

HARTFORD ZONING BOARD OF ADJUSTMENT

September 10, 2025

Meeting Notice and Agenda

Continuance of August 13, 2025 Hearing

The Hartford Zoning Board of Adjustment will meet at 10:00 a.m. on Wednesday, September 10, 2025, at 124 Stonecrest Avenue to conduct a site visit. The Board will convene immediately after the site visit at Hartford Town Hall, 171 Bridge Street, White River Junction, Vermont.

A. Public Hearing

1. Application #03-25 by Laura Simon (owner/applicant) for approval of a setback waiver under section 260-52 of the Hartford Zoning Regulations for the installation of solar panels, lot 09-0108-000, 124 Stonecrest Avenue, Wilder, in a R-3 zoning district.

You may join the portion of the meeting occurring at Town Hall remotely as follows:

Microsoft Teams [Need help?](#)

[Join the meeting now](#)

Meeting ID: 295 064 558 773 6

Passcode: ko23bA3D

Dial in by phone

[+1 802-377-3677](#).,[673696306#](#) United States, Middlebury

[Find a local number](#)

Phone conference ID: 673 696 306#

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

B. Administrative matters: 1. Discuss protocol to record hearings.

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.

Stephanie Gile, Chair

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

HARTFORD ZONING BOARD OF ADJUSTMENT

**Application #03-25 by Laura Simon
for approval of a setback waiver
for the installation of solar panels
lot 09-0108-000, 124 Stonecrest Avenue
Wilder, in a R-3 zoning district**

This decision pertains to application #03-25 by Laura Simon (owner/applicant) for approval of a setback waiver under section 260-52 of the Hartford Zoning Regulations for the installation of solar panels, lot 09-0108-000, 124 Stonecrest Avenue, Wilder, 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 August 13, 2025 and September 10, 2025, the Hartford Zoning Board of Adjustment makes the following Findings of Fact:

General Information

1. The owner of lot 09-0108-000 is Laura Simon who acquired the lot on 04-08-20. The deed is filed in vol. 570, pp. 210 of the Hartford Land Records.
2. The lot is located at 124 Stonecrest Avenue in Wilder.
3. The lot is developed with a single-family dwelling.
4. The lot is approximately 0.38 acres.
5. The lot is class one (1), municipal sewer and water.
6. The lot is in an R-3 zoning district.

This Application

7. The applicant proposes to place 4 ground mounted solar panels in a 14' x 6'3" area in the front of the property for "off grid emergency back up."
8. The setbacks in the R-3 zoning district are 25' front, 15' sides, and 20' rear.
9. The applicant seeks a Setback Waiver to allow the proposed panels to infringe into the 25' front setback. The panels will be 6' from the front property line

All other setbacks will be met.

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."

According to the applicant, "Placing the panels closer to the road will achieve greater sun exposure over lifetime of panels (@ 40 years). Approximately, ½ hour more sun in the a.m. and ½ hour more sun in the p.m.

Attached are 3 photos. Photo A 1 shows where the sun is around 5:13PM on 7/18/25. Obviously, if I moved the array further up the incline on my front yard two things happen: 1. I will not get as much sun because the further from the road and closer to the trees surrounding the property the less sun is available for fewer hours. This is a south facing array. 2. Since the area closest to the road has the best incline towards the sun, as the array is moved up the hill it needs to be installed at more of an angle which makes it more noticeable to neighbors and blocks sun to the garden.

Additional photos (B 1-3) show the location of the trees to the east and west of the property. The north behind the house is also all covered with trees, but the house

3. 03-25

would shade that as well. The second photo A2 shows the house at 9:21 AM on 7-21-25 and the third photo A 3 shows what it would be like at 10:27 AM on 7/21/25 with the array moved 21 more feet back on flatter land into the space which is now my garden. So it actually takes around an hour to get the sun if the array is 25' from the property line (and the property line is 25' from the center of the road). Over the course of the life of the array (@ 40 years) that would be a lot of sun and electricity not generated." (E)

(See exhibit #2)

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.
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 applicable 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.

4. 03-25

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 they must obtain a zoning permit to finalize this approval and that the permit must be obtained before the commencement of construction of the project. The applicants further understand 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 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

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 #03-25 by Laura Simon (owner/applicant) for approval of a setback waiver under section 260-52 of the Hartford Zoning Regulations for the installation of solar panels, lot 09-0108-000, 124 Stonecrest Avenue, Wilder, in a R-3 zoning district **on the condition that upon completion of the project and before a Certificate of Occupancy is issued, the applicant submits written verification confirming that the project was constructed in accordance with this Decision.**

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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 September 2025.

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).

EXHIBIT LIST

1. Application #03-25
2. Site plan, response to Jo-Ann Ells's memo of July 15, 2025, and photos
3. Document entitled "Application for a Setback Waiver, Supplemental Information," prepared by Laura Simon dated 07-09-25
4. Memo from Jo-Ann Ells date July 15, 2025
5. Letter from Mary Trammell dated August 4, 2025
6. Email from Laura Simon dated August 13 ,2025



Town of Hartford

Application for a Setback Waiver Supplemental Information

Applicant name: Laura Simon MAP/LOT #: 9-108

Location of Property: 124 Stone Crest Ave WRT

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?

Placing the solar panels closer to the road will achieve greater sun exposure over lifetime of panels (@40yrs) approximately a 1/2 more sun in a.m and 1/2 hr more in p.m.

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.

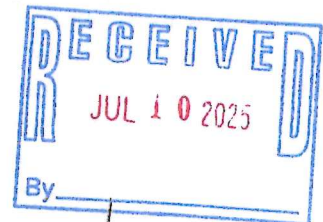
How does your application meet these criteria?

This is a very small - 4 panels solar installation that will not impact neighbors, natural resources or impair sight distances

Laura Simon 7/9/25

Prepared By

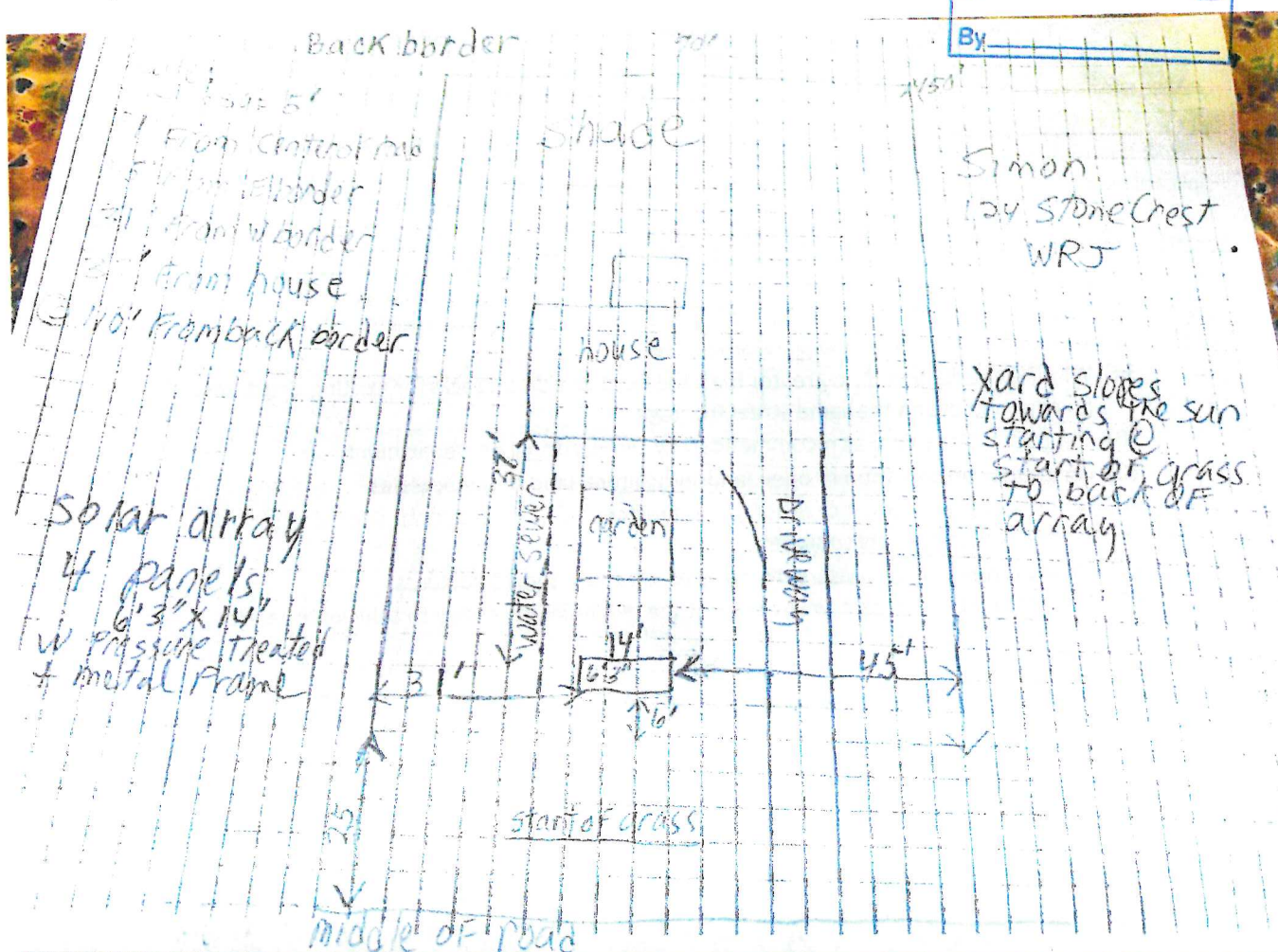
Date



Mail body:

RECEIVED
JUL 21 2025

By _____



My responses are in bold and underlined. Laura Simon

From:

Jo-Ann Ellis.

Date: July 15, 2025.

Re: Application for a Setback

Waiver Please submit a response to the following comments/questions regarding your application for a setback waiver before 9:00 a.m., Tuesday, July 22, 2025. If you are unable to meet this deadline, please contact me as soon as possible. Prior to the Zoning Board Hearing, you will receive a meeting 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. **1.** Because solar projects regulated by the Vermont Public Utilities Commission (PUC) are exempt from municipal Zoning Regulations, please confirm that you have contacted the PUC to confirm that your project does not require a permit/permit amendment from them.

RESPONSE: I called the PUC and received the response that I forwarded to you, Joanne. The design of the solar installation is that it **WILL NOT FEED INTO THE GRID**. The main point of their response is: From the PUC email to me 7/17/25 "Re: information you are seeking, I can refer you to our website (<https://puc.vermont.gov/>) where you can view the definition of Net-Metering (<https://puc.vermont.gov/public-participation/frequently-asked-questions/glossary-terms#n>), which is the process of generating and TRANSFERRING excess electricity to the electrical grid by being interconnected to the utilities electrical grid. PUC Rule 5.100. Therefore that tells me because we are not feeding electricity into the grid we do not need a PUC approval. **2.** Please confirm that you understand that you retain the obligation to identify, apply for, and obtain any relevant local and state permits for this project. **Yes, I understand.** I also did the questionnaire the EPA provides and the response was my installation does NOT impact anything requiring me to apply for EPA permit. Link to the EPA assessment: Permit Navigator <https://permitnavigator.my.vermont.gov/s/permit-navigator>.

To determine

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what State Environmental Permits may be required for your project, The Vermont Agency of Natural Resources (ANR) recommends that you use ANR's Permit Navigator Tool by going to the VT Department of Environmental Conservation website Welcome to DEC | Department of Environmental Conservation (vermont.gov) and going to the "Permit Navigator Tool" Permit Navigator (force.com) If further assistance is needed, please contact the Community Assistance Specialist for our area, Halle Harklau, Halle.Harklau@vermont.gov 802-461-71283.

What are you doing to ensure the dwelling will disconnect from the grid during a power outage so when you are utilizing your backup battery you do not back feed on to the grid and create a potential health and safety issue for people working on powerlines?

Response: As my installer stated in the email I forwarded to you, Jo-Ann, the solar installation I am setting up feeds only to battery back up. It doesn't need to be disconnected from the grid because it is not connected to the grid by design.

4. Please provide information supporting your statement that the proposed location will result in an additional ½ hour +/- of sun exposure in the morning and evening.

Response: Attached are 3 photos. Photo A 1 shows where the sun is around 5:13 PM on 7/18/25. Obviously if I moved the array further up the incline on my front yard two things happen: 1. I will not get as much sun because the further from the road and closer to the trees surrounding the property the less sun is available for fewer hours. This is a South facing array.

2. Since the area closest to the road has the best incline towards the sun, as the array is moved up the hill it needs to be installed at more of an angle which makes it more noticeable to neighbors and blocks sun to the garden. Additional photos (Photos B 1-3) show the location of trees to the East and West of the property. The North, behind the house is also all covered with trees but the house would shade that as well. The second photo A 2 shows the house at 9:21 AM on 7/21/25. and third A 3 shows what it would be like at 10:27 AM on 7/21/25 with the array moved 21 more feet back, on flatter land, into the space that now is my garden. So it actually takes around an hour to get the sun if the array is 25 feet from the property line (and the property line is 25' from the center of the road.) Over the course of the life of the array (@40 yrs) that would be a lot of sun and electricity not generated.

5. Please consider submitting a photograph of your property showing the property and surrounding trees. SEE PHOTOS. **6.** Please amend your plan as follows: • Indicate the location of your water and sewer service lines • Add the scale of the plan • Correct the size shown for the area for the proposed panels.

The application notes the panels are 12' x 3.5', but they appear to be drawn as a 20' x 9' +/- area on the plan. **Response:** after further consulting with my installer the panels are 14' x 6'3" which the white sheets indicate on the photos. • Amend the plan to show the correct orientation of the dwelling to the road

DONE. SEE SKETCH OF PLAN. **7.** If the size of the array is smaller than drawn on the plan, is there room to move the array further away from the road and meet the setback? • The further from the road the array is moved the fewer hours of sun exposure due to trees surrounding property. SEE PHOTOS.

8. Please submit 5 copies of: • Your response to this memo Photo B 1. Photo of trees shading West side of house Photo B 2. Photo of trees in back of house on North Photo B 3. Trees on East side of property. The house on the East is a neighbor. I don't have clearance between his property line and my driveway. Thanks, Laura Simon

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Mail body:



C 9:AM 7/21



Mail body:



East
Borde

(5)

Mail body:



@ 10:30 AM 7/21

— (6)
Mail body.



@ 5 p^m 7/17

⑦

Mail body:



West border

Memorandum

To: Laura Simon
From: Jo-Ann Ells
Date: July 15, 2025
Re: Application for a Setback Waiver

Please submit a response to the following comments/questions regarding your application for a setback waiver before **9:00 a.m., Tuesday, July 22, 2025**. If you are unable to meet this deadline, please contact me as soon as possible.

Prior to the Zoning Board Hearing, you will receive a meeting 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.

1. Because solar projects regulated by the Vermont Public Utilities Commission (PUC) are exempt from municipal Zoning Regulations, please confirm that you have contacted the PUC to confirm that your project does not require a permit/permit amendment from them.
2. Please confirm that you understand that you retain the obligation to identify, apply for, and obtain any relevant local and state permits for this project.

To determine what State Environmental Permits may be required for your project, The Vermont Agency of Natural Resources (ANR) recommends that you use ANR's Permit Navigator Tool by going to the VT Department of Environmental Conservation website [Welcome to DEC | Department of Environmental Conservation \(vermont.gov\)](https://www.vermont.gov/dec) and going to the "Permit Navigator Tool" [Permit Navigator \(force.com\)](https://www.force.com/permit-navigator)

If further assistance is needed, please contact the Community Assistance Specialist for our area, Halle Harklau, Halle.Harklau@vermont.gov
802-461-7128

3. What are you doing to ensure the dwelling will disconnect from the grid during a power outage so when you are utilizing your backup battery you do not back

July 15, 2025

feed on to the grid and create a potential health and safety issue to for people working on powerlines.

4. Please provide information supporting your statement that the proposed location will result in an additional ½ hour +/- of sun exposure in the morning and evening.
5. Please consider submitting a photograph of your property showing the property and surrounding trees.
6. Please amend your plan as follows:
 - Indicate the location of your water and sewer service lines
 - Add the scale of the plan
 - Correct the size shown for the area for the proposed panels. The application notes the panels are 12' x 3.5', but they appear to be drawn as a 20' x 9'+/- area on the plan
 - Amend the plan to show the correct orientation of the dwelling to the road
7. If the size of the array is smaller than drawn on the plan, is there room to move the array further away from the road and meet the setback?
8. Please submit 5 copies of:
 - Your response to this memo
 - Revised plan
 - Photograph if providing

NOTE: The Town of Hartford is aware of a email scam targeting *Planning Commission* applicants falsely claiming to be from the Town. The email threatens that non-payment will affect the application.

While we are not aware of such emails to Zoning Board applicants, I wanted to share this information with you.

- The scam email includes a fake invoice requesting a wire transfer payment.
- These emails have been sent following a Public Hearing with the Planning Commission.
- If you receive an email, please:
 - Do **not** click on/open any links or attachments.
 - Do **not** forward the email to me or the town.
 - Please call me and let me know you received such an email. (802) 478-1117

Jo-Ann Ells

From: Laura Simon <simonlaura06@gmail.com>
Sent: Thursday, August 14, 2025 9:41 AM
To: Jo-Ann Ells
Subject: Fwd: wrn August 13

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

Jo-Ann

Please forward this to the Zoning Board. Also attached is my neighbor's letter. I probably will drop off a copy as well since I have to pay my taxes.

Thanks, Laura

----- Forwarded message -----

From: Dave Bonta <dgbonta@gmail.com>
Date: Thu, Aug 14, 2025 at 7:47 AM
Subject: Re: wrn August 13
To: Laura Simon <simonlaura06@gmail.com>

Hi Laura,

These are the answers to your questions;

What is the capacity of the batteries and of the solar panels?

The battery capacity is 400 amp hours at 24 volts, or about the same as a 5kW Tesla Power wall.

It will offer back up power to run critical loads from a separate breaker panel that is not connected to the grid.

The Solar panels produce 400 watts each and the 4 of them are expected to produce about 12-1,500 watts per hour in optimum conditions.

They are not connected to the grid and only act as back up to the batteries during a grid failure. There is no back feeding to the grid.

What will happen to the electricity the panels produce once the batteries are filled?

The charge controller in the system will shut down the panel's production when the batteries are fully charged, similar to a voltage regulator in a car.

Loads that are connected to the battery pack by way of an off grid inverter will use the energy produced in an ongoing way so that the system balances between use in production time and use during the off hours. During grid failure, the system provides backup power using the panels during the day and the batteries at night.

There is no back feeding or Islanding of power to the grid. This is an independent off grid system that takes some of the household loads off the grid to save money as well as provide critical loads security.
Dave

4 August 2025

To: Hartford Zoning

Re: Lot 09-0108-00

Application #03-25

