

HARTFORD ZONING BOARD OF ADJUSTMENT

December 13, 2023

Meeting Notice and Agenda

The Hartford Zoning Board of Adjustment will meet on Wednesday, December 13, 2023, 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: 273 884 495 462

Passcode: S9pVfw

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

Or call in (audio only)

[+1 802-377-3677,,571500984#](#)

1 802 377 3677

Phone Conference ID: 571 500 984#

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 #14-23 by Margaret McDerment (owner/applicant) for approval of a setback waiver under section 260-52 of the Hartford Zoning Regulations for a shed, lot 09-0145-000, 79 Dothan Road, Hartford, in a RL-5 zoning district.
2. Application #15-23 by The Town of Hartford School District (owner/applicant) for Conditional Use Approval under section 260-16 of the Hartford Zoning Regulations for amendments to an approval for a school/educational building related to hours and programming, lot 09-0028-001, Christian Street, Hartford, in an agricultural overlay district and R-3 zoning district.

B. Administrative matters: 1. Public Comment. 2. Minutes. 3. Administrative Permits. 4. Availability for the next Public Hearing.

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

**Zoning Board of Adjustment
Administrative Agenda
December 13, 2023**

1. Public Comment

2. Minutes

November 8, 2023

3. Administrative Permits

Site Plan Changes, Twin Pines Housing Trust, 747 Hartford Ave (increase size of dumpster enclosure, change patio area to at grade construction, mechanical pad, reduce length and height of retaining wall, relocate hydrant)

4. Availability for the next Public Hearing (January 31, 2024)

**DRAFT
MINUTES
Zoning Board of Adjustment
November 8, 2023**

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

Absent: None

Public Hearing

Steve Lagasse opened the Public Hearing. Chris Lowe read the Hybrid Meeting Script. Steve Lagasse explained the Hearing process, reviewed the Interested Party Rule, reviewed the quorum and interested party rules, and administered the oath.

1. Application #12-23 by 747 Hartford Avenue LP (owner/applicant) for Conditional Use Approval under section 260-16 of the Hartford Zoning Regulations for an amendment to an approved multi-unit dwelling to allow temporary construction access on Goudreau Street, lot 43-0074-001, 747 Hartford Avenue, Wilder, in an approved Planned Development.

Nate Stearns, Andrew Winter, Dave Ormiston, Adam Morse, Doug Sonsalla, and Jeff Ingram were present.

Nate Stearns gave a brief overview of the permit history for the multi-unit project and explained that the applicant was requesting to be able to use Goudreau Street during construction of the project. He noted that once construction is complete, the access on Goudreau Street will be gated and limited to emergency vehicles. He reviewed the construction phasing plan.

Chris Lowe noted that an exhibit with the proposed traffic pattern was not included in the application.

Jeff Ingram stated that if large trucks cannot use Goudreau Street to exit they would need to back onto Hartford Avenue. He added that the construction gate on Goudreau Street would remain closed when not in use.

Chris Lowe noted that he did not think the request was an issue, but noted that he did not want to see trucks stacking up on Goudreau Street.

It was noted that Phase #1 of construction was expected to last until late July 2024.

Steve Lagasse confirmed that a “no right turn” sign would be installed at the Goudreau Street exit.

Leslie Black of Wilder Street and St. Paul’s Parish expressed support for the application.

10-11-23

Heidi Duto of Christian Street expressed concern with the request and added traffic on Goudreau Street.

Nate Stearns noted that in phase #2, Goudreau Street would be used for non-construction vehicles accessing the phase #2 parking lot.

Chris Lowe asked about the length of phase #2. Jeff Ingram noted that it was anticipated to take 8 weeks.

After some discussion about phasing and circulation, Jo-Ann Ells suggested any approval include a condition that the applicant submit a written description of the traffic pattern in each phase along with a diagram for review by the Chair.

Hedi Duto asked for confirmation that the request was for construction of the project only. Steve Lagasse confirmed.

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

Stephanie Gile moved to approve the changes with the conditions as noted. Alice Maleski seconded, and the motion passed unanimously.

2. Application #13-23 by Black Rock Investment LLC (owner /applicant) for Conditional Use Approval under section 260-16 of the Hartford Zoning Regulations for 192 dwelling units in four multi-unit buildings, proposed lot 45-0162-000, Sykes Mountain Avenue and Hickory Ridge, White River Junction, in a proposed Planned Development.

Earl Simpson, Dennis Marquise, Irwin Perret Sr. Irwin Perret Jr., Kevin Worden, Adam Morse, and Paul Simon were present.

Steve Lagasse noted that the intent of the meeting was for the Board to give feedback and take public comment.

Dennis Marquise of Simpson Companies reviewed a number of projects that the company had developed in town over the years. He noted that a housing project for 88 units had been approved at this location, but they did not move forward with the project. He noted he believed the application met the Conditional Use Criteria.

Jo-Ann Ells reviewed 4 pending/related Planning Commission applications submitted by the applicant.

Kevin Worden gave an overview of the civil plans.

It was noted that the applicant is working with the DPW and Planning Staff on a design to realign the Hickory Ridge Sykes Mountain Avenue intersection.

Chris Lowe noted that it was difficult to understand where some of the numbers in the traffic report came from. Jo-Ann Ells stated that staff has sent comments on the traffic report to the traffic engineer and additional information is pending.

Alice Maleski questioned compliance with the “character of the neighborhood” criteria and noted that she was very concerned with the vast amount of parking/pavement. She asked the applicant to consider parking under the buildings.

Kevin Worden noted that it is anticipated that there is a lot of ledge on site and subsurface parking would require more blasting and taller buildings.

Tom Franklin questioned if the development could be accessed from Sykes Mountain Avenue.

Kevin Worden explained that this would result in a much steeper access road and require more blasting.

Tom Franklin asked if the garage parking spaces would be assigned.

Dennis Marquise noted that would be rented.

Tom Franklin questioned if there were enough ADA parking spaces proposed and suggested the applicant consider ADA parking spaces in the garages.

Stephanie Gile suggested the applicant provide a visual analysis without foliage and the at the applicant consider solar panels. Dennis Marquise stated that they were exploring the economical viability of installing solar panels.

Steve Lagasse commented that realigning Hickory Ridge and Sykes Mountain Avenue was a good idea. He noted he wanted to see that could be done to keep traffic out of the neighborhood and for the applicant to consider a turn lane at the intersection and for guest parking spaces to be considered.

Alice Maleski asked who would be responsible for maintaining the access road. Dennis Marquise stated that it would be the responsibility of the developer.

Alice Maleski asked if there would be affordable units available. It was noted that the project was for market rate housing and that the applicant has applied for an affordable housing project on an adjacent lot.

Steve Lagasse asked for public comments.

Jim Henderson expressed concern with traffic volume, congestion, and traffic in the neighborhood and asked if the applicant had considered making Hickory Ridge a dead end. He questioned if the town could do their own traffic analysis. Jo-Ann Ells noted that the Board could obtain an independent technical review of the study at the applicant’s request. She explained that staff had reviewed and comments on the study and a response was pending.

10-11-23

Steve Lagasse commented that he's like to see the applicant discuss turning Hickory Ridge into a dead end road with the DPW.

Jim Henderson noted that he was concerned with the impact the project would have on town services.

Sylvia Provost agreed that consideration should be given to making Hickory Ridge a dead end road, and noted that the neighborhood already gets a lot of cut through traffic. She asked if permeable surfaces could be used in the hardscape areas, and noted that stormwater runoff from the area is already an issue.

It was noted that a bus stop would remain on the corner and that a shelter was being discussed.

Sylvia Provost agreed that a visual analysis without leaves should be done, that the applicant should plant conifers for a visual buffer, and that a plan for maintenance of the landscaping be required.

Tom Franklin noted he'd like to see a bus pull off considered.

Wendy Lewis said that she liked the idea of Hickory Ridge becoming a dead end. She noted that she has spoken with the DPW about existing problems in her driveway and on Hickory Ridge from stormwater runoff. She added that light pollution should be reviewed.

Steve Lagasse noted that there are requirements for lighting. Jo-Ann Ells noted that a photometric plan is required. Chris Lowe asked the applicant to provide information on the impact of lighting on neighbors at the next meeting.

It was noted that the proposed stormwater design was being reviewed by the DPW. Kevin Worden commented that Hickory Ridge lacks the infrastructure to deal with existing runoff.

Stephanie Gile stated that she would like to schedule a site visit. Steve Lagasse suggested this be done after the full details of the project are submitted.

Alice Maleski suggested that stormwater features be installed early in the project to help address existing problems. Kevin Worden noted that erosion and sediment control would be required during construction.

Sylvia Provost noted that the plans were missing an existing driveway to 81 Hickory Ridge.

Heidi Duto asked if the Fire Department's ladder truck could reach the top of the building. Jo-Ann Ells noted that the Fire Marshal had been involved in the review of the plans.

It was confirmed that power would be underground.

Steve Lagasse moved to continue the Hearing to the Board's meeting scheduled for January 31, 2024. Tom Franklin seconded, and the Board voted unanimously to continue the Hearing.

Administrative Matters

1. Public Comment

None

2. Minutes

Tom Franklin moved to approve the minutes of October 11, 2023 and the motion passed 4-1 with Alice Maleski abstaining.

3. Administrative Permits

Jo-Ann Ells noted that an administrative permit had been issued to The Haven on Hartford Avenue for changes to a dumpster enclosure.

4. Availability for the next Public Hearing

All Board members anticipated being available for the December 13, 2023 Hearing.

Adjournment

At 8:40 p.m., Alice Maleski moved to adjourn. Chris Lowe seconded, and the motion passed unanimously.

Respectively Submitted,

Alice Maleski, Clerk

Zoning Board of Adjustment Members/Terms:

Stephanie Gile	11-15-24
Alice Maleski	03-07-25
Steve Lagasse	03-07-25
Chris Lowe	03-21-25
Tom Franklin	04-04-25



Town of Hartford

Planning Commission App # 11A
Zoning Board of Adjustment App # 14-23

APPLICATION TO PLANNING COMMISSION &/OR ZONING BOARD OF ADJUSTMENT

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) Margaret H. McDermont
79 Dothan Rd PO Box 95 Hartford VT 05047
Deed Recorded Book 63 Page 97 (Available at Town Clerk's Office)
Telephone: Work 802-295-2357 Cell 802-299-6673 Email Address: peggy.mcdermont@gmail

2. NAME & ADDRESS OF APPLICANTS(S) Margaret McDermont
PO Box 95 Hartford VT 05047
Telephone: Work _____ Cell _____ Email Address: _____

3. NAME & ADDRESS OF APPLICANTS' CONSULTANT _____
Telephone: Work _____ Cell _____ Email Address: _____

4. PROJECT LOCATION 79 Dothan Road

5. PRESENT USE OF PROPERTY Residential

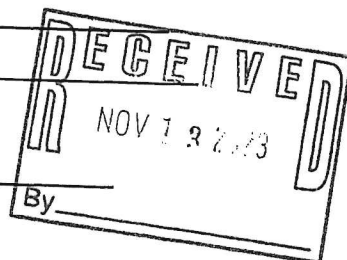
6. BRIEFLY DESCRIBE PROJECT (in addition, a detailed narrative must be submitted)
To install a prefabricated 8 x 10 storage shed

7. PROJECT SIZE IN SQ. FT OR ACREAGE 80 sq. ft
Lot Width _____ Lot Depth _____

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

9. DESCRIBE LANDSCAPING PLAN _____

10. IF A BUSINESS - Present # of Employees _____
Proposed Days & Hours of Operation _____
Will you use the landfill & recycling center? Yes _____ No _____
The main waste by-product of your business is: _____



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

HARTFORD ZONING BOARD OF ADJUSTMENT

**Application #14-23 by Margaret McDerment
for approval of a setback waiver for a shed
lot 09-0145-000, 79 Dothan Road
Hartford, in a RL-5 zoning district**

This decision pertains to application #14-23 by Margaret McDerment (owner/applicant) for approval of a setback waiver under section 260-52 of the Hartford Zoning Regulations for a shed, lot 09-0145-000, 79 Dothan Road, Hartford, in a 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 December 13, 2023 the Hartford Zoning Board of Adjustment makes the following Findings of Fact:

General Information

1. The owner of lot 09-0145-000 is Margaret McDerment who acquired the lot on 03-29-68. The deed is filed in vol. 63, pp. 97 of the Hartford Land Records.
2. The lot is located at 79 Dothan Road.
3. The lot is developed with a single-family dwelling and garage.
4. The lot is approximately 0.7 acres.
5. The lot is class three (3), on-site municipal water and sewer.
6. The lot is in an RL-5 zoning district.

This Application

7. The applicant proposes to construct a 80 sq. ft. (8'x10') accessory structure to replace an

2. 14-23

accessory structure built around 1978 and recently removed.

8. The setbacks in the RL-5 zoning district for a lot under 2 acres are 40' for the front and 25' sides and rear.
9. Section 260-22B of the Zoning Regulations states "On public rights-of-way of less than 50 feet or of undetermined width, the front setback shall be measured from a line 25 feet away from the center line of the traveled portion of the roadway."

According to the Department of Public Works (DPW), the width of the right-of-way of Dothan Road is undetermined.

10. The applicant seeks a Setback Waiver to allow the shed to be located in front setback. The shed is proposed to be a minimum of 31' from the center of the traveled portion of the road. All other setbacks will be met.
11. 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."

According to the applicant, the structure will meet the 5' setback requirement. It will be 31' from the center of Dothan Road and (25' right of way + 5' = 30) the location of ledge, a propane tank, the well/water line, and septic restrict development of the lot. (F)

12. 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.

13. 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.
14. 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.
15. 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.
16. The applicant understands that they retain the obligation to identify, apply for, and obtain any relevant State permits for this project.
17. 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.
18. 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.
19. 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.

4. 14-23

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.
- 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 #14-23 by Margaret McDerment (owner/applicant) for approval of a setback waiver under section 260-52 of the Hartford Zoning Regulations for a shed, lot 09-0145-000, 79 Dothan Road, Hartford, in a RL-5 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 December 2023.

HARTFORD ZONING BOARD OF ADJUSTMENT

By: _____
Chairperson/Vice-Chairperson

5. 14-23

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).

EXHIBIT LIST

1. Application #14-23
2. Site plan dated received November 13, 2023
3. Application for a Setback Waiver, Supplemental Information prepared by Margaret McDerment, dated 11-13-23
4. Google Street view



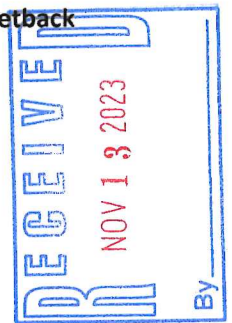
Town of Hartford

Application for a Setback Waiver Supplemental Information

Applicant name: Margaret McDermont MAP/LOT #: 9/145
Location of Property: 79 Dathan Road

1. A setback waiver may be considered by the Zoning Board of Adjustment, 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.



How does your application meet these criteria?

This property is unique for building structures ^{because of} banks, ledges, ~~a~~ propane tank, water lines etc. The waiver will present the minimum necessary to achieve the above stated minimums.

2. The Zoning Board of Adjustment determine that in issuing the setback waiver, the proposed development will:

- (A) Be compatible with the scale and design of structures and overall existing development pattern of the surrounding area.
- (B) Not impair reasonable or appropriate use of adjoining properties.
- (C) Not result in greater impacts on natural resources.
- (D) Not impair sight distances on public or private roads.

How does your application meet these criteria?

Shed installation will meet all the above listed criteria.

Margaret H. McDermont 11/13/2023
Prepared By Date

79 Dothan Rd



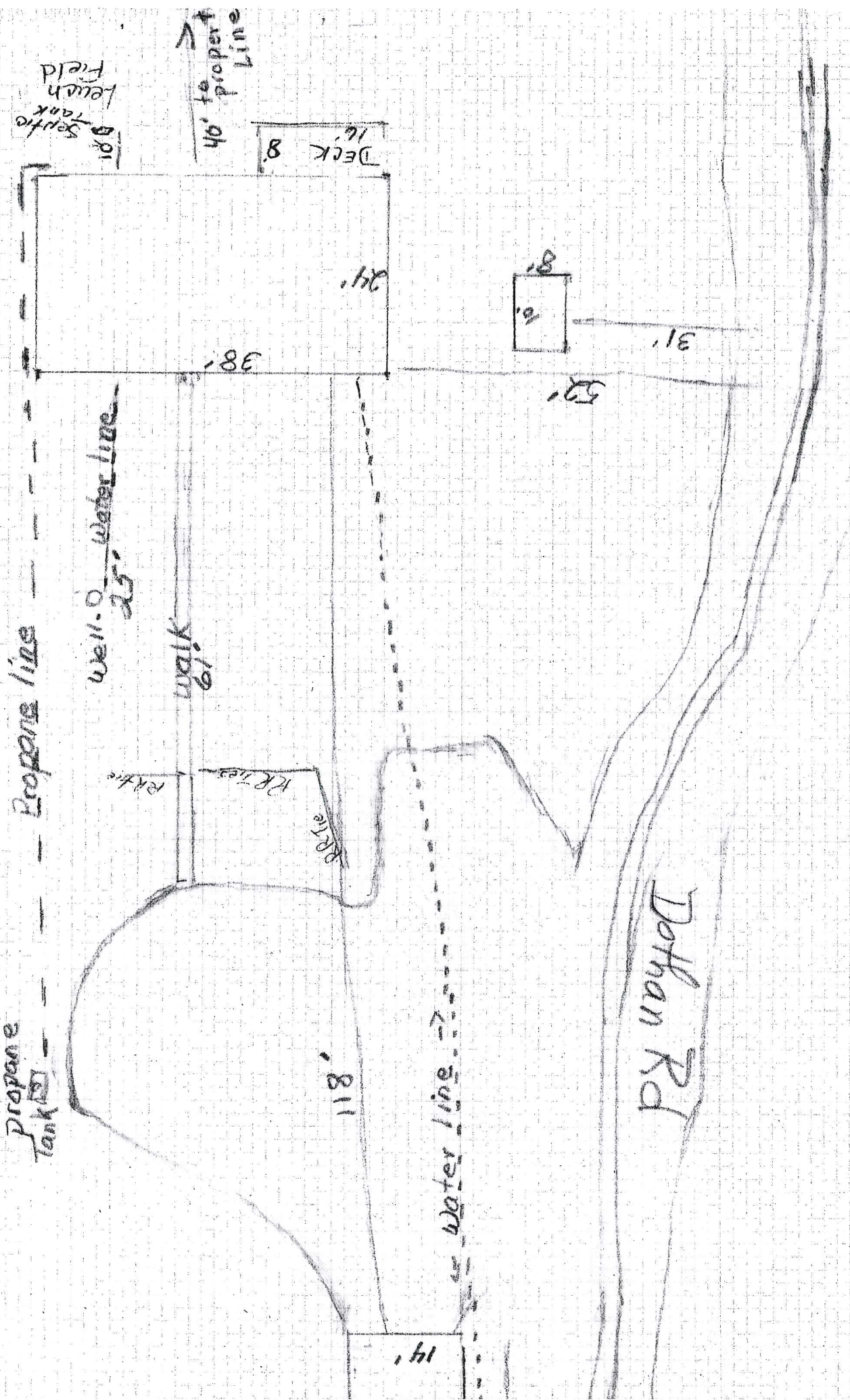
Hartford, Vermont
Google Street View
Jul 2009

Image capture: Jul 2009 © 2023 Google



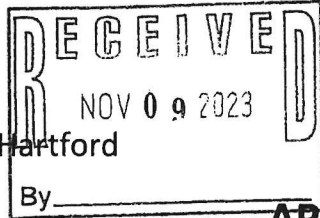
RECEIVED
NOV 13 2023
By _____

ft 4 = 4/1





Town of Hartford



Planning Commission App # _____
Zoning Board of Adjustment App # _____

APPLICATION TO PLANNING COMMISSION &/OR ZONING BOARD OF ADJUSTMENT

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 RECORDOWNER(S) Town of Hartford School District
73 Highland Avenue, White River Junction, VT 05001

Deed Recorded Book 169 Page 0092 (Available at Town Clerk's Office)

Telephone: Work 802-295-8600 Cell _____ Email Address: garthwaitej@hartfordschools.net

2. NAME & ADDRESS OF APPLICANTS(S) Jonathan Garthwaite for Town of Hartford School District

Telephone: Work 802-295-8600 Cell _____ Email Address: garthwaitej@hartfordschools.net

3. NAME & ADDRESS OF APPLICANTS' CONSULTANT _____

Telephone: Work _____ Cell _____ Email Address: _____

4. PROJECT LOCATION Christian Street, White River Junction

5. PRESENT USE OF PROPERTY Vacant

6. BRIEFLY DESCRIBE PROJECT (in addition, a detailed narrative must be submitted)
School use. Educational building with parking, on-site water supply and on-site wastewater disposal.

7. PROJECT SIZE IN SQ. FT OR ACREAGE +/- 15 Acres

Lot Width 648 Feet Lot Depth 1050 Feet

8. IS PROJECT ON TOWN WATER/SEWER? Yes _____ No X If Yes, estimated

Water Consumption/day 0 Amount of Sewer Flow Projected 0

Size of Closest Lines Above (water) N/A (sewer) N/A

9. DESCRIBE LANDSCAPING PLAN _____

10. IF A BUSINESS - Present # of Employees 0

Proposed Days & Hours of Operation 0

Will you use the landfill & recycling center? Yes X No _____

The main waste by-product of your business is: Paper/Cardboard

11. IF A RESTAURANT - Present seating N/A Proposed N/A
12. PARKING SPACES - Number to be provided 15
13. SIGNAGE - Free Standing One Attached None
14. FENCING - Location Split rail along front boundary. Height Max. 4 Feet
15. NEAREST WATER SUPPLY FOR FIREPROTECTION Wilder Village
16. ESTIMATED VALUE OF PROPOSED WORK \$250,000
17. IS THERE AN EXISTING DRIVEWAY? No
18. IF A SUBDIVISION - Number of New Lots to be Created 0
- 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).

 11-9-2023
Applicant's Signature Date

 11-9-2023
Lot Owner's Signature Date

Co-Applicant's Signature Date

Co-Owner's Signature Date

The applicant retains the obligation to identify, apply for, and obtain any relevant local or state permits before any construction may commence. Please call 802-282-6488 to speak with the State Permit Specialist.

For Office Use Only		
Map/Lot #		
Fee Paid \$:		Receipt #:
PC: Site Plan	Min. Sub.	Maj. Sub.
PD	PD Amend.	Other
ZBA: Conditional Use	Variance	Appeal
Other		
Zoning District (s)		Date Filed:
Official Submittal Date:		

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

HARTFORD ZONING BOARD OF ADJUSTMENT

**Application #15-23 by The Town of Hartford School District
for Conditional Use Approval
for amendments to an approval for a school/educational building
lot 09-0028-001, Christian Street, Hartford
in an agricultural overlay district and R-3 zoning district**

This decision pertains to application #15-23 by The Town of Hartford School District (owner/applicant) for Conditional Use Approval under section 260-16 of the Hartford Zoning Regulations for amendments to an approval for a school/educational building related to hours and programming, lot 09-0028-001, Christian Street, Hartford, in an agricultural overlay district and 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 December 13, 2023 the Hartford Zoning Board of Adjustment makes the following Findings of Fact:

General Information

1. The owner of record of lot 09-0028-001 is The Hartford School District who acquired the lot on 12-18-90. The deed is recorded in volume 609, page 119 of the Hartford Land Records.
2. The lot is approximately 15 acres.
3. The lot is undeveloped.
4. The lot is a class three (3) lot with on-site water and septic.
5. The lot is in an R-3 zoning district.

This Application

6. In July of 2023, the Hartford Zoning Board of Adjustment and Hartford Planning Commission approved an application by the Hartford Area Career and Technology Center

Natural Resources program for use of the property including construction of an educational building. (Applications #06-23 and #23-08, respectively. See exhibit #4)

7. The applicant proposes to change/clarify these decisions. The applicant provided the following summary of the changes/clarifications:

- “The facility will be owned and operated exclusively by the Hartford School District (HSD). The Hartford Area Career and Technology Center (HACTC) may use the facility and land as they have previously, but the district will be responsible for management of the facility and property, compliance with the terms of use, and associated regulations.
- Use of the facility will be limited to Pre-K through 12 HSD educational enrichment programs. The facility will not be used for extracurricular activities associated with athletics, music, etc. The facility will not be used for events, meetings, dinners, etc.
- There will be no use of the facility by entities other than the HSD (i.e. town departments, third party camp programs, public/private organizations).
- The facility will be available for use from 8:00 AM until 5:30 PM Monday through Saturday from March 15 through November 1. Winter hours of operation will be 8:00 AM to 4:30 PM. The facility will not be available for use during HSD holiday closures. The facility may be used during non-holiday closures (i.e. In Service Days, Snow Closure). These restrictions are intended to eliminate the impact of use after dark, specifically headlights from pick-up/drop-off and requirements for site lighting.
- Development and construction is contingent upon compliance with federal grant funding requirements which involve use of the facility outside of normal school hours and completion of construction by September 30, 2024.”

(See exhibit #3)

No other changes to the Zoning Board of Adjustment or Planning Commission approvals noted above are proposed. The applicant understands that they need to apply for a Zoning Permit to finalize this Decision and Applications #06-23 and #23-08.

8. The applicant understands that they retain the obligation to identify, apply for, and obtain relevant local and 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:

3. #15-23

- [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 #15-23 by The Town of Hartford School District (owner/applicant) for Conditional Use Approval under section 260-16 of the Hartford Zoning Regulations for amendments to an approval for a school/educational building related to hours and programming, lot 09-0028-001, Christian Street, Hartford, in an agricultural overlay district and R-3 zoning district.

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:

4. #15-23

Those in opposition:

Those not participating:

Dated at Hartford, Vermont this ____ day of December 2023.

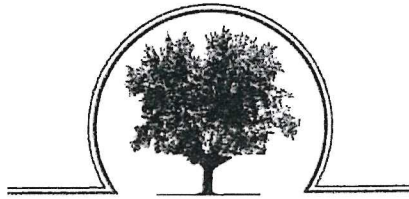
HARTFORD ZONING BOARD OF ADJUSTMENT

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 \$250.00. 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).

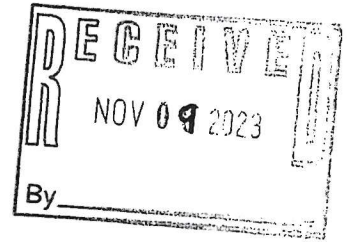
EXHIBIT LIST

1. Application #15-23
2. Site Plan entitled "Proposed Site Plan for Town of Hartford School District, Outdoor Education Facility, Lot 09-0028-001, Christian Street, Hartford, Vermont," prepared by Pathways Consulting
3. Letter from Jonahtan Garthwaite dated November 8, 2023
4. Applications #06-23 and #23-08



Hartford School District

73 Highland Avenue, White River Junction VT 05001
Jonathan Garthwaite, Director of Facilities
garthwaitej@hartfordschools.net 802-295-8600



November 8, 2023

Jo-Ann Ells, Zoning Administrative Officer
Town of Hartford
Hartford Municipal Building, 2nd Floor, Room 201
171 Bridge Street
White River Junction, Vermont 05001

RE: Application materials for Hartford School District Outdoor Education Facility, Christian Street, Hartford, Vermont (Project No. 13289)
Clarification of use and hours of operation.

Dear Jo-Ann:

Please find attached an application, plan sets for review, and a check in the amount of \$155.00 for the referenced project.

This application clarifies the following points related to the use and operation of the proposed educational facility on Christian Street.

1. The facility will be owned and operated exclusively by the Hartford School District (HSD). The Hartford Area Career and Technology Center (HACTC) may use the facility and land as they have previously, but the district will be responsible for management of the facility and property, compliance with the terms of use, and associated regulations.
2. Use of the facility will be limited to Pre-K through 12 HSD educational enrichment programs. The facility will not be used for extracurricular activities associated with athletics, music, etc. The facility will not be used for events, meetings, dinners, etc.
3. There will be no use of the facility by entities other than the HSD (i.e. town departments, third party camp programs, public/private organizations).
4. The facility will be available for use from 8:00 AM until 5:30 PM Monday through Saturday from March 15 through November 1. Winter hours of operation will be 8:00 AM to 4:30 PM. The facility will not be available for use during HSD holiday closures. The facility may be used during non-holiday closures (i.e. In Service Days, Snow Closure). These restrictions are intended to eliminate the impact of use after dark, specifically headlights from pick-up/drop-off and requirements for site lighting.

5. Development and construction is contingent upon compliance with federal grant funding requirements which involve use of the facility outside of normal school hours and completion of construction by September 30, 2024.
6. Any proposed deviations from these conditions will require Planning & Zoning review.

All other project details remain consistent with the approvals in place by the Hartford Zoning Board of Adjustment (Application #09-23) and the Hartford Planning Commission (Application #23-08).
do 23 acc

Please let me know if you have any questions or if additional documentation is required.

Sincerely,



Jonathan Garthwaite
Director of Facilities
Hartford School District

Enclosure

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

HARTFORD ZONING BOARD OF ADJUSTMENT

**Application #06-23 by The Town of Hartford School District
for Conditional Use Approval for a school/educational building
lot 09-0028-001, Christian Street, Hartford
in an agricultural overlay district and R-3 zoning district**

This decision pertains to application #06-23 by The Town of Hartford School District (owner/applicant) for Conditional Use Approval under section 260-16 of the Hartford Zoning Regulations for a school/educational building, lot 09-0028-001, Christian Street, Hartford, in an agricultural overlay district and 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 June 21, 2023 and July 26, 2023 the Hartford Zoning Board of Adjustment makes the following Findings of Fact:

General Information

1. The owner of record of lot 09-0028-001 is The Hartford School District who acquired the lot on 12-18-90. The deed is recorded in volume 609, page 119 of the Hartford Land Records.
2. The lot is approximately 15 acres.
3. The lot is undeveloped.
4. The lot is a class three (3) lot with on-site water and septic.
5. The lot is in an R-3 zoning district.

This Application

6. The Hartford Area Career and Technology Center (HACTC) Natural Resources program currently utilizes the parcel to train students to operate certain agricultural and forestry equipment such as tractors and mini-excavators. The Hartford School District (District) proposes to construct a one-room classroom building to provide its students with an enclosed and conditioned space that will enhance the use of the parcel by the HACTC and other

District students of all grades for a variety of outdoor educational experiences. The District will utilize the space (the building, the field, the wetlands, and the woods) for field trips, outdoor classrooms, outdoor gardening, basic forestry classes, and wetlands ecology.

Most of the learning will occur outside, but the number of students using the classroom building will not exceed the occupancy of the building per the fire code.

7. The parcel consists of approximately 10 acres of woodland and approximately five acres of open field.

Wetlands within the easterly half of the parcel, as depicted on the site plans, were delineated in 2022.

There are additional Class 2 wetlands on the westerly wooded area that appear on the State and Town mapping sources, but they were not delineated, as no disturbance is proposed in that location.

8. The parcel is within an Agriculture Overlay District.

The Objective of the Agricultural Overlay District is “To promote the continuation of agriculture, retain the maximum possible amount of agricultural lands, which often provide important scenic views, protect historically viable farmland and prime and statewide agricultural soils, and preserve Hartford’s rural character, scenic characteristics including open lands, views, and working landscape qualities in accordance with the Hartford Master Plan.”

All development in an Agricultural Overlay District are subject to the following supplemental standards.

(A) Development envelopes shall be located at field edges or, in the event that no other land is practical for development, on the least fertile soils in order to minimize the use of productive agricultural land and impacts on existing farm operations.

(B) Buildings should be clustered to avoid the fragmentation of productive farmland/open land.

The applicant provided the following to meet these requirements:

The proposed development meets the objectives of the overlay district to retain the maximum possible amount of agricultural land, maintain the scenic view of the parcel, minimize impact of prime and statewide agricultural soils, and preserve Hartford’s rural character and working landscape. Specifically, the building, the parking, and the on-site wastewater disposal system will be located in the southeast corner of the parcel, at the edge of the field, in order to avoid fragmentation of the farmland/open land. The driveway will be located in an existing right-of-way along the south boundary, such that this parcel and parcel 9-28, which is undeveloped but benefits from the right-of-way, may both utilize a

single driveway access to Christian Street.

9. The proposed building will be barn-style, wood construction, single-story, slab-on-grade construction. It will consist of one classroom space, two bathrooms, and a mechanical space. In addition, there will be an unheated garage that will house equipment and vehicles used in the Natural Resources program that may include a tractor, a mini-excavator, and a mini-bulldozer.
10. Access to the site will be from a single curb cut on Christian Street. A locking gate will be installed to prevent unauthorized access. The applicant will coordinate the lock with the Hartford Fire Department.
11. The applicant proposes to provide on-site parking for 13 automobiles and two school buses. The number of required spaces is based on providing parking for two classes that may be utilizing the property concurrently, using the minimum parking requirement high school classes (per Section 260-24.C(9)(a) of the Hartford regulations). The number, size, and age group of the classes that will utilize the facility will vary over the course of the day; therefore, the parking lot will not always be full. However, it is imperative that enough parking be provided to keep school buses and automobiles from parking on the shoulder of Christian Street.
12. According to the applicant, the terrain along this section of Christian Street and its abutting lands slopes from south to north. Drainage calculations submitted to the Department of Public Works demonstrate that the post-development peak discharge rates at the north boundary line are less than the pre-development peak discharge rates for the 10-year and 50-year storm events. Drainage is discharged across the site and flows to the property boundary in a controlled manner using accepted practices of sheet flow, level spreaders, and stone weirs, such that the proposed development will not increase runoff or cause a nuisance or damage to other properties or erosion of topsoil.

Drainage from the project will sheet flow across existing meadow terrain to provide treatment and groundwater recharge. In addition, the applicant will construct a 2-foot high gravel or stone berm at the north end of the parcel and the north end of the meadow (without impacting the wetland or the 50' wetland buffer), which act as detention berms to reduce peak flows from the site to below pre-development peak discharge rates (as demonstrated in the drainage calculations). According to the applicant, this concept is far less disturbing to the site and to the agricultural landscape than other types of detention facilities.

13. The applicant proposes to plant and maintain six evergreen trees along the south boundary line to screen the project partially from the abutter to the south. The applicant will work with the abutter to select the species and location of the trees. The School District intends to have the natural resources class install the trees as part of the curriculum.

4. #06-23

14. Hours of operation will coincide with typical school hours, weekdays between 8:00 AM and 4:00 PM during the school year. In addition, the site may be used for summer educational and recreational programs. The District does not anticipate scheduling programs during evening or night-time hours.
15. Down-cast light fixtures over each doorway and two wall-mounted lights with sharp cut-off fixtures are proposed to illuminate the driveway and parking spaces directly in front of the building. Exterior lights will be controlled by motion sensors such that the site will not normally be illuminated at night.

The applicant understands that lighting must not create excessive off-site or sky glow. If the Zoning Administrative Officer determines that lighting does not meet this condition, the applicant will be required to comply.

16. The applicant does not propose to locate a dumpster on the lot.
17. Electric and communications services are available on Christian Street, and they will be extended to the building via buried conduit to the extent practical.
18. 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.
19. 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.
20. During construction of the project, 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.
21. 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.
22. The applicant understands that no structure, including construction/office trailers, signage, parking spaces or plantings may be placed in such a way that obstructs sight distance along the traveled way, at any intersection or driveway. Any signs, parking spaces or plantings found to obstruct sight distance will be required to be relocated.
23. The applicant retains the obligation to identify, apply for, and obtain relevant local and state permits for this project.
24. 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.

25. The applicant understands that they must obtain a Certificate of Occupancy from the Zoning Administrative Officer upon completion of the project and before the site may be occupied. 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

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 #06-23 by The Town of Hartford School District (owner/applicant) for Conditional Use Approval under section 260-16 of the Hartford Zoning Regulations for a school/educational building, lot 09-0028-001, Christian Street, Hartford, in an agricultural overlay district and R-3 zoning district **on the condition that:**

1. Before a Zoning Permit is issued the applicant:

- **Amends the plans such that the gate is moved approximately 25'/to the middle of the building.**
- **Submits a sign permit.**

2. Before a Certificate of Occupancy is issued, the applicant:

- **Submits written verification from a Professional Engineer licensed by the State of Vermont certifying that the project was constructed in compliance with the approved plans and Findings of Fact.**
- **Records an Energy Code Certificate in the Land Records if required by the State of Vermont.**
- **Submits a photograph of any signage.**

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: Steve Lagasse, Chris Lowe, Alice Maleski, Tom Franklin, and Stephanie Gile

Those in opposition: None

Those not participating: Chris Lowe, absent

Dated at Hartford, Vermont this 2nd day of August 2023.

HARTFORD ZONING BOARD OF ADJUSTMENT

By: 
Chairperson/Vice-Chairperson

7. #06-23

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 \$250.00. 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 #06-23
2. Site Plan Set entitled “Town of Hartford School District, Outdoor Education Facility” received July 5, 2023 including:
 - Sheet 1 Existing Conditions
 - Sheet 2 Site Plan
 - Sheet 3 Site Details
 - Sheet 4 Erosion and Sediment Control Details
 - Sheet T Fire Truck Turning Exhibit
Photometric Plans
3. Memos from Ann Kynor dated June 5, 2023 and July 5, 2023
4. Letter from Ann Kynor dated May 22, 2023
5. Building Elevation
6. Floor Plan
7. Lighting cut sheets

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

HARTFORD PLANNING COMMISSION

**Application #23-08 by The Town of Hartford School District
for Site Development Plan Approval
for a school/educational building, lot 09-0028-001, Christian Street
Hartford, in a R-3 zoning district and Agricultural overlay district**

This decision pertains to application #23-08 by The Town of Hartford School District (owner/applicant) for Site Development Plan Approval under section 260-45 of the Hartford Zoning Regulations for a school/educational building, lot 09-0028-001, Christian Street, Hartford, in a R-3 zoning district and Agricultural overlay district.

FINDINGS OF FACT

Based upon the information contained in the exhibits for this application (see attached list) and the evidence adduced at the Planning Commission meeting of June 26, 2023 and July 31, 2023 the Hartford Planning Commission makes the following Findings of Fact:

General Information

1. The owner of record of lot 09-0028-001 is The Hartford School District who acquired the lot on 12-18-90. The deed is recorded in volume 609, page 119 of the Hartford Land Records.
2. The lot is approximately 15 acres.
3. The lot is undeveloped.
4. The lot is a class three (3) lot with on-site water and septic.
5. The lot is in an R-3 zoning district.

This Application

6. The Hartford Area Career and Technology Center (HACTC) Natural Resources program currently utilizes the parcel to train students to operate certain agricultural and forestry equipment such as tractors and mini-excavators. The Hartford School District (District) proposes to construct a one-room classroom building to provide its students with an enclosed and conditioned space that will enhance the use of the parcel by the HACTC and other

District students of all grades for a variety of outdoor educational experiences. The District will utilize the space (the building, the field, the wetlands, and the woods) for field trips, outdoor classrooms, outdoor gardening, basic forestry classes, and wetlands ecology.

Most of the learning will occur outside, but the number of students using the classroom building will not exceed the occupancy of the building per the fire code.

7. The parcel consists of approximately 10 acres of woodland and approximately five acres of open field.

Wetlands within the easterly half of the parcel, as depicted on the site plans, were delineated in 2022.

There are additional Class 2 wetlands on the westerly wooded area that appear on the State and Town mapping sources, but they were not delineated, as no disturbance is proposed in that location.

8. The parcel is within an Agriculture Overlay District.

The Objective of the Agricultural Overlay District is “To promote the continuation of agriculture, retain the maximum possible amount of agricultural lands, which often provide important scenic views, protect historically viable farmland and prime and statewide agricultural soils, and preserve Hartford’s rural character, scenic characteristics including open lands, views, and working landscape qualities in accordance with the Hartford Master Plan.”

All development in an Agricultural Overlay District are subject to the following supplemental standards.

(A) Development envelopes shall be located at field edges or, in the event that no other land is practical for development, on the least fertile soils in order to minimize the use of productive agricultural land and impacts on existing farm operations.

(B) Buildings should be clustered to avoid the fragmentation of productive farmland/open land.

The applicant provided the following to meet these requirements:

The proposed development meets the objectives of the overlay district to retain the maximum possible amount of agricultural land, maintain the scenic view of the parcel, minimize impact of prime and statewide agricultural soils, and preserve Hartford’s rural character and working landscape. Specifically, the building, the parking, and the on-site wastewater disposal system will be located in the southeast corner of the parcel, at the edge of the field, in order to avoid fragmentation of the farmland/open land. The driveway will be located in an existing right-of-way along the south boundary, such that this parcel and parcel 9-

28, which is undeveloped but benefits from the right-of-way, may both utilize a single driveway access to Christian Street.

9. The proposed building will be barn-style, wood construction, single-story, slab-on-grade construction. It will consist of one classroom space, two bathrooms, and a mechanical space. In addition, there will be an unheated garage that will house equipment and vehicles used in the Natural Resources program that may include a tractor, a mini-excavator, and a mini-bulldozer.
10. Access to the site will be from a single curb cut on Christian Street. A locking gate will be installed to prevent unauthorized access. The applicant will coordinate the lock with the Hartford Fire Department and owner of the existing 50' right-of-way.
11. The applicant proposes to provide on-site parking for 13 automobiles and two school buses. The number of required spaces is based on providing parking for two classes that may be utilizing the property concurrently, using the minimum parking requirement high school classes (per Section 260-24.C(9)(a) of the Hartford regulations). The number, size, and age group of the classes that will utilize the facility will vary over the course of the day; therefore, the parking lot will not always be full. However, it is imperative that enough parking be provided to keep school buses and automobiles from parking on the shoulder of Christian Street.
12. According to the applicant, the terrain along this section of Christian Street and its abutting lands slopes from south to north. Drainage calculations submitted to the Department of Public Works demonstrate that the post-development peak discharge rates at the north boundary line are less than the pre-development peak discharge rates for the 10-year and 50-year storm events. Drainage is discharged across the site and flows to the property boundary in a controlled manner using accepted practices of sheet flow, level spreaders, and stone weirs, such that the proposed development will not increase runoff or cause a nuisance or damage to other properties or erosion of topsoil.

Drainage from the project will sheet flow across existing meadow terrain to provide treatment and groundwater recharge. In addition, the applicant will construct a 2-foot high gravel or stone berm at the north end of the parcel and the north end of the meadow (without impacting the wetland or the 50' wetland buffer), which act as detention berms to reduce peak flows from the site to below pre-development peak discharge rates (as demonstrated in the drainage calculations). According to the applicant, this concept is far less disturbing to the site and to the agricultural landscape than other types of detention facilities.
13. The applicant proposes to plant and maintain six evergreen trees along the south boundary line to screen the project partially from the abutter to the south. The applicant will work with the abutter to select the species and location of the trees. The School District intends to have the natural resources class install the trees as part of the curriculum.

14. Hours of operation will coincide with typical school hours, weekdays between 8:00 AM and 4:00 PM during the school year. In addition, the site may be used for summer educational and recreational programs. The District does not anticipate scheduling programs during evening or night-time hours.
15. Down-cast light fixtures over each doorway and two wall-mounted lights with sharp cut-off fixtures are proposed to illuminate the driveway and parking spaces directly in front of the building. Exterior lights will be controlled by motion sensors such that the site will not normally be illuminated at night.

The applicant understands that lighting must not create excessive off-site or sky glow. If the Zoning Administrative Officer determines that lighting does not meet this condition, the applicant will be required to comply.

16. The applicant does not propose to locate a dumpster on the lot.
17. Electric and communications services are available on Christian Street, and they will be extended to the building via buried conduit to the extent practical.
18. 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.
19. 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.
20. During construction of the project, 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.
21. 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.
22. The applicant understands that no structure, including construction/office trailers, signage, parking spaces or plantings may be placed in such a way that obstructs sight distance along the traveled way, at any intersection or driveway. Any signs, parking spaces or plantings found to obstruct sight distance will be required to be relocated.
23. The applicant retains the obligation to identify, apply for, and obtain relevant local and state permits for this project.

24. 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.
25. The applicant understands that they must obtain a Certificate of Occupancy from the Zoning Administrative Officer upon completion of the project and before the site may be occupied. 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 Planning Commission concludes that the proposed site plan provides, as required by **§260-45 C** of the Hartford Zoning Regulations:

- (1) Maximum safety of **traffic circulation between the site and the street network** and integration with the overall traffic pattern, including provisions for auxiliary roadways connecting with adjacent properties where appropriate. Included in this evaluation shall be the location, number and width of access points, curve radii at access points, acceleration or deceleration lanes on adjacent public streets, sight distances, lighting, location of sidewalks and other walkways, and the overall relationship of the proposed development with existing traffic conditions in the area. All modes of transportation shall be taken into account, including pedestrian, bicycle, handicapped, delivery and emergency vehicles and public transportation.
- (2) Adequacy of **on site circulation, parking, and loading facilities**, with particular attention to safety. Included in this evaluation shall be traffic movement patterns, drive and aisle widths, directional signs, location of loading docks and parking areas, number and size of parking spaces, and provision for lighting, drainage, snow removal and access for emergency vehicles and public transportation.
- (3) Adequacy of **landscaping, screening, and setbacks** in achieving maximum compatibility with and protection of adjacent properties by screening from them any glare produced by interior or exterior lights and unsightly areas such as storage areas, and parking lots; assurance that landscape materials will not interfere with visibility or safety and that they are of a type that can survive and be maintained as proposed.
- (4) Adequacy of **provision for safety and convenience of pedestrians, bicyclists, and handicapped persons**. Included in this evaluation shall be lighting of walks and entrances, design and placement of walks and crosswalks, pick-up points for public transportation and provision of bicycle racks.

(5) **Protection of renewable energy resources**, including a finding that the proposed development does not adversely affect the ability of adjacent properties to use this form of energy.

(6) **Compliance with other provisions of these regulations** including § 260-27, Landscaping, and § 260-31, Land use performance standards.

(7) **Other** factors that are directly related to the above aspects of site plan review.

DECISION

The Hartford Planning Commission, based upon the forgoing Findings of Fact and Conclusions of Law, hereby approves application #23-08 by The Town of Hartford School District (owner/applicant) for Site Development Plan Approval under section 260-45 of the Hartford Zoning Regulations for a school/educational building, lot 09-0028-001, Christian Street, Hartford, in a R-3 zoning district and Agricultural overlay district **on the condition that:**

1. Before a Zoning Permit is issued the applicant:

- **Submits a sign permit.**
- **Amends the plans such that the gate is moved approximately 25'/to the middle of the building and increases the number of proposed evergreens to 10.**

2. Before a Certificate of Occupancy is issued, the applicant:

- **Submits written verification from a Professional Engineer licensed by the State of Vermont certifying that the project was constructed in compliance with the approved plans and Findings of Fact.**
- **Records an Energy Code Certificate in the Land Records if required by the State of Vermont.**
- **Submits a photograph of any signage.**

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: John Reid, Bruce Riddle, Toby Dayman, Dillon Bianchi, John Heath, Colin Butler, and Dylan Kreis

Those in opposition: None

7. #23-08

Those not participating: None

Dated at Hartford, Vermont this 4th day of August 2023.

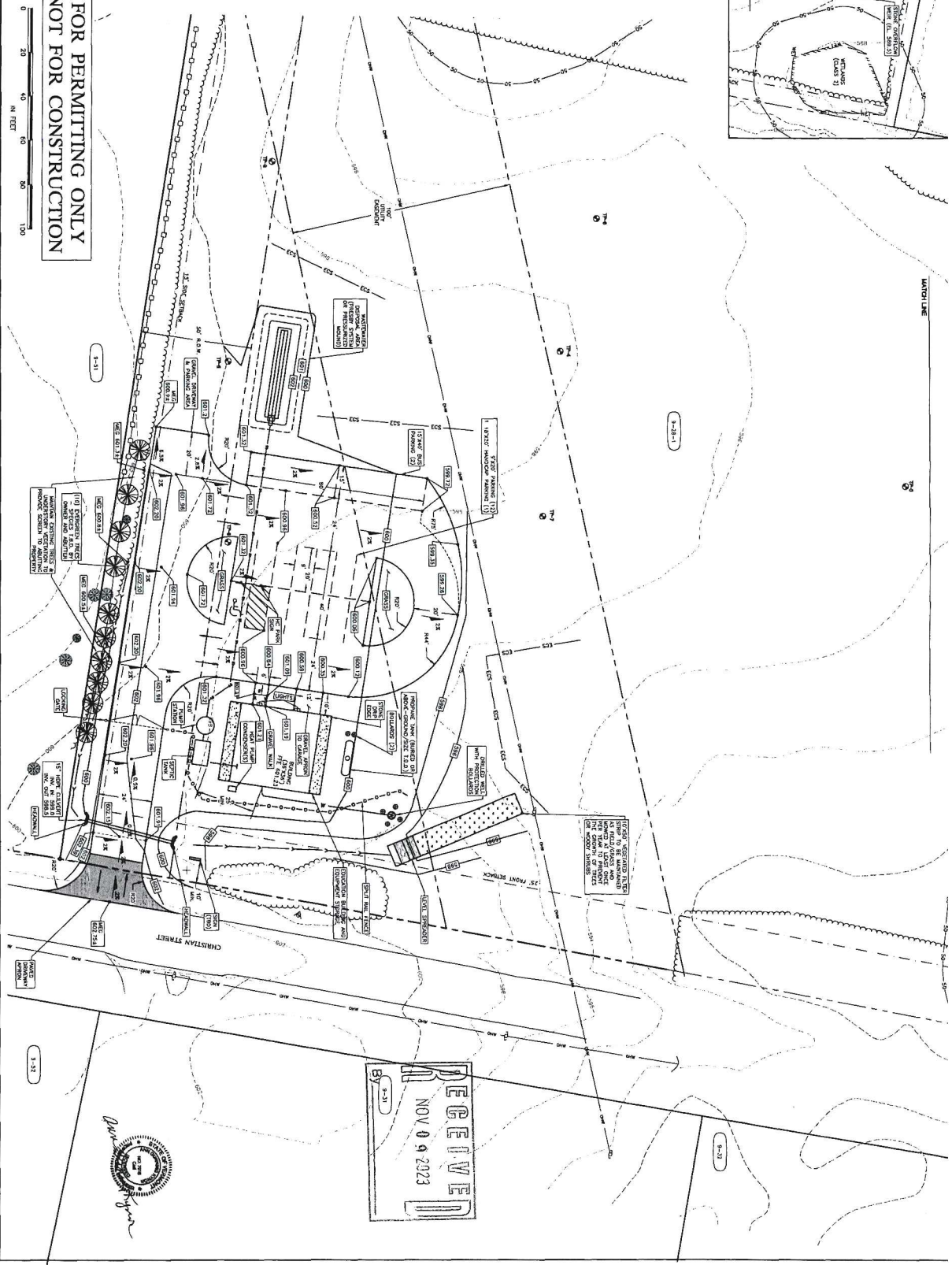
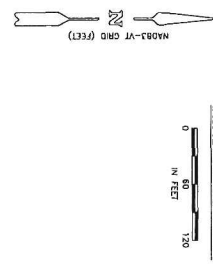
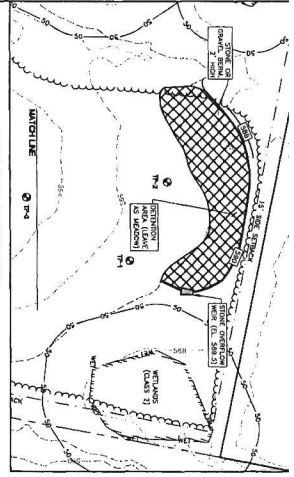
HARTFORD PLANNING COMMISSION

By: John H. Reid
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 \$250.00. 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 #23-08
2. Site Plan Set entitled "Town of Hartford School District, Outdoor Education Facility" received July 5, 2023 including:
 - Sheet 1 Existing Conditions
 - Sheet 2 Site Plan
 - Sheet 3 Site Details
 - Sheet 4 Erosion and Sediment Control Details
 - Sheet T Fire Truck Turning Exhibit
 - Photometric Plans
3. Memos from Ann Kynor dated June 5, 2023 and July 5, 2023
4. Letter from Ann Kynor dated May 22, 2023
5. Building Elevation
6. Floor Plan
7. Lighting cut sheets



FOR PERMITTING ONLY
NOT FOR CONSTRUCTION

REVISION NO.	DATE	DESCRIPTION	MADE BY	CHECKED BY	APPROVED BY
1	05-11-23	TOWN PLANNING COMMISSION COMMENTS	DM	DM	DM
2	05-11-23	TOWN PLANNING COMMISSION COMMENTS	DM	DM	DM
3	05-11-23	TOWN PLANNING COMMISSION COMMENTS	DM	DM	DM

PROPOSED SITE PLAN FOR
TOWN OF HARTFORD SCHOOL DISTRICT
OUTDOOR EDUCATION FACILITY
LOT 10-0025-001
CHRISTIAN STREET, HARTFORD, VERMONT

PATHWAYS CONSULTING, LLC
240 ACADIAN STREET, SUITE 100
LEBANON, NEW HAMPSHIRE 03786
(603) 448-2350
SCALE: AS SHOWN
DESIGNED BY: DM
DRAWN BY: DM
CHECKED BY: DM
DATE: 05-18-23
PHYS. NO: 1289
SHEET 2 OF 4

