1. Agenda
   Documents:
   
   WARN MAY 24.PDF

2. Meeting Materials
   Documents:
   
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HARTFORD PLANNING COMMISSION
May 24, 2023
Meeting Notice and Agenda

The Hartford Planning Commission will meet on Monday, May 24, 2023, beginning at 6:00 p.m. to consider the following Application which was continued from April 17, 2023.

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: 211 583 977 45
Passcode: 2gdR3U
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Or call in (audio only)
1 802 377 3677
Phone Conference ID: 957 215 22#

If you have problems accessing this meeting, please email Jo-Ann Ells at jells@hartford-vt.org

1. Application #23-01 by Catamount Self Storage, LLC (owner/applicant) for Site Development Plan Approval under section 260-45 of the Hartford Zoning Regulations for a self-storage facility, lot 08-0090-000, Route 14, White River Junction, in an IC zoning district.

Please call the Department of Planning and Development (802) 295-3075 to request copies of the application materials. Persons wishing to be heard regarding these applications may do so by participating in the meeting, having another party participate in the meeting on their behalf, and/or by submitting 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.

John Reid, Chair
APPLICATION #23-01
CATAMOUNT SELF STORAGE, LLC
IN ADDITION SEE PACKETS FROM
APRIL 17, 2023 & MARCH 13, 2023
HARTFORD PLANNING COMMISSION
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John Reid, Chair
1. #23-01

DRAFT
FINDINGS OF FACT
CONCLUSIONS OF LAW
AND
DECISION

HARTFORD PLANNING COMMISSION

Application #23-01 by Catamount Self Storage, LLC
for Site Development Plan Approval
for a self-storage facility
lot 08-0090-000, Route 14
White River Junction, in an IC zoning district

This decision pertains to application #23-01 by Catamount Self Storage, LLC (owner/applicant)
for Site Development Plan Approval under section 260-45 of the Hartford Zoning Regulations
for a self-storage facility, lot 08-0090-000, Route 14, White River Junction, in an IC 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 Planning Commission meeting of March 13, 2023, April 17, 2023,
and May 24, 2023, the Hartford Planning Commission makes the following Findings of Fact:

General Information

1. The owner of record of lot 08-0090-000 is Catamount Self Storage, LLC who acquired
   the lot on 01-27-23. The deed is recorded in volume 609, page 119 of the Hartford Land
   Records.

2. The lot is approximately 11.79 acres.

3. The lot is undeveloped.

4. The lot is a class 3 lot.

5. The lot is in an IC zoning district.
This Application

6. The applicant proposes to construct a self-storage facility consisting of four buildings totaling 38,250 sq. ft. with a maximum of 300 storage units.

7. The applicant does not propose to have an on-site office. A rental kiosk will be provided on site.

8. The applicant proposes to install a 6’ high decorative metal fence along the front and portions of the sides of the facility and a 6’ high chain link fence on portions of the sides the sides and the rear of the facility. (See exhibit #2)

9. The Zoning Regulations do not include a calculation for the number of parking spaces for self-storage units. Therefore, the Planning Commission determines the number of required parking spaces.

   The applicant proposes 2 parking spaces including one accessible parking space.

10. Abutting lot 08-0090-003 has a 50’ right-of-way over the lot. The right-of-way is developed with an access drive serving an existing self-storage facility on lot 08-0090-003.

    The applicant proposes to extend the access drive to provide access to their project.

    According to the applicant, they are working with VTrans to obtain an access permit.

    24/7 vehicular access to the storage units will be provided through a gate.

11. The applicant proposes to plant and maintain:

    6 Greenspire Little Leaf Linden
    5 Balsam Fir
    13 Eastern Red Cedar
    8 Common Lilac

    (See exhibit #2, sheet #4)

12. The applicant submitted a photometric plan. (See exhibit #4)

    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.

13. The applicant does not propose to locate a dumpster on the lot.
14. According to the applicant, "stormwater runoff from the proposed buildings and paved driveways will be conveyed via sheet flow along paved swales in the center of the driveways to catch basins located along the driveways. Stormwater will then be conveyed via closed drainage piping to a sediment forebay located at the southwest corner of the site, between the project entrance and Route 14. Following pretreatment in the sediment forebay, drainage will flow to a grass-lined infiltration basin located between the proposed storage buildings and Route 14. Test pits and infiltration tests indicate this area has well-draining sandy soils with a high infiltration rate and low groundwater levels, such that it is ideally suited for an infiltration basin. Off site drainage from the woods north of the project development will be routed via a diversion ditch to an existing grass swale and culvert in the 50’ ROW, maintaining the existing flow pattern.

This project will require an Operational Stormwater Permit from the State of Vermont (General Permit 3-9050) because the impervious surface exceeds one-half acre. The approximate sizes and location of the treatment areas and detention basins are depicted on the site plans. Drainage calculations will be prepared as part of the permit application, and the proposed stormwater management facilities will be sized to meet the standards for recharge, treatment and detention required by the permit. We intend to submit the application materials for the OSP following the local approval process."

According to the applicant, the owner of adjacent 08-0097-000 will be applying for a Wastewater Disposal and Potable Water Supply Permit from the State to change their dedicated leach field replacement area to accommodate the proposed drainage plan.

15. According to the applicant, the proposed grading creates a low spot-on adjacent lot 08-0097-000 at the southeast corner of the applicant’s site at contour 423 and "the owner (of lot 08-0097-000) has agreed to allow limited grading in this location so the low spot goes away and any runoff in this area will ‘day-light’ to the proposed stormwater facilities."

16. The applicant has indicated an area on the east side of proposed storage building #3 for the storage of snow.

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.

17. Each rental agreement will have provisions prohibiting the storage of hazardous materials.

18. 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.
19. 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.

20. 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.

21. 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.

22. The applicant retains the obligation to identify, apply for, and obtain relevant local and state permits for this project.

23. 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.

24. 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 #23-01 by Catamount Self Storage, LLC (owner/applicant) for Site Development Plan Approval under section 260-45 of the Hartford Zoning Regulations for a self-storage facility, lot 08-0090-000, Route 14, White River Junction, in an IC zoning district on the condition that:

1. Before a Zoning Permit is issued:
   - The owner of lot 08-0090-000 is shown on sheet #1 (under the lot number).
- A note is added to the existing conditions plan indicating that the 8" PVC drainage pipe shown on the 2005 Hathorn Surveys Plan for Peter L. Jasmin, project #193305 was not found in the field. If the drainage pipe is discovered, the applicant will contact the Zoning Administrator and Chair to discuss options to address the pipe.
- The plans are amended such that the proposed line of Eastern Red Cedar is extended to the capped rebar to the north as shown on sheet #1 in exhibit #2.
- The applicant submits a copy of their Access Permit from VTrans.
- The applicant submits written verification from the Fire Marshal confirming they have approved the Fire Truck Turning Plan and that they have coordinated emergency access through the gate with the applicant.
- The applicant submits a copy of the new State Wastewater Disposal and Potable Water Supply Permit for lot 08-0097-000 (see Finding #14).
- The applicant submits a copy of a written agreement with the owner of adjacent lot 08-0097-000 for grading on their lot and the grading is shown on the plans (see Finding #15).
- The applicant 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.
- Submits a PDF of the record drawing.
- Records an Energy Code Certificate in the Land Records if required by the State of Vermont.

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 May 2023.
HARTFORD PLANNING COMMISSION

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 #23-01

2. Set of plans entitled Catamount Self Storge, LLC, prepared by Pathways Consulting, received April 3, 2023 including:

   Sheet 1  Existing Conditions
   Sheet 2  Site Layout
   Sheet 3  Grading, Drainage and Erosion Control
   Sheet 4  Landscape
   Sheet 5  Site Details and Notes
   Sheet 6  Drainage Details
   Sheet 7  Erosion and Sedimental Control Details
   Sheet A  Fire Truck Turning Plan A
   Sheet B  Fire Truck Turning Plan B
   Sheet C  Fire Truck Turning Plan C
   Sheet D  Fire Truck Turning Plan D

3. Plan sheets #1 and #3 including lot 08-0090-003

4. Photometric Plans prepared by RAB, received April 3, 2023

5. Two Elevation plans


7. Memo from Jo-Ann Ells dated February 9, 2023 with applicant’s response in italics

8. Letter from John Hughes dated March 6, 2023
9. Packet from AG Self Storage, LLC

10. Memo from Jo-Ann Ells dated April 4, 2023

11. Lighting cut sheets

12. TBS Trachte Building Systems brochure

13. Partial Deed submitted on April 17, 2023 by Michael Lazar

14. Memo from Jo-Ann Ells dated May 11, 2023


16. Copy of Jeffrey S. Goodrich’s Professional Engineer’s license

17. Plan entitled “Lidar-Aerial Figure For Catamount Self Storage Facility, Map 8 Lot 90, VT Route 14, White River Junction, Vermont 05001” prepared by Pathways Consulting, LLC dated 04-18-23
May 8, 2023

Ms. Jo-Ann Eills
Zoning Administrator
Planning & Development
171 Bridge Street
White River Junction, VT 05001
jells@hartford-vt.org

Dear Jo-Ann,

On behalf of Catamount Self Storage, LLC, could you please provide the Planning Commission with the ZBA’s April 24, 2023 decision of approval? The Planning Commission needs to know that the ZBA has already decided that Mr. Lazar’s allegations regarding property rights and easements are not within the purview of Hartford’s zoning review process.

The Planning Commission, identical to the ZBA and the Environmental Division of the Superior Court, lacks the jurisdiction to decide or even consider disputes over property rights and easements. It is simply not within the Planning Commission’s purview to do so as part of the permitting review process.

The applicable rules of law which the ZBA adhered to, and which the Planning Commission must comply with, are as follows:


2. The Planning Commission, identical to the ZBA and Environmental Division, does not have jurisdiction to determine the scope or validity of easements, rights-of-way, or restrictive covenants. Nordlund v. Van Nostrand, 2011 VT 79, ¶ 13, 190 Vt. 188. www.vermontjudiciary.org/sites/default/files/documents/2010-283.pdf

3. Disputes over the scope or validity of an easement, right-of-way, or restrictive covenant can only be decided by the Civil Division of the Superior Court. Blanche S. Marsh Inter
Just as the ZBA ruled, the Planning Commission should make the same General Information findings:

1. The owner of record of lot 08-0090-000 is Catamount Self Storage, LLC who acquired the lot on 01-27-23. The deed is recorded in volume 609, page 119 of the Hartford Land Records.

2. The lot is approximately 11.79 acres.

3. The lot is underdeveloped outside the right-of-way on the Catamount Self Storage, LLC property within which Mr. Lazar made improvements.

4. The lot is a class 3 lot.

5. The lot is in an IC zoning district.

The General Information findings establish the requisite ownership and control by Catamount over the proposed project.

As for compliance with the engineering and site design standards in the Hartford Zoning Ordinance, the only professional testimony has been by Pathways Consulting. While Mr. Lazar can say what he thinks, he is not a professional engineer whereas Jeff Goodrich has been a Vermont licensed professional engineer for 33 years. The Planning Commission is obligated to accept Mr. Goodrich’s professional engineering expertise and testimony where no other licensed Vermont professional engineer has contradicted Mr. Goodrich’s work.

In summary, Catamount Self Storage, LLC requests that the Planning Commission, identical to the ZBA and the Environmental Division of the Superior Court, not consider Mr. Lazar’s disputed allegations over property rights and easements. Rather, the Planning Commission has the legal obligation to stay within its legal purview and rely upon Mr. Goodrich’s evidence and testimony as a professional engineer to approve the Catamount project.

Thank you,

/s/David L. Gravck, Esq.
# State of Vermont

## Engineering

### Professional Engineer

**Jeffrey S. Goodrich**  
240 Mechanic St Ste 100  
Lebanon, New Hampshire 03766-2617

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**James C. Condos**  
Secretary of State