use Approval
to allow cooking as part of Food Distribution and Food Shelf uses
713 Hartford Avenue, 43-0092-000, Wilder, in a Planned Development**

This decision pertains to application #16-22 by The Upper Valley Haven, Inc. (owner/applicant) for Conditional Use Approval under section 260-16 of the Hartford Zoning Regulations to allow cooking as part of Food Distribution and Food Shelf uses, 713 Hartford Avenue, 43-0092-000, Wilder, in a Planned Development.

FINDINGS OF FACT

Based upon the information contained in the exhibits for this application (see attached list) and the evidence adduced at the Zoning Board of Adjustment meeting of September 14, 2022, the Hartford Zoning Board of Adjustment makes the following Findings of Fact:

General Information

1. The owner of record of lot 43-0092-000 is The Upper Valley Haven, Inc. who acquired the lot on 02-23-81. The deed is recorded in volume 93, page 110 of the Hartford Land Records.
2. The lot is class one (1), municipal water and sewer.
3. Lot 43-0092-000 is developed with The Upper Valley Haven including three buildings: the Byrne building (the main building), Hixon House (north of Byrne), and Bev's House (south of Byrne).

This Application

4. At a Public Hearing on June 8, 2022, the Zoning Board considered an application for changes to uses at The Upper Valley Haven and approval of shared parking between the Haven's lot and St. Paul's Episcopal Church. (Application #05-22)

As part of the application, the applicant requested approval of Food Distribution as a new Conditional Use and to define Food Distribution.

The Board approved the application and defined Food Distribution as:

Storage, Packaging and Distribution of prepared and packaged foods, produce and other food and grocery products to off-site locations as part of a charitable food program

The Board added the following condition to the approval:

The Food Shelf and Food Distribution activities may not include cooking on-site.

The application was silent on the on-site consumption of food from the Food Shelf.

(See exhibits #3 and #4.)

5. The applicant proposes to:

- Remove the condition prohibiting on-site cooking for Food Shelf and Food Distribution activities and allow on-site cooking for the Food Shelf and Food Distribution activities
- Redefine Food Distribution as:

Storage, Cooking, Preparation, Packaging, and Distribution of prepared and packaged foods, produce and other food and grocery products to off-site locations as part of a charitable food program.

- Clarify that “Food from the Food Shelf may be consumed on-site. (This use is similar to retail which allows take-out food.)”

6. In July of 2022, the Planning Commission approved the applicant’s request to add Food Distribution as a new Conditional Use without the restriction regarding cooking on-site. (application #22-11). The Commission approved the definition of Food Distribution as:

Storage, Cooking, Preparation, Packaging, and Distribution of prepared and packaged foods, produce and other food and grocery products to off-site locations as part of a charitable food program.

In addition, the Planning Commission’s approval of application #22-11 included a Finding that “Food may be consumed on-site. (This use is similar to retail which allows take-out food.)”

7. According to the applicant, “The cooking that the Haven would like to continue as part of the Food Shelf and Food Distribution uses includes cooking that would be consistent with ‘Food Assembly/Catering’ or a ‘Retail’ restaurant without seating. (*Take-out only restaurants are considered retail under the Zoning Regulations.*) The on-site cooking that occurs as part of the Food Shelf and Food Distribution programs ranges from reheating soups and other food that were initially made off-site, to using surpluses of donated fresh food to cook meals from scratch (for example a frozen turkey that is about to expire is cooked and sliced to be given to multiple people in need, or fresh produce that is about to expire without being claimed is turned into a stew or casserole). In addition, while some

3. 16-22

people who receive food eat it on-site as they have it in hand the Haven is seeking approval consistent with the Planning Commission's approval #22-11 that allows food to be consumed on site, the Haven is not seeking permission to operate a sit-down restaurant.”

8. No other changes to Application #05-22 are proposed.
9. The applicant retains the obligation to identify, apply for, and obtain any relevant state permits for this project.

CONCLUSIONS OF LAW

The Hartford Zoning Board of Adjustment, based upon the forgoing Findings of Fact, concludes that the proposed project will not adversely affect:

260-16A (1) Community facilities.

(a) The capacity of planned or existing **community facilities**, including, but not limited to:

- [1] Emergency services.
- [2] Municipal water or sewer system.
- [3] Recreational facilities.
- [4] The school system.
- [5] Solid waste disposal facilities.

260-16A (2) The **character** of the area, as defined by the objectives of the zoning district within which the project is located and specifically stated policies and standards of the municipal plan, including, but not limited to:

- (a) Scenic or natural beauty, historic sites, or rare and irreplaceable natural areas.
- (b) Compatibility with scale and design of structures existing in that area.

260-16A (3) The capacity of **roads and highways** in the vicinity to safely accommodate expected traffic flows. In making this determination, the Board may require submission of a traffic impact study made by a professional traffic engineer.

260-16A (4) Any Town of Hartford **bylaws** in effect.

260-16A (5) Utilization of **renewable energy resources**.

DECISION

The Hartford Zoning Board of Adjustment, based upon the forgoing Findings of Fact and Conclusions of Law, hereby approves application #16-22 by The Upper Valley Haven, Inc. (owner/applicant) for Conditional Use Approval under section 260-16 of the Hartford Zoning Regulations to allow cooking as part of Food Distribution and Food Shelf uses, 713 Hartford Avenue, 43-0092-000, Wilder, in a Planned Development **on the condition that:**

4. 16-22

1. **By September 23, 2022 the applicants coordinate the submittal of a Zoning Permit and request for a Certificate of Occupancy with the Zoning Administrator.**
2. **Before a Certificate of Occupancy is issued, the applicants submit written verification from a Professional Engineer licensed by the State of Vermont certifying that The Haven property is in compliance with these approved plans and Findings of Fact.**

This decision is also subject to the condition that no modification or expansion shall be made to the project as described and limited in the above Findings of Fact and Conclusions of Law without the written approval of the Hartford Zoning Board of Adjustment and/or the Hartford Planning Commission. This decision may be revoked, and a new application or permit required if conditions and findings are violated or modified without written approval.

The applicant is responsible for insuring compliance with all applicable State and Federal regulations pertaining to this application.

Those in favor:

Those in opposition:

Those not participating:

Dated at Hartford, Vermont this ____ day of September 2022.

HARTFORD ZONING BOARD OF ADJUSTMENT

By: _____
Chairperson/Vice-Chairperson

Appeal Rights: An interested person who has participated in the proceeding related to this decision has the right to appeal this decision to the Vermont Environmental Court, pursuant to 24 V.S.A. s. 4471 and V.R.E.C.P.5, in writing, within 30 days of the date of this decision. If you fail to appeal this decision, your right to challenge this decision at some future time may be lost because you waited too long. You will be bound by this decision, pursuant to 24 V.S.A. s. 4472 (d) (exclusivity of remedy; finality).

EXHIBIT LIST

1. Application #16-22
2. Letter from Nate Stearns dated July 28, 2022

5. 16-22

3. Minutes from June 8, 2022
4. Application #05-22
5. Letter from Megan Culp dated July 22, 2022
6. Email from John Dulmage dated July 21, 2022
7. Letter from Kate Bessette dated July 1, 2022
8. Email from Harry Kendrick dated July 1, 2022
9. Email from Mary Maxfield dated June 30, 0222
10. Email from Kerri Weeks dated June 30, 2022
11. Email from Connie Harvey dated June 29, 2022
12. Email From Madeleine Johnson dated June 29, 2022
13. Email from David Goldberg dated June 29, 2022
14. Email from Virginia Reed dated June 29, 2022
15. Email from Jay Reed dated June 29, 2022

Jo-Ann Ells

From: Connie Harvey <connie.c.harvey@gmail.com>
Sent: Wednesday, June 29, 2022 10:54 AM
To: Jo-Ann Ells
Subject: the Haven

[You don't often get email from connie.c.harvey@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

[EXTERNAL EMAIL: DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Good Morning Ms. Ells,

I am writing in hopes that you will forward this email to the Hartford Planning Commission and Zoning Board of Adjustment requesting that they will include "cooking on site" as an allowable activity for the Haven.

I have volunteered at the Food Shelf in the Haven for ten years and have seen repeatedly the importance and impact a cooked meal can have on a person. Many of the people I have served at the Haven are living in tents or motel rooms with minimal cooking facilities and healthy cooked food is not within their means.

The Haven receives boxes and bin upon bin of produce every day and what better way to utilize these donations than to prepare food that is healthy and delicious. The produce is put out for people to take out on their own but many folks don't how to cook with it. The Haven, in addition to preparing the food, has recipes on hand for most of the meals they cook.

I hope you will allow on site cooking at the Haven to take place in the future. It does so much to enhance the quality of life for so many in need.

Thank you for you service to the community.

Sincerely,
Connie Harvey
Fairlee, VT

Jo-Ann Ells

From: Madeleine Johnson <madeleinejs@gmail.com>
Sent: Wednesday, June 29, 2022 2:35 PM
To: Jo-Ann Ells
Cc: mredmond@uppervalleyhaven.org
Subject: Volunteer from the Haven

EXTERNAL You don't often get email from madeleinejs@gmail.com. [Learn why this is important](#)

[EXTERNAL EMAIL: DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Dear Ms. Ells,

I have been a volunteer at the Haven for several years. It has been my great joy every week to come in, see what food has been donated and then transform it into hot meals. Before Covid, I did this in the café, which had been providing hot, sit-down meals for years. There I got to meet many clients and see how food that would have been thrown away brought physical and moral nourishment to so many.

On a typical day, this might mean roasting vegetables from Willing Hands and adding it to stir-fry left over from Dartmouth, effectively multiplying the people these donations fed. Or it might mean taking a vat of mozzarellas about to expire, salvaging some wrinkled cherry tomatoes and making baked pasta, keeping all of this food out of the landfill. Every day we invented something...

We volunteers do not have equipment at home--pans or ovens--large enough for the quantities we cook. The food available changes daily and is often about to expire. It would not be feasible for me to drive from Enfield, pick up what has been donated, take it home and make something and bring it back.

Although we no longer serve in the café but hand meals out, people that I served food remember me and thank me outside the Haven. It means something to them that a face they know is behind the food that they eat.

On the surface, it may seem as if our efforts at best do nothing to solve the homeless problem, or at worst attract "undesirables" to the neighborhood.

Think of it this way.

Our hot food gives a woman who cannot afford a home where she can cook and must live in her car, a hot meal that helps her hold down two jobs.

Not being hungry and knowing that someone has prepared hot food for him may calm an unstable man who could otherwise become aggressive.

Having the kind of home-cooked meal she would like her children to have may be what helps a struggling mother hold down a job, or dissolve anger and frustration that could harm her family.

A home-cooked meal may be what brings a veteran who is having trouble into the Haven where he will finally get access to services he may be too proud to ask for.

Every day an adolescent has a home-cooked meal from the Haven may be a day they stay in school and finally attain the education they need to escape poverty.

Homelessness is a complex problem; I doubt there is a single person in our community that does not want it solved.

I am too flawed to ever be a Christ-like figure. But every time I cook at the Haven, I perform a tiny little loaves and fishes miracle.

Please do not let the Planning Commission participate in killing this small light in the lives of so many.

Madeleine Johnson

518 Shaker Blvd.
Enfield, NH 03748
310 254 5915 (cell)
+39 335 620 5503 (Italy)

Jo-Ann Ells

From: David Goldberg <davegold314@gmail.com>
Sent: Wednesday, June 29, 2022 2:52 PM
To: Jo-Ann Ells
Subject: Cooking for at the Haven

Advertisement
You don't often get email from davegold314@gmail.com. [Learn why this is important](#)
[EXTERNAL EMAIL: DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Ms. Ells,

I've always admired The Haven for the good work they do in helping those most in need, and I recently started volunteering for them. I was both shocked and saddened to read that due to a zoning review, some of the work that The Haven does to feed the hungry is no longer permitted. I would appreciate it if you could forward a request to the Zoning Board and Planning Commission from me asking that they take whatever action is necessary to allow The Haven to resume cooking hot meals. In these difficult times I'm sure everyone wants to make sure that those most in need are not further handicapped.

In case there needs to be any follow up, you can reply to this email or call 603-398-2147.

Thank you - David Goldberg

Jo-Ann Ells

From: Virginia A. Reed <Virginia.A.Reed@dartmouth.edu>
Sent: Wednesday, June 29, 2022 4:33 PM
To: Jo-Ann Ells
Subject: "On-site cooking" at the Upper Valley Haven

66424-1-002-1 You don't often get email from virginia.a.reed@dartmouth.edu. [Learn why this is important](#)
[EXTERNAL EMAIL: DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Dear Ms. Ells,

I am writing to you today in my capacities as both a volunteer at the Upper Valley Haven and as a member of the Haven's Board of Directors. I live in Fairlee, VT and have been actively involved with the Haven for more than four years. I am writing in the hope that the Zoning Board and Planning Commission will endorse cooking on-site as an approved activity of the Food Shelf and Food Distribution services.

My volunteer work at the Haven has been working in the Café Kitchen where I make sandwiches and side dishes, and help prepare and/or reheat and package cooked food for distribution. Cooked food adds to the quality of life of people who are without homes or other means of cooking on their own, especially in the winter. It is quite common to find requests from those waiting for hot food come faster than we can prepare it! Sandwiches and cold salads are great - and needed - but hot foods add variety and nutritional quality to the diets of people who rely on the Haven food programs. Both as a volunteer and as a Board Member, I support the idea of cooking on-site at the Haven as an allowable activity for the Food Shelf and off-site programs

I urge the Zoning Board to rescind its decision that the Food Shelf and Food Distribution cannot include cooking on-site and ask that both the Zoning Board and the Planning Commission include "cooking on site" as an allowable activity.

Thank you and the members of the Zoning Board and Planning Commission for your service to the community.

Sincerely,

Virginia A. Reed

PS: Please forward this letter to members of the Zoning Board and Planning Commission

Jo-Ann Ells

From: Jay Mead <jaywmead@gmail.com>
Sent: Wednesday, June 29, 2022 6:00 PM
To: Jo-Ann Ells
Subject: please forward this letter to the members of the planning commission and zoning board of adjustment

[You don't often get email from jaywmead@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

[EXTERNAL EMAIL: DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Dear Jo-Ann,

My name is Jay Mead, I am a COVER crew leader and have volunteered at the Haven from time to time; specifically I have made food deliveries to the Shady Lawn, the Motel 8 and the motel on rte 5 south of WRJ. As I am sure you are aware, these are places where people are shelter and food insecure. I have been a volunteer for the Haven in this capacity for the past 2 years. I have seen the grateful faces of those who are struggling to stay healthy in the face of hunger. Most of the homeless population I have encountered have no way to cook food.

I have learned that for some reason the planning commission and zoning board of adjustment has just decided to not allow the Haven to have food cooking on site where food is being distributed to the people in need seeking the Haven's services.

While I appreciate the service of planning commission members, I feel this decision is regressive when one thinks of the benefits of cooked food for folks who are food insecure. Clearly cooked food has greater nutritional value for this cohort of folks. A cohort that lacks the ability to cook food. Cooked food is also an essential part of health and surviving the harsh winters we experience.

Please share my thoughts with the planning commission and zoning board. I am a resident of Norwich and support the Haven's important work. I hope the planning commission will reconsider this decision and restore the Haven's ability to cook on site.

Sincerely,

Jay Mead

Jo-Ann Ells

From: Mary Maxfield <marydmaxfield@gmail.com>
Sent: Thursday, June 30, 2022 11:57 AM
To: Jo-Ann Ells
Subject: Request to Zoning Board and Planning Commission regarding rules affecting the Haven's food distribution

 You don't often get email from marydmaxfield@gmail.com. [Learn why this is important](#)
[EXTERNAL EMAIL: DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Dear Zoning Board and Planning Commission members,

I have been a volunteer at the Upper Valley Haven since retiring in 2019 after 36 years of teaching biology at Lebanon High School. I have been a resident of Lebanon nearly that whole time. I am writing to you today in hope that you will endorse cooking on-site as an approved activity of the Haven's food shelf and food distribution services.

I consider my work at the Haven to be one of the most worthwhile activities, second only to teaching, that I have ever undertaken. I know that I have grown in many ways thanks to the experiences I have had, including examples of attitudes and behavior I have observed from Haven staff members toward people in our community who have hit hard times. I think that the Haven is noteworthy in that they seem never to rest; they are always brainstorming ways to do things better.

At the Haven, I worked in the Warming Shelter until March 2020 when it was closed down in response to the pandemic. Since then, I have worked in the Food Shelf. For the last year, I have checked in customers and helped them make their food requests, which would then get sent to the armies of volunteers inside.

My time in "Food Shelf Check In" has allowed me to meet and talk with a lot of people who are in the middle of very hard times in their lives. A significant number of people coming to the Food Shelf do not have a way to cook on their own. A fair number of these people come from far away and are unable to come very often. They have limited time and limited car and gas resources. The hot soups and entrees prepared on site in the kitchen are a major offering the Haven makes in their lives, especially on cold winter days. While people wait for their food request orders to be filled, they will often eat their hot soup/entree with family members in their car while they wait. Lately I have been working only on Monday afternoons and have been impressed at how quickly all of the food has gone off the shelves. Lately the hot food is gone by the time I arrive at 1pm. It seems like just about everyone asks if there is any inside, maybe if there is none outside in the coolers under the tent. That means that the sandwiches we put together from donated bread and cold cuts are all taken before 1pm. Other sandwiches and entrees donated to us have all been taken by then, too. And of course, the most special grab & go food of all, the hot soups made in the kitchen, were all gone, too. Last summer when the stimulus checks came, activity was down. Activity at the Food Shelf has truly roared back this spring and summer.

So--to emphasize my point, the on-site cooking is a critical service that we provide. Meals are made--especially breakfasts and lunches--from donated food. Those meals are always nutritionally strong and, at the risk of sounding sappy, look like they were assembled with love. A hot cup of chili in the car on a cold day before a long drive home or to work adds to the quality of life that probably is almost healing. Lastly, the Listen Community Dinners are great but they are late afternoon and evening events at a time and place that is out of reach for many of the people who come to the Haven. The Haven is open basically from 9-4.

I know that all of you are on Hartford town boards because of your own feeling of connection to the town and to the larger Upper Valley. Thank you so much for the time and energy you put into your work. The entire Upper Valley is lucky that you do so.

I hope that my note has been helpful in adding to your understanding of the value of on-site cooking at the Haven.

Respectfully yours,

Mary Maxfield

Lebanon, NH

(603) 381-2414

Jo-Ann Ells

From: Kerri Weeks <kerri.weeks11@gmail.com>
Sent: Thursday, June 30, 2022 6:35 PM
To: Jo-Ann Ells
Subject: Fwd: Hartford Zoning Board email

 You don't often get email from kerri.weeks11@gmail.com. [Learn why this is important](#)

[EXTERNAL EMAIL: DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Dear Zoning Board and Planning Commission,

I was dismayed to hear that the Haven is no longer able to cook onsite and provide home-cooked meals based on your recent vote in June.

The volunteers who dedicate their time and skill in the café, create healthy and delicious food for people to take with them. Packaged donated food and sandwiches are one part of what is offered, but the comfort food made by our volunteers is what people find special. Why would you take that away because it's not written in an official definition?

As a volunteer at the Haven, I want to pass along one of my experiences with a family receiving café food. Last winter, a family of four living in their car came inside to take a shower and change into clean clothes. The little girls were thrilled to play in the steamy shower, it was playtime! The father asked if we had anything warm to eat since they had just eaten sandwiches and granola bars. Another volunteer had just made a large pot of chicken noodle soup. I dished up 4 hearty bowls and it was the perfect ending to their visit to the Haven. The hot soup filled the little girls' bellies, and the parents were relieved and thankful.

Please reconsider and vote to amend the definition of Food Distribution to include "cooking on site" as an allowable activity and rescind your decision that the Food Shelf and Food Distribution cannot include cooking on-site. With the many issues people face each day, receiving a bowl of soup is a simple offering the Haven can provide in a complicated world.

Best regards,

Kerri Weeks

603-439-0257

Jo-Ann Ells

From: Harry Kendrick <kendrickharry@comcast.net>
Sent: Friday, July 1, 2022 9:46 AM
To: Jo-Ann Ells
Subject: Zoning Board's Action - Cooking Hot Food at the Haven

[EXTERNAL EMAIL: DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Dear Jo-Ann,

Please share this with the Zoning Board of Adjustment

I have been a resident of Wilder, Vermont since December of 1978, and I am still living in the same house that we originally purchased. My work at Dartmouth-Hitchcock brought me to this community from Rutland, Vermont. I have been a member of St. Paul's Episcopal Church since 1979 and have also been active locally in the community serving on the School Board for six years and on the original Hartford Charter Commission. In my younger years I was a youth baseball coach with the Hartford Recreation Department. I have also been volunteering in the Haven's food shelf program for the past several years.

I am writing out of concern about the Zoning Board's recent decision to not allow the Haven to provide cooking on-site for those in need of a warm meal at lunch time.

As a volunteer in the food shelf program at the Haven I observe and interact with the people who came to partake in the meals provided there. Other volunteers prepare and cook the simple meals that usually consist of soup or some type of other comfort food. It is truly an act of love by the people cooking the food as they creatively use fresh vegetables and other food donated to the Haven to create the meals. It always amazes me how they manage to provide such healthy lunches from donated food. Can you imagine what it means to a person with food insecurity to receive a warm bowl of soup in the middle of the day? You need to come witness that some day.

An article in the Valley News mentioned that a zoning board member noted that Listen provides hot food seeming to imply that was sufficient. Yes, Listen does do this and in the past I also volunteered at those dinners. However, those meals are served around 5pm. In fact the Haven provides some of the food donations it receives to help Listen with those meals. It seems to me that the two are not in conflict and that providing hot food during the middle of the day is a wonderful thing to do.

I would ask that you find a way to rescind the decision that the Haven cannot include cooking on site and that you also amend the definition of food distribution to include cooking on site at the Haven.

Thank you.

Sincerely,

Harry A. Kendrick

PO Box 524
243 Passumpsic Avenue

Kate Bessette

345 Colonial Drive
White River Junction, VT 05001
(802) 291-3576
chefkatebessette@hotmail.com

July 1, 2022

Jo-Ann Ells
Zoning Board Administrator
Department of Planning & Development
Town of Hartford, VT
171 Bridge St.
White River Junction, VT 05001

Dear Members of the Hartford Planning Commission and Zoning Board of Adjustment,

My name is Kate Bessette, and I have been a volunteer with the Upper Valley Haven since August of 2020; I am also a proud resident of the Town of Hartford. I am writing to you in response to the recent ruling that the Upper Valley Haven Food Shelf and Food Distribution activities may not include cooking on-site. I would like to urge you to re-consider this ruling and endorse cooking on-site as an approved activity for the Food Shelf and Food Distribution activities.

I began volunteering at the Upper Valley Haven during the COVID-19 pandemic, as I saw the drastic impacts that this global pandemic has had on our community. Friends and neighbors have struggled with their health, costs of medical care, losses of jobs and income, rising costs for food, gas and goods, as well as supply chain issues that have impacted their abilities to feed and house their families. In the midst of this ongoing crisis, I am deeply saddened and utterly disappointed that this recent ruling could impede the Upper Valley Haven's ability to help our community.

As a Cafe Volunteer, I support the idea of cooking on-site as an allowable activity for the Food Shelf and off-site programs. I believe that cooking on-site helps to reduce food waste and adds variety and nutritional quality to the diets of the people who rely on the Haven food programs. For example, while working as a Cafe Volunteer, I saw

that the Food Shelf had received an abundance of spaghetti squash from a local grocery store. Spaghetti squash are not one of the more popular items at the Food Shelf, as many people don't know how to cook or use them—or simply don't have a kitchen in which to do so. Working in the cafe, I was able to cook some of these squash, and make to-go dishes of Spaghetti Squash with Mushroom Marina sauce. I appreciate that volunteers and staff at the Haven can take a surplus of an item and create endless ways to ensure that those items are used to feed hungry people, instead of being wasted.

I also feel that distributing hot food to the homeless is critically important during our cold Vermont winters. Many days there are donations that can be reheated for distribution, but on other days there are not. And at those times, it is imperative that the Upper Valley Haven be allowed to fill the gap, and cook hot food for those in need. Additionally, it's important to consider that the on-site cooking activities do not negatively impact the community, or draw on community resources such as police, fire, or solid waste management.

I would like to personally thank the members of the Zoning Board and Planning Commission for their service to the community. Thank you for your consideration in this matter.

Sincerely yours,

Kate Bessette

Jo-Ann Ells

From: John Dulmage <johngd65@gmail.com>
Sent: Thursday, July 21, 2022 2:29 PM
To: Jo-Ann Ells
Cc: Matthew Pickell
Subject: Cooking on-site for theHaven as a Approved Activity - Letter of Support

Caution

You don't often get email from johngd65@gmail.com. [Learn why this is important](#)

[EXTERNAL EMAIL: DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Ms.Ellis,

My name is John Dulmage, a Haven Volunteer at their Food Shelf. While I am new to the Town of Hartford arriving in September, 2021 from upstate Vermont , I am not new to working in a Food Shelf nor helping those who are food insecure or without homes. I am writing to you and to members of the Hartford Planning Commission and Zoning Board of Adjustment in the hope that the Zoning Board and Planning Commision will endorse cooking on-site as an approved activity of the Food Shelf and Food Distribution Services.

My volunteering experiences include working for 8 years at the Bethel Food Shelf, The Veteran's Place in Northfield, VT for 12 years and Veterans' Inc. in Worcester, MA, Concord, NH and Lewiston, ME for two years providing Food Shelf, Food Distribution and Residency Services.

The common thread that has drawn me to these facilities is that they provide food, shelter, education and problem solving to those who seek to improve the quality of their lives. Rarely in this duplicitous and complex world in which we live can one make a contribution that is immediate, tangible and sustainable. Regularly when I interact with anyone who comes in to use these services, I am struck at how humbly grateful they are to have such a hub that provides these services. While exhausted after the end of a shift, I feel like I have provided hope in a world which often turns a blind eye to those in need. Xenophobia borne out of fear, uncertainty and the dynamics of a constantly changing world are not benchmarks for denying helping those who are truly in need.

To wit, I am fully supportive of the idea of cooking on-site at the Haven as an allowable activity for the Food Shelf and off-site programs. This will help to reduce food waste and add variety and nutritional quality to the diets of people who rely on the Haven food programs. After all, cooked food will add to the quality of life of people who are without homes or other means of cooking on their own, especially in the winter.

Thanking you and the members of the Zoning Board and Planning Commission in advance of giving this request a positive response. And above all, thank you for your service to this community making it a pleasure in which to live.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,

John G. Dulmage
190 Hanover Street
White River Junction, VT 05001
802-281-2956 [cell]

Megan Culp
301 Neal Road
White River Jct, VT 05001

July 22, 2020

To Whom It May Concern on the Planning Commission and
Zoning Board or Adjustment, Hartford, VT:

I am writing to you as a concerned citizen of Hartford and as a longtime volunteer at The Haven. For over 10 years I have been part of the effort to provide food to our clients using the Food Shelf and also to provide lunch on site for our residents in need.

have found the lunch program to be extremely helpful as well as educational. For many years we were trying to encourage folks to use the fresh produce we receive. We would create a nutritious recipe to serve at lunchtime using what was on hand in the produce section that day. We would print up the recipe and, if desired, provide the ingredients so people could recreate the item at home. It was highly successful and we saw a definite increase in selecting fresh produce once people knew how to use it.

During Covid our continued effort to provide a pick up noon meal was sometimes the only meal some people had all day. We were able to also package up donated food from Dartmouth that would have otherwise gone to waste. The need has continued to grow over the past two years due to the hardship the pandemic created. We served not only our homeless population, but folks in need throughout the community.

To lose this opportunity is painful if we are no longer able to continue this needed service. If you could see in person the faces of people receiving food, and their gratitude, you would be moved to allow this service to continue. It truly makes a huge difference to the growing number of families who are food insecure.

I hope you will reconsider being able to cook and warm up food on-site as an approved activity for distributing food to those who need it. This cooked food adds to the quality of life to those in need and especially to the homeless or people without cooking facilities. (Many people were sheltered in motels during the pandemic with no means to cook.)

Thank you for your consideration of this important matter and also for your service to our community as you serve on these boards.

Sincerely,

Megan Culp

October 12, 2022
Zoning Board of Adjustment
Administrative Matters

**Zoning Board of Adjustment
Administrative Agenda
October 12, 2022**

1. Minutes of September 14, 2022
2. 2023 Meeting Schedule
3. Administrative Permits
 87 Maple Street- Floodproofing
4. Availability for the next Public Hearing (November 16, 2022)
5. Public comment

**DRAFT
Hartford
Planning Commission
Zoning Board of Adjustment
Design Review Committee
2023 Schedule**

Application	Department	Design Review	Zoning Board	Planning
Deadline	Review	Committee	of Adjustment	Commission
NOON		Meeting	Public Hearing	Public Hearing

Mon. Jan 3	Tues. Jan 4	Thurs. Jan 12	Wed. Feb. 1	Mon. Feb 6
Mon. Feb 6	Tues. Feb. 7	Thurs. Feb. 16	Wed. March 8	Mon. March 13
Mon. March 13	Tues. March 14	Thurs. March 23	Wed. April 12	Mon. April 17
Mon. April 17	Tues. April 18	Thurs. April 27	Wed. May 17	Mon. May 22
Mon. May 22	Tues. May 23	Thurs. June 1	Wed. June 21	Mon. June 26
Mon. June 26	Tues. June 27	Thurs. July 6	Wed. July 26	Mon. July 31
Mon. July 31	Tues. Aug. 1	Thurs. Aug. 10	Wed. Sept. 13 (late)	Mon. Sept. 11 (late)
Mon. Sept. 11	Tues. Sept. 12	Thurs. Sept. 21	Wed. Oct. 11	Mon. Oct. 16
Mon. Oct. 16	Tues. Oct. 17	Thurs. Oct. 26	Wed. Nov. 8 (early)	Mon. Nov. 13 (early)
Mon. Nov. 13	Tues. Nov. 14	Thurs. Nov. 30 (late)	Wed. Dec. 13	Mon. Dec. 18

09-14-22

**DRAFT
MINUTES
Zoning Board of Adjustment
September 14, 2022**

Present: Steve Lagasse, Chris Lowe, Tom Franklin, Stephanie Gile, Lannie Collins, Selectboard Liaison, and Jo-Ann Ells, Zoning Administrator

Absent: Alice Maleski

Public Hearing

Steve Lagasse opened the Hearing, read the hybrid meeting script, took a roll call, explained the Hearing process, and administered the oath.

Steve Lagasse noted that he wanted to change the order of the agenda and move application #16-22 to item #1.

1. Application #16-22 by The Upper Valley Haven, Inc. (owner/applicant) for Conditional Use Approval under section 260-16 of the Hartford Zoning Regulations to allow cooking as part of Food Distribution and Food Shelf uses, 713 Hartford Avenue, 43-0092-000, Wilder, in a Planned Development.

Steve Lagasse moved to continue application #16-22 to October 12, 2022. Chris Lowe seconded, and the motion passed unanimously.

2. Application #13-22 by Eric and Jennifer Lamoureux (owners/applicants) for Conditional Use Approval under Hartford's Flood Hazard Area Regulations for the construction of a garage, lot 46-0052-000, 207 Latham Works Lane, White River Junction, in an R-1 zoning district.

Eric and Jennifer Lamoureux and Jon Harrington were present.

Jon Harrington gave an overview of the application, explained that the garage would be wet flood proofed (flood vents installed) and the design had been reviewed by the State Floodplain Manager, John Broker-Campbell.

Chris Lowe asked if water would pass the structure during a flood event. Jon Harrington stated that water would enter the structure during the flood and then recede.

Chris Lowe suggested that the owners make sure that items stored in the garage would be contained during a flood event. Stephanie Gile requested that the owners think about how chemicals/fuels/oil will be contained and that shelves be installed and anchored above the Base Flood Elevation.

Tom Franklin asked for confirmation that the access to the property was not proposed to change. Jennifer Lamoureux confirmed.

There was no public comment.

09-14-22

Steve Lagasse moved to close the Public Hearing. Chris Lowe seconded, and the motion passed unanimously.

Tom Franklin moved to approve the application as proposed. Chris Lowe seconded, and the motion passed unanimously.

3. Application #14-22 by Quechee Lakes Landowners Association (owner/applicant) for Conditional Use Approval under Hartford's Flood Hazard Area Regulations for the construction of improvements to the Lake Pinneo Bathhouse, lot 12-0198-Q-BEACH, 505 Murphys Road, Quechee, in the Quechee Lakes Planned Development.

Brian Kelley, Ken Lallier, and Will Davis were present.

Will Davis gave an overview of the project which includes the renovation of and addition to the Lake Pinneo bathhouse. He noted that all work will be out of the Special Flood Hazard Area and that base flood elevation has been established.

Jo-Ann Ells noted that since it is relatively small in scale, the Planning Commission Chair had agreed to approve the project administratively.

Stephanie Gile asked if the applicant would be able to address the comments from the State Floodplain Manager, John Broker-Campbell. Will Davis stated that he had spoken with John Broker-Campbell and would be able to address his comments.

There was no public comment.

Steve Lagasse moved to close the Public Hearing. Stephanie Gile seconded, and the motion passed unanimously.

Steve Lagasse moved to approve the application as proposed. Stephanie Gile seconded, and the motion passed unanimously.

4. Application #15-22 by DEW Prospect Street, LLC and DEW Braverman, LLC (owners/applicants) for Conditional Use Approval under Hartford's Flood Hazard Area Regulations for the construction of a multi-unit dwelling, lots 46-0009-000, 46-0073-000, Maple Street and Prospect Street, White River Junction, in a CB-2 zoning district.

Ken Braverman, Kevin Worden, and Adam Morse were present.

Ken Braverman explained that the Planning Commission had had granted Site Plan Approval for the project earlier in the week, that the project included workforce housing, and the floor of the garage would be 1' above Base Flood Elevation.

Kevin Worden noted that he had been involved in the design of the two existing commercial buildings on Prospect Street and confirmed that the project had been reviewed by the State Floodplain Manager, John Broker-Campbell.

Adam Morse reviewed sheet FL-1 for the Board including Base Flood Elevation, compensatory storage/stormwater pond, access, and parking.

09-14-22

There was a brief discussion about the stormwater pond. Adam Morse stated that it would function like a rain garden, and that water would filter out. He stated that the depth of the pond was approximately 3' and it was a gradual slope from the sidewalk to the bottom of the pond.

There was no public comment.

Chris Lowe moved to close the Public Hearing. Stephanie Gile seconded, and the motion passed unanimously.

Stephanie Gile moved to approve the application as proposed. Tom Franklin seconded, and the motion passed unanimously.

Administrative Matters

1. Minutes

Steve Lagasse moved to approve the minutes of August 4, 2022. Stephanie Gile seconded, and the motion passed unanimously with Chris Lowe abstaining because he was not at the meeting.

Steve Lagasse moved to approve the minutes of July 25, 2022. Stephanie Gile seconded, and the motion passed unanimously.

2. Projects that received administrative approval

None

3. Availability for the next Public Hearing

Everyone anticipated being available for the October 12, 2022 Hearing.

4. Public comment

None

Adjournment

Steve Lagasse moved to adjourn. Tom Franklin seconded, and the motion passed unanimously.

Respectively Submitted,

Alice Maleski, Clerk