1. Planning Commission Regular PACKET

Documents:

PC JULY 31.PDF
HARTFORD PLANNING COMMISSION
July 31, 2023
Meeting Notice and Agenda

The Hartford Planning Commission will meet on Monday, July 31, 2023, beginning at 6:00 p.m. to consider the following Administrative Matters and Applications.

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: 297 106 270 234
Passcode: Tz6HHp
Download Teams | Join on the web
Or call in (audio only)
1 802 377 3677
Phone Conference ID: 236 771 330#

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

A. Administrative Matters beginning at 6:00 p.m.


B. Public Hearing, beginning at 6:30 p.m.

1. 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. (Continued from June 26, 2023)


3. Application #23-11 by Amanda, Gordon, and Marian Pero, and Marcia Gauvin (owners/applicants) for approval of a boundary line adjustment between lots 42-0072-000 and 42-0073-000, 8 and 24 Hazen Street, Hartford, in a R1-M zoning district.
4. Application #23-07 by Michael and Debra Devins (owners/applicants) for approval of the subdivision of lot 13-0038-000 into four lots, 242 Hathaway Road, Hartford, in RL-1 and FC zoning districts and Rural Lands overlay district.

5. Application #23-12 by DEW Prospect Street, LLC and DEW Braverman, LLC (owners/applicants) for Site Development Plan Approval under section 260-45 of the Hartford Zoning Regulations for site plan amendments, lot 46-0009-000, 34 Prospect Street, White River Junction, in a CB-2 zoning district.

6. Application #23-09 by White River Investment Properties, LLC (owner/applicant) for Site Development Plan Approval under section 260-45 of the Hartford Zoning Regulations for a new commercial building and site plan amendments, 9 Harrison Avenue, lot 49-0020-000, White River Junction, in an IC zoning district.

7. Application #23-13 by Janice, Raymond, Joshua, and Sean Jasmin (owners/applicants) for approval of a boundary line adjustment between lots 14-0016-000 and 14-0017-000, 60 and 98 Jasmin Lane, Hartford, in a GCR zoning district.

8. Application #23-14 by Janice, Raymond, Joshua, and Sean Jasmin (owners/applicants) for Site Development Plan Approval under section 260-45 of the Hartford Zoning Regulations for an addition to an accessory structure and site plan amendments, 60 Jasmin Lane, lot 14-0016-000, Hartford, in the GCR zoning district.

9. Application #23-15 by Janice, Raymond, Joshua, and Sean Jasmin, and Eromeno, LLC (owners/applicants) for Site Development Plan Approval under section 260-45 of the Hartford Zoning Regulations for a Parking Facility, 98 Jasmin Lane, lot 14-0017-000, Hartford, in the GCR 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
Planning Commission
Administrative Agenda
July 31, 2023

1. Welcome Dylan Kreis

2. Public Comment

3. Sketch Plan Review, Bill Bittinger, Railroad Row Housing

4. Minutes
   
   June 26, 2023

5. Administrative Permits
   
   • River Roost- Changes to retaining wall material
   • Growpro- exit door and walkway

6. Act 250 Applications

   None

7. Town Plan Steering Committee update (Bruce)

8. Regional Planning Commission update (Bruce)

9. Climate Action Plan update (John R.)

10. Availability for the next Public Hearing (September 11, 2023)
Memo To: Jo-Ann Ells – Hartford Zoning Administrative Office  
Re: Zoning Permit Application for 55 Railroad Row to convert upper two floors 
from office use to residential apartments  
From: Bill Bittinger

In response to the serious housing shortage in the White River Jct area and the reduced need for office space, Railroad Row llc developer of 15, 35 and 55 Railroad and 27 N Main Street is requesting a Zoning permit to convert 10,000 square feet of office space on the 2nd and 3rd floors of 55 Railroad Row from offices to apartments.

Residential use is an allowed use in the CB District. The renovation work required will be internal to the building and thus not alter the exterior of the building in any material way.

The current office use is required to provide 33 parking spaces. The proposed use is to have 6 apartments per floor for a total of 12, with 10 one bedroom and 2 two bedroom units. See schematic floor plan attached. The first floor will remain office space. The proposed apartments require 18 parking spaces (12 x1.5 = 18) which is a 54.5 percent reduction in the number of spaces which the owner has been allocated.

RRR llc’s intent is to lease the apartments to a mix of tenants including market-rate and subsidized workforce populations.

55 Railroad Row is part of the three building condominium community which has 25 spaces on site of which 12 are allocated to residents which leaves 13 spaces for the 12 additional apartments for overnight use. Another 15 spaces off site are leased by Railroad Row llc which are used by day time office workers and thus available for overnight parking.

Some residents of downtown apartments do without cars by utilizing Advance Transit which has a downtown stop two blocks away and Uber or a taxi.

Public parking is available at the Town of Hartford’s American Legion parking lot which is three blocks away.
DRAFT
Minutes
Hartford Planning Commission
June 26, 2023

THIS MEETING WAS CONDUCTED IN COMPLIANCE WITH
THE VERMONT OPEN MEETING LAW
IN PERSON WITH ELECTRONIC PARTICIPATION AVAILABLE

Present: John Reid, Chair, Bruce Riddle, Vice Chair, Toby Dayman, Dillon Bianchi, Colin Butler, and Jo-Ann Ells, Zoning Administrator

Absent: John Heath and Kim Souza, Selectboard Liaison

Administrative Matters

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

1. Public Comment

None

2. Minutes

Bruce Riddle moved to approve the minutes of May 22, 2023 with changes. Toby Dayman seconded, and the motion passed unanimously.

Bruce Riddle moved to approve the minutes of May 24, 2023 with changes. Colin Butler seconded, and the motion passed unanimously.

3. Administrative Permits

Jo-Ann Ells noted that permits were issued to replace decks at Snow Village Condos

4. Act 250 Applications

None

5. Town Plan Steering Committee update

Bruce Riddle told the Commission that the Committee would be meeting later in the week.

6. Regional Planning Commission (RPC) update

Bruce Riddle reported that the RPC held their annual dinner, elected officers, and would meet in September.
7. Climate Action Plan update

John Reid informed the Commission that the Climate Advisory Committee has been working on a plan for plantings with the Wilder School, but the project is on hold as the School District does not have staff available to maintain new plantings.

8. Availability for the next Public Hearing

Toby Dayman stated that he was not available for the July 31st Hearing.

Public Hearing

John Reid opened the Public Hearing, asked people to sign in, explained the Hearing process and Interested Party Rule, and administered the oath.

1. Application #23-05 by Sayre and Esther Merritt, and Spencer and Danielle LeMay (owners/applicants) for approval of a boundary line adjustment between lots 08-0165-000 and 08-0167-000, 1610 and 1676 Old River Road, Hartford, in a RC-2 zoning district.

Present to represent the application were property owners Sayre Merritt, and Spencer and Danielle LeMay, Attorney Aaron Simpson, and surveyor Skip Nalette of Pathways Consulting.

Jo-Ann Ells reviewed the draft Findings of Fact.

Aaron Simpson clarified that there were two easements related to the properties, a drainage easement, and a use easement, and asked that Findings #10 be amended as such.

Skip Nalette noted that monuments would be set for the eastern boundaries of the use easement and suggested that any Decision acknowledge this.

It was noted that an existing culvert under the LeMay driveway should be required to be shown on the survey.

There was no public comment.

Bruce Riddle moved to close the Public Hearing. Dillon Bianchi seconded, and the Public Hearing was closed.

Changes to the draft Findings of Fact were reviewed.

Bruce Riddle moved to approve the application with the noted changes. Dillon Bianchi seconded, and the motion passed unanimously.

2. 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.

Present to represent the application were Ann Kynor, P.E. of Pathways Consulting and Jonathan Garthwaite, Hartford School District Director of Buildings & Grounds.

Jo-Ann Ells noted that the Zoning Board of Adjustment had opened the Public Hearing on the applicant the prior week and requested several changes to the application be considered. She noted that the applicant wished to review the list of changes with the Planning Commission, determine if there were any additional items to address, and continue the Hearing to July.

Jonathan Garthwaite gave an overview of the application.

Jonathan Garthwaite reviewed the following items that the Zoning Board of Adjustment had requested be addressed:

- Generate an alternate configuration with the building moved to the east, with the parking area behind the structure
- Provide additional information regarding the need for 15 parking spaces
- Provide information regarding the minimum turning radius for the vehicles that will use the property
- Include a gate to restrict off hours access

John Reid asked about the proposed equipment shed.

Jonathan Garthwaite noted that part of the building will include a covered storage area for equipment. John Reid asked if fuel or oil would be stored on site. Jonathan Garthwaite stated that fuel and oil would not be stored on site.

Toby Dayman commented that he did not think the site needed to be gated.

Toby Dayman asked about the number of parking spaces. Ann Kynor stated that 15 parking spaces were proposed including 2 bus spaces.

Toby Dayman noted that an apron would be needed to accommodate access to the building for equipment.

Toby Dayman suggested trees be added to the Christian Street side of the project.

Colin Butler questioned how equipment would be fueled if fuel was not stored on site.

Jonathan Garthwaite explained that a truck/trailer will be brought to the site for this purpose.
It was noted that equipment may still be parked in the field after construction of the storage area.

It was noted that if a truck and trailer are on site, they will be parked in a designated parking space.

Jonathan Garthwaite confirmed that equipment would be serviced/maintained off site, there would not be a floor drain in the building, and that staff would collect trash and recyclables.

Colin Butler asked that lights not be on motion sensors as this could be bothersome to residential neighbors. He added that he preferred no nighttime lights. Dillon Bianchi and John Reid commented that they were comfortable with the proposed motion sensor lights.

Colin Butler asked if a replacement septic area was required. Ann Kynor explained this is not required for mound systems as they can be replaced in the same location.

Colin Butler asked that the applicant consider installing conduit for EV charging stations. John Reid commented that he assumed this could be done off-site. Dillon Bianchi added that it would be easy to add EV charges in the future as the parking area will be gravel.

Colin Butler questioned if the requested trees along Christian Street side of the property were appropriate for the neighborhood.

John Reid asked for public comment.

Liz Storn stated that she supported the use and noted she’d like:

- To review the revised plans
- To have the parking reduced if possible
- A sidewalk on Christian Street

She added that existing traffic on Christian Street is very fast and is concerned with added traffic.

There was discussion about plantings on the south side of the project to screen the adjacent dwelling. It was noted that the applicant would need to determine if plantings could be allowed in the right-of-way.

Judy Barwood asked how the project would affect her right-of-way. Jonathan Garthwaite explained that the proposed access was in the right-of-way.

Judy Barwood said she supported the idea of a gate, but would need access.

David Osborne noted that he supported the use, was concerned with traffic, and suggested the pipes for the spring be researched.
Bruce Riddle moved to continue the application to July 31, 2023. Dillon Bianchi seconded, and the motion passed unanimously.

**Adjournment**

At 7:30 p.m., Bruce Riddle moved to adjourn. Colin Butler seconded, and the Hearing was adjourned.

Respectively Submitted,

Toby Dayman, Clerk

Planning Commission

John Reid 01-11-24
John Heath 03-22-24
Toby Dayman 06-28-24
Colin Butler 07-12-24
Bruce Riddle 02-07-25
Dillon Bianchi 09-05-25
Dylan Kreis 6/26/2026
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


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.
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.
6. #23-08

(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 foregoing 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**.

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:

Those in opposition:

Those not participating:

Dated at Hartford, Vermont this ____ day of July 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 #23-08

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
MEMORANDUM

TO:       JO-ANN ELLS, ZONING ADMINISTRATOR
FROM:     ANN G. KYNOR, P.E., PROJECT MANAGER
RE:       RESPONSE TO PUBLIC HEARING COMMENTS, PROPOSED EDUCATIONAL BUILDING, LOT 09-0028-001, CHRISTIAN STREET (Project No. 13289)
DATE:     JULY 5, 2023

Please find attached the revised site plans (4 sheets), dated May 18, 2023 and last revised June 28, 2023, in response to comments received from the Zoning Board of Adjustment and the Planning Commission. Specifically, we amended the site plans in the following manner:

1. We re-arranged the building and parking such that the building is located closer to the road and the parking area is behind (west of) the building.
2. We corrected the note providing the number of proposed parking spaces. There will be 13 – 9’ x 20’ parking spaces, including one handicap space. There will also be two bus parking spaces, for a total of 15 spaces.
3. We added a locking gate at the entrance to the project.
4. We added six evergreen trees along the south boundary line to screen the project partially from the abutter to the south. The School District 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.

In addition, we offer the following supplemental information:

Exhibit F, the Fire Truck Turning Movement exhibit, was revised to reflect the amended site layout. We used a ladder truck with a 19.5 feet wheelbase as the design vehicle, per the direction of Tom Peltier. It has a bumper swing turning radius of approximately 40 feet. A large school bus has wheel bases of approximately 25 feet and an outside turning radius of 42 feet. We verified that the school bus also can maneuver safely through the site.

The School District 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.
**Erosion Control Specifications**

<table>
<thead>
<tr>
<th>Nature</th>
<th>Remove for Post</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Large woody debris</td>
<td>2.5 ft</td>
</tr>
<tr>
<td>2. Construction</td>
<td>3.0 ft</td>
</tr>
<tr>
<td>3. Excavation</td>
<td>4.0 ft</td>
</tr>
<tr>
<td>4. Materials</td>
<td>5.0 ft</td>
</tr>
<tr>
<td>5. Fencing</td>
<td>6.0 ft</td>
</tr>
<tr>
<td>6. Stabilized</td>
<td>7.0 ft</td>
</tr>
</tbody>
</table>

*Note: The above specifications are subject to change according to the project."
The calculation summary table includes data on the calculation type, units, average, max, min, avg/min, max/min, description, meter type, and positions for various luminaire labels. The expanded luminaire location summary provides detailed information on luminaire numbers, tags, arrangement, LLF, description, BUG rating, and quantities. The render image shows a top view of the outdoor facility, highlighting the lighting setup and arrangement. Additional notes and information are included for proper execution and compliance with lighting standards and practices.
Technical Specifications

Field Adjustability

Field Adjustable (Wattage):
Field adjustable light output in 3 discrete steps:
Small Housing: 80W/60W/40W (factory default 80W)

Compliance

UL Listed:
Suitable for wet locations

IP Rating:
Ingress protection rating of IP66 for dust and water

IESNA LM-79 & LM-80 Testing:
RAB LED luminaires and LED components have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80.

Dark Sky Conformance:
Dark Sky Approved in 3000K. Conforms to (allows for conformance to) the IDA's fully shielding requirement, emitting no light above 90 degrees (with the exclusion of incidental light reflecting from fixture housing, mounts, and pole).

LED Characteristics

LEDs:
Long-life, high-efficacy, discrete, surface-mount LEDs

Color Consistency:
7-step MacAdam Ellipse binning to achieve consistent fixture-to-fixture color

Color Stability:
LED color temperature is warranted to shift no more than 200K in color temperature over a 5-year period

Color Uniformity:

Electrical

Driver:
40W: Constant Current, Class 2, 120-277V, 50/60 Hz, 120V: 0.34A, 208V: 0.20A, 240V: 0.17A, 277V: 0.15A
60W: Constant Current, Class 2, 120-277V, 50/60 Hz, 120V: 0.50A, 208V: 0.30A, 240V: 0.25A, 277V: 0.22A
80W: Constant Current, Class 2, 120-277V, 50/60 Hz, 120V: 0.67A, 208V: 0.40A, 240V: 0.34A, 277V: 0.30A

Dimming Driver:
Driver includes dimming control wiring for 0-10V dimming systems. Requires separate 0-10V DC dimming circuit. Dims down to 10%.

THD:
2.32% at 120V, 7.28% at 277V

Power Factor:
99.9% at 120V, 96.5% at 277V

Surge Protection:
Line to Line: 10kV
Line to Ground: 6kV

LED Info

<table>
<thead>
<tr>
<th>Type</th>
<th>Watts</th>
</tr>
</thead>
<tbody>
<tr>
<td>80W</td>
<td>80W</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Color Temp</th>
<th>3000K (Warm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Color Accuracy</td>
<td>82 CRI</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>L70 Lifespan</th>
<th>100,000 Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Luminens</td>
<td>10,172/7,517/5,468 lm</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Efficacy</th>
<th>125.4/131.4/135.3 lm/W</th>
</tr>
</thead>
</table>

Driver Info

<table>
<thead>
<tr>
<th>Watts</th>
<th>80W</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>120V</th>
<th>0.67A</th>
</tr>
</thead>
<tbody>
<tr>
<td>208V</td>
<td>0.40A</td>
</tr>
<tr>
<td>240V</td>
<td>0.34A</td>
</tr>
<tr>
<td>277V</td>
<td>0.30A</td>
</tr>
</tbody>
</table>

Input Watts 81.1/57.2/40.4W

Lumens 10,172/7,517/5,468 lm

Efficacy 125.4/131.4/135.3 lm/W

Need help? Tech help line: (888) 722-1000 Email: sales@rablighting.com Website: www.rablighting.com
Copyright © 2023 RAB Lighting All Rights Reserved Note: Specifications are subject to change at any time without notice

Page 1 of 3
Technical Specifications (continued)

Performance

Lifespan:
100,000-Hour LED lifespan based on IES LM-80 results and TM-21 calculations

Wattage Equivalency:
Equivalent to 250W Metal Halide

Construction

IES Classification:
The Type IV distribution is especially suited for mounting on the sides of buildings and walls, and for illuminating the perimeter of parking areas. It produces a semicircular distribution with essentially the same candlepower at lateral angles from 90° to 270°.

Cold Weather Starting:
The minimum starting temperature is -40°C (-40°F)

Ambient Temperature:
Suitable for use in up to 40°C (104°F)

Housing:
Die-cast aluminum

Reflector:
Aluminum reflector with white polycarbonate

Vibration Rating:
3G vibration rating per ANSI C136.31

Effective Projected Area:
EPA = 0.32

Gaskets:
High-temperature silicone gaskets

Finish:
Formulated for high durability and long-lasting color

Green Technology:
Mercury and UV free. RoHS-compliant components.

Installation

Mounting:
Wall mount

Sensor Specifications

Multi Level Motion Sensor:
/WS2 sensor options use state-of-the-art surface mount technology (SMT), just like cellular phones and beepers. SMT gives you more reliability, greater RF immunity. This compact sensor that can fit neatly where others cannot. This sensor technology automatically affects the state of operation for lighting systems or individual luminaries based upon detecting the presence or absence of movement for both people as they exit/enter, or for the motion of moving vehicles within the sensors viewing area. The wide 180° viewing angle can detect movement along the entire side of a building with only one compact sensor. The hard lens is molded as part of the case, vandalproof, rainproof, bugproof and absolutely sealed. Sensor functions best when movement is across its detection pattern, not towards the sensor.

Handheld Wireless Configuration Tool:
Adjust settings using handheld wireless configuration tool (catalog# WSREM). Only available with 0-10V dimming driver options. Handheld wireless configuration tool available here.

Optical

BUG Rating:
BUG Rating 40W: B1 U0 G2
BUG Rating 60W: B1 U0 G2
Bug Rating 40W: B1 U0 G2

Other

Warranty:
RAB warrants that our LED products will be free from defects in materials and workmanship for a period of ten (10) years from the date of delivery to the end user, including coverage of light output, color stability, driver performance and fixture finish. RAB’s warranty is subject to all terms and conditions found at rablighting.com/warranty.

Buy American Act Compliance:
RAB values USA manufacturing! Upon request, RAB may be able to manufacture this product to be compliant with the Buy American Act (BAA). Please contact customer service to request a quote for the product to be made BAA compliant.
**ALEDS4TWMY/WS2**

### Dimensions

![Diagram of dimensions]

### Features

- 0-10V dimmable standard
- IP66 Rated
- 100,000-Hour LED lifespan
- 10-Year, No-Compromise Warranty

### Ordering Matrix

<table>
<thead>
<tr>
<th>Family</th>
<th>Housing Size</th>
<th>Distribution</th>
<th>Mounting</th>
<th>Color Temp</th>
<th>Finish</th>
<th>Voltage Options</th>
<th>Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALED</td>
<td>S</td>
<td>4T</td>
<td>WM</td>
<td>Y</td>
<td></td>
<td></td>
<td>/WS2</td>
</tr>
<tr>
<td></td>
<td>M</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>L</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>XL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- **S** = Small (80W/60W/40W)
- **M** = Medium (150W/90W/78W)
- **L** = Large (260W/220W/170W)
- **XL** = Extra Large (385W/345W/300W)

- **2T** = Type II
- **3T** = Type III
- **4T** = Type IV
- **5T** = Type V
- **AT** = Auto Dealership Optic

- **Blank** = Universal
- **WM** = Wall Mount
- **SF** = Slipfitter

- **Blank** = 5000K
- **N** = 4000K
- **Y** = 3000K

- **Blank** = Cool
- **W** = White
- **B** = Black

- **Blank** = Bronze
- **Blank** = Neutral

- **Blank** = 120-277V, 0-10V Dimming
- **480** = 480V, 0-10V Dimming

- **Blank** = No Option
- **/PR** = 7 Pin Twistlock Receptacle
- **/WS2** = Wattstopper, 20ft lens
- **/WS4** = Wattstopper, 40ft lens

1. Dark sky approved in 3000K, available only on Small and Medium fixtures
2. 480V available only on Medium, Large & Extra Large fixtures
3. Wattstopper option available only on Large & Extra Large fixtures

---

Need help? Tech help line: (888) 722-1000 Email: sales@rablighting.com Website: www.rablighting.com

Copyright © 2023 RAB Lighting All Rights Reserved  Note: Specifications are subject to change at any time without notice
Application #23-10
Town of Hartford
DRAFT
FINDINGS OF FACT
CONCLUSIONS OF LAW
AND
DECISION

HARTFORD PLANNING COMMISSION

Application #23-10 by The Town of Hartford
for Site Development Plan Approval
for the installation of a World War I and World War II Monument in Veterans Park
lot 46-0022-000, 12 Railroad Row, Hartford
in the White River Junction Design Review and CB zoning districts.

This decision pertains to application #23-10 by The Town of Hartford (owner/applicant) for Site Development Plan Approval under section 260-45 of the Hartford Zoning Regulations for the installation of a World War I and World War II Monument in Veterans Park, lot 46-0022-000, 12 Railroad Row, Hartford, in the White River Junction Design Review and CB zoning districts.

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 July 31, 2023 the Hartford Planning Commission makes the following Findings of Fact:

General Information

1. The owner of record of lot 46-0022-000 is The Town of Hartford who acquired the lot on 10-06-03. The deed is recorded in volume 363, page 698 of the Hartford Land Records.

2. The lot is approximately 0.62 acres.

3. The lot is located at 12 Railroad Row.

4. The lot is developed with a public park (Veterans Park).

5. The lot is a CB zoning district and the White River Junction Design Review District.

This Application

6. The applicant proposes to construct a granite monument to the Hartford residents that served in the United States armed forces during World Wars I and II. The monument will be a
approximately 5’ wide, by 7’ 6” high, and 14” thick. The monument will be surrounded by a brick apron which will connect to the existing pedestrian walkway.

7. On July 13, 2023, the Hartford Design Review Committee reviewed and approved the application. See exhibit #9.

8. According to the applicant, the project will temporarily disturb roughly 400 square feet of the existing park and in the end result in a roughly 150 square feet area for the new monument and associated landscaping. The details of the landscaping have not been finalized and the Committee intends to consult with local landscapers, landscape architects, and the Hartford Garden Club. An existing/dead maple tree was removed from the project area.

9. The proposed monument is not in the Special Flood Hazard Area.

10. The proposed monument is not in the Riparian Buffer of the White River as defined in the Zoning Regulations.

11. Proposed lighting consists of two ground-level, low voltage “accent lights” directed to the monument faces. A “cut-sheet” is provided to show the style of lighting that is proposed. (See exhibit #7) The final fixture type will be coordinated with the Hartford Director of Parks and Recreation to ensure the lighting is consistent with other Hartford Parks and is easy to maintain.

The applicant understands that lighting may 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 or will be found in violation of this approval.

12. The applicant understands that they retain the obligation to identify, apply for, and obtain relevant local and state permits for this project.

13. 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.

14. 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.

15. The applicant understands that they must obtain a Certificate of Occupancy from the
Zoning Administrative Officer upon completion of the project. The applicant understands that a Certificate of Occupancy will not be issued if the project is not in compliance with these Findings, Plans, and any conditions placed on the decision.

**CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Hartford 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 #23-10 by The Town of Hartford (owner/applicant) for Site Development Plan Approval under section 260-45 of the Hartford Zoning Regulations for the installation of a World War I and World War II Monument in Veterans Park, lot 46-0022-000, 12 Railroad Row, Hartford, in the White River Junction Design Review and CB zoning districts on the condition that:

1. **Before a Zoning Permit is issued the proposed landscaping and lighting is reviewed and approved by the Hartford Director of Parks and Recreation and Zoning Administrator.**

2. **Before a Certificate of Occupancy is issued, the applicant submits written verification certifying that the project was constructed in compliance with the approved plans, Findings of Fact, and Zoning Permit.**

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 August 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 #23-10

2. Site Plan

3. Letter from Tim Schaal dated July 5, 2023

4. Memo from Jo-Ann Ells dated June 28, 2023

5. Letter from Tim Schall dated June 26, 2023

6. Graphic of proposed monument

7. Lighting cut-sheet

8. Document entitled “Narrative to Selectboard”

9. Draft Design Review Committee Meeting minutes of July 13, 2023
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, Parks and Recreation
171 Bride Street, White River Jct., VT 05001
Deed Recorded Book 363 Page 698 (Available at Town Clerk's Office)
Telephone: Work (802) 295-5036 Cell (802) 299-8757 Email Address: shausler@hartford-vt.org

2. NAME & ADDRESS OF APPLICANTS(S) Town of Hartford, Parks and Recreation
171 Bride Street, White River Jct., VT 05001
Telephone: Work (802) 295-5036 Cell (802) 299-8757 Email Address: shausler@hartford-vt.org

3. NAME & ADDRESS OF APPLICANTS' CONSULTANT Schaal Engineering, P.C.
P.O. Box 152, Wilder, VT 05088-0152
Telephone: Work 802-295-2002 Cell __________________________ Email Address: timothy@shaalengineering.com

4. PROJECT LOCATION Veterans Park at the corner of Railroad Row and Bridge Street

5. PRESENT USE OF PROPERTY Public Park

6. BRIEFLY DESCRIBE PROJECT (in addition, a detailed narrative must be submitted)
Construction of a World War I and World War II monument honoring the Town of Hartford residents that served in the armed forces during those conflicts.

7. PROJECT SIZE IN SQ. FT OR ACREAGE 400 sf of disturbed area, including the 150 sf for new monument and landscaping
Lot Width +/-120 ft. Lot Depth +/-180 ft.

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

9. DESCRIBE LANDSCAPING PLAN Two flower beds with perennials and low bushes.
See attached plan. Final landscaping to be determined.

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: ________________________________
11. IF A RESTAURANT - Present seating __________________ Proposed __________________

12. PARKING SPACES - Number to be provided ________________

13. SIGNAGE - Free Standing __________________ Attached __________________

14. FENCING – Location _________________________ Height _________________________

15. NEAREST WATER SUPPLY FOR FIRE PROTECTION __________________________

16. ESTIMATED VALUE OF PROPOSED WORK $60,000

17. IS THERE AN EXISTING DRIVEWAY? ____________________________

18. IF A SUBDIVISION - Number of New Lots to be Created __________

   Do you request that the Town consider taking over maintenance of – Roads __________

   Or Park/Open Space ____________________________________________________________________

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

[Signature] 7.22.23
Applicant’s Signature Date Lot Owner’s Signature Date

[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.

<table>
<thead>
<tr>
<th>For Office Use Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>Map/Lot #</td>
</tr>
<tr>
<td>Fee Paid $:</td>
</tr>
<tr>
<td>PD</td>
</tr>
<tr>
<td>ZBA: Conditional Use</td>
</tr>
<tr>
<td>Other</td>
</tr>
<tr>
<td>Zoning District(s)</td>
</tr>
<tr>
<td>Official Submittal Date:</td>
</tr>
</tbody>
</table>
Jo-Ann Ells  
Town of Hartford  
Department of Planning & Development Services  
171 Bridge Street  
White River Jct., Vermont 05001

Subject: Veterans Park- New World War I and World War II Memorial  
Bridge Street & Railroad Row  
White River Jct., Vermont

Dear Jo-Ann,

This letter is provided as the formal response to the June 28, 2023 "Memorandum" pertaining to this application.

1. We will identify, apply for, and obtain any relevant local and state permits for this project by contacting the Regional State Permit Specialist, Rick Oberkirch.

2. This project is located more than 50' from the start of the woody vegetation closest to the White River’s average annual high-water mark.

3. The four corners defining the brick apron around the monument will be staked and flagged (blue surveyor ribbon) not later than Friday July 7, 2023.

4. When the project is complete, we will submit written verification certifying that the project was constructed in compliance with the approved plans and Findings of Fact.

5. It is understood that construction of the project must comply with Section 260-31 B of the Hartford Zoning Regulations. Earth moving and hauling, rock drilling or crushing, jack hammer and similar excessively loud equipment will be operated on Sundays or between the hours of 5:30 p.m. and 7:00 a.m. except in emergency situations.

We look forward to the hearings with the Design Review Committee, Zoning Board and Planning Commission members to answer any questions they may have. In the meantime, if you have any questions or require any additional information, please do not hesitate to give me a call.

Respectfully Submitted,

Timothy L. Schaal
Timothy L. Schaal, P.E.

Encl. (20 copies)  
APPLIC. TO PC &/OR ZBA  
June 26th cover letter & attachments 
Plan sheet C1

pc: Scott Hausler, Dir., Hartford Parks & Recreation  
Mary Kay Brown, Monument Comm. Chair
June 26, 2023

Jo-Ann Ellis
Town of Hartford
Department of Planning & Development Services
171 Bridge Street
White River Jct., Vermont 05001

Subject: Veterans Park- New World War I and World War II Memorial
Bridge Street & Railroad Row
White River Jct., Vermont

Dear Jo-Ann,

On behalf of the Hartford Parks and Recreation Department, Hartford Historical Society, and the members of the “Monument Committee”, this letter is provided as the “project narrative” for the above referenced project and in support of the accompanying APPLICATION TO PLANNING COMMISSION &/OR ZONING BOARD OF ADJUSTMENT.

This project involves the construction of an approximately 5’ wide by 7’ high granite monument to the Hartford residents that served in the United States armed forces during World Wars I and II. This monument is planned to be suitably installed in Hartford’s Veterans Park. Accompanying this application is a site plan which shows the proposed location for the monument, a couple of “graphics” depicting the monument, and a longer narrative about the project.

It is important to note that an unspecified monument was planned and permitted in 2004 with the Railroad Row streetscape improvement and Veterans Park project. Unfortunately, much of the work slated as part of the Veterans Park was never completed. This project intends to reignite, and complete at least a small part of, that earlier effort. Again, please refer to the narrative prepared for the Selectboard.

As depicted in the attached plans, for all intents and purposes, this is a very small project which will temporarily disturb roughly 400 square feet of the existing park and in the end result in a roughly 150 square feet area for the new monument and associated landscaping. The details of the landscaping have not been finalized and the Committee intends to consult with local landscapers, landscape architects, and the Hartford Garden Club.

The proposed lighting will be two ground-level, low voltage “accent lights” which are directed to the monument faces. A “cut-sheet” is provided to show the style of lighting that is proposed. However, the final fixture type & manufacturer is to be coordinated with Scott Hausler of Hartford Parks and Recreation to ensure the lighting is consistent with other Hartford Parks and are easy to maintain.

I look forward to the hearings with the Zoning Board and Planning Commission members to answer any questions they may have. In the meantime, if you have any questions or require any additional information, please do not hesitate to give me a call.

Respectfully Submitted,

Timothy L. Schaal (electronic signature)

Timothy L. Schaal, P.E.

Encl.
APPLIC. TO PC &/OR ZBA
Site Plan sheet C1
Monument Graphics
Lighting Cut-sheet
Project Narrative

pc: Scott Hausler, Dir., Hartford Parks & Recreation
Mary Kay Brown, Monument Comm. Chair
PROPOSED MONUMENT DESIGN
Note: This graphic depicts the two sides of the granite monument with brass plaques. The monument dimensions are approximately 5' wide, 7' high, and 14" thick.

PROPOSED MONUMENT LOCATION IN VETERANS PARK (SEE SITE PLAN C1)
5251 In-Grade Light by Vista Lighting

$130.39 (Excl. CA. Sales Tax)

Weight: 2lb

Choose Vista Finish Color

- B - Black
My name is Mary Kay Brown and I am the Chair of a group of citizens dedicated to honoring the brave men and women who fought in World War I and II. Our goal is to create a new granite and bronze monument inscribed with their names. Today, I would like to talk to you about the "Monument Project," as we have been referring to it.

In the summer of 2019, I became interested in the history of the WW1 monument which I had heard about and seen pieces of in the basement of the Hartford Historical Society. The original WW1 monument was built by the Lebanon Machine Company and paid for by the town. This large monument stood on the lawn of the town hall from installation until it was taken down. Similar monuments, all made by the Lebanon Machine Co., were constructed in neighboring towns. While the ones in Norwich, Newport, and Lebanon are also no longer standing, the monuments in Springfield, Plainfield, and Cornish have been well maintained over the years. These monuments all shared the common feature of displaying the names of those who fought in "the great war," as WW1 was called at the time.

Why was ours taken down sometime in the 1970's? No one is sure. When renovations were done at our town hall around 2014, some of the pieces were salvaged and moved to the basement of the historical society while other large pieces were disposed of! We also learned that there used to be a WW2 Honor Roll sign containing the names of WW2 service members -this too was paid for by the town and stood somewhere on the lawn of town hall. We believe this was constructed of wood and didn't last long; there is literally only one picture of this monument in the historical society's collection.

Why is this project important? Many of us who live in town have family members or friends who are veterans, and some may have ancestors who served in these wars. We believe that preserving our town's history and heritage by honoring the sacrifices of those who fought for our freedoms is an important part of what makes the Town of Hartford a special place to live. While there are several beautiful war monuments throughout town, none of them include the names of the people who fought. The names on these monuments are familiar to us - Abbott, Briggs, Bugbee, Clifford, Hazen, Lyman and Wright to name just a few. These individuals not only bravely fought for our country and freedom in the world but also contributed to building the town we know and love. Some of them made the ultimate sacrifice. It is time to restore the recognition they deserve by installing a new monument containing their names to replace what was dismantled, allowed to fall into disrepair, and never rebuilt.

Back to what we found in the summer of 2019 in the basement of the historical society. Although most of the name plates and some of the other decorative pieces were saved, almost all of the structural pieces are gone.

So, what is our plan? Can the monument be rebuilt? In short, yes—with sufficient funding, anything is possible. However, the realistic answer is more complex. After considering factors such as cost, aesthetics, and maintenance, we decided to pursue a granite monument with cast bronze plaques. This type of monument is quite common and can be seen in other towns like Hanover, Lebanon, and Norwich. The estimated cost for a monument with as many names as we have was in the $40-50K range. This seemed like an attainable goal.

All of this took place in late 2019 and early 2020. The next meeting of the committee was scheduled for late March 2020. Then Covid hit and halted our progress.

Fast forward to late 2022 - I felt it was time to get this going again and was happy to learn that almost everyone involved a few years ago still wanted to be involved. We met in December to regroup. The 2023 cost estimate for creating a monument which will incorporate two pieces of the
original WW1 monument is $52K without site work, the foundation, lighting and landscaping. Our hope is that much of that work will be donated by local contractors and businesses who wish to help see this project created. However, we have set a fundraising target of $60,000 to cover these costs and any unforeseen contingencies.

Where will this monument be located? The most logical and suitable place for the new monument is Veterans Park on Railroad Row. The park already features a sculpture of geese, a small marker commemorating the service branches, and a flagpole near the courthouse.

During research on Veterans Park, it was discovered that the town itself commissioned a comprehensive set of plans to develop the park, including an "overlook structure" over the river, a "Veteran memorial with a water feature," several pedestrian bridges, and the planting of 57 trees. The town obtained unanimous approval for these plans from both the Planning and Zoning boards in 2004. The fact that these plans were never executed is likely due to financial constraints.

Besides our committee, who else supports this project? We have the full support of Scott, our director of Parks and Recreation. We also have the support of Jo-ann and Lori in Planning and Zoning. Skip Nalette has generously provided surveying support, and Tim Schaal, a civil engineer experienced in permit applications, has taken charge of the permitting aspect. So we already have donations of time and services as we’d hoped to keep costs down. Permitting should be relatively straightforward and with the expected approvals, our aim is to raise all the necessary funds by the end of this year or early next year. Our application was just submitted yesterday and the Design Review, Planning and Zoning meetings are in July. Initially, we planned to commence the construction and installation of the new monument during the spring or summer of 2024. After participating in several Memorial Day ceremonies last month, I now think that if we could get this done and in by next Memorial Day, that would be a great weekend to hold the dedication of this new monument!

We have begun fundraising efforts by applying for grants from local organizations that support community initiatives. I am very pleased to share that the Jack and Dorothy Byrne Foundation donated $25K to the project!! We have also received grants of $2,500 from M&T Bank, $1,500 from Mascoma Savings Bank and $1000 from the Historical Society. The Jeffrey S Holmes American Legion Post 84 has pledged $1000. That puts us at $31K of our $60K goal before we have even started talking to local businesses, residents and friends of Hartford! Several grant applications are still pending, and we are actively pursuing others. With the recent passing of the VT State Budget, we are hoping that we will be able to take advantage of a “Better Places” grant opportunity which is what JAM received in 2022 and what Cover recently used for their mural down on South Main Street. If we are approved for this matching grant opportunity, we would receive a 2:1 donation from the program which is managed by the Vermont Department of Housing and Community Development in partnership with the Vermont Department of Health, the Vermont Community Foundation, and Patronicity. The program relies on the expertise and generous support of the Better Places Partners that include the Vermont Arts Council, AARP Vermont, Local Motion, Preservation Trust of Vermont, Vermont Agency of Transportation, and Vermont Agency of Agriculture, Food, and Markets. Exact details of the public fundraising campaign are being worked on now and we will know more from the Better Places folks in the next month or so. One way or the other, we aim to have the public fundraising campaign going by the end of the summer. Part of what we’d like to do is offer bricks as an incentive to donate and as an additional way for folks to honor a family member, friend or anyone special to them by being able to have an etched brick in the “apron” surrounding the monument. Finally, we are fortunate to have the Hartford Historical Society as our fiscal sponsor ensuring that every donated dollar goes directly towards the costs of building, installing, and maintaining this monument.
In summary, the town once had beautiful monuments honoring our veterans by name, and it is time to restore and replace what was dismantled and never rebuilt. Putting a monument with names on it in Veterans Park will also create a new space for commemoration and reflection by veterans, their families, local school children and any visitors. This historical information will also be of great interest to those interested in town history, military history and genealogy. Monuments serve as a reminder of the past and of the struggles and sacrifices made in our community. Monuments also serve as a venue for community events such as memorial services, Memorial Day and Veterans Day ceremonies. Such gatherings bring people together in a public space and provide opportunities for conversations around shared experiences and through storytelling and the sharing of personal experiences which help build connections. A monument acts as a physical and symbolic reminder of the past and our collective memory of our town history. A beautiful monument can serve as a gathering place that prompts reflection and gratitude for the freedoms that the brave men and women who served in these wars fought for and that we all enjoy and benefit from.

Considering that the town originally funded the monuments in 1919 and the late 1940s, and given the town’s previous plans to erect a new monument and more in Veterans Park about 20 years ago, we are optimistic that you will be supportive and willing to accept this important gift. Furthermore, we request assistance from the town for several aspects of the project. The information kiosk at the Bridge St. end of Veterans Park is in terrible disrepair and contains typos and we ask that the town refurbish or replace it and update the signage at that location as well as correct the name of the park on a second sign along the pathway toward the courthouse. If the town was able to provide additional funding toward benches or other aspects of the plans from 2004, that would be a huge contribution to the originally intended use of Veterans Park. We are tremendously grateful for all the help and support this project has received thus far, and we hope that you, the Hartford Selectboard, will also offer your support for this beautiful new monument in Veterans Park.

I am more than happy to answer any questions, hear your ideas, or discuss any concerns you may have about this project. Our address is: www1monument@gmail.com Thank you, Mary Kay Brown, Chair – Monument Project
Application #23-11

Pero-Gauvin
DRAFT
FINDINGS OF FACT
CONCLUSIONS OF LAW
AND
DECISION

HARTFORD PLANNING COMMISSION

Application #23-11 by Amanda, Gordon, and Marian Pero, and Marcia Gauvin for approval of a boundary line adjustment between lots 42-0072-000 and 42-0073-000
8 and 24 Hazen Street, Hartford
in a R1-M zoning district

This decision pertains to application #23-11 by Amanda, Gordon, and Marian Pero, and Marcia Gauvin (owners/applicants) for approval of a boundary line adjustment between lots 42-0072-000 and 42-0073-000, 8 and 24 Hazen Street, Hartford, in a R1-M 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 July 31, 2023, the Hartford Planning Commission makes the following Findings of Fact:

1. The owners of record of lot 42-0072-000 are by Amanda, Gordon, and Marian Pero who acquired the lot on 12-01-08. The deed is recorded in volume 435, page 333 of the Hartford Land Records.

   The owner of record of lot 42-0073-000 is Marcia Gauvin who acquired the lot on 07-01-19. The deed is recorded in volume 560, page 455 of the Hartford Land Records.

2. Lot 42-0072-000 is located at 8 Hazen Street and is developed with a single-unit dwelling and accessory structure.

   Lot 42-0073-000 is located at 24 Hazen Street and is developed with a multi-unit dwelling and accessory structure.

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

4. The lots are in an R1-M zoning district.
This Application

5. The applicants propose to:
   - Annex 553 sq. ft. from lot 42-0073-000 to lot 42-0072-000
   - Annex 0.8 sq. ft. from lot 42-0072-000 to lot 42-0073-000

6. Minimum Area and Dimensional Standards in the R1-M zoning district are:

<table>
<thead>
<tr>
<th>Area (in square feet) Per Dwelling Class Unit Lot</th>
<th>Lot Dimensions (in feet)</th>
<th>Setbacks (in feet) Front Side Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>4,000</td>
<td>60 80</td>
<td>10/20* 10 10</td>
</tr>
</tbody>
</table>

   * Ten feet for principal structure and 20 feet for attached or detached garages and other structures.

7. After the annexations, the lots will continue to meet the minimum area, width, and depth requirements for the district. The annexations will not increase the grandfathered/permitted encroachments into the front and side setbacks.

8. The application is a “One-step” application under section 203-C 2 of the Subdivision Regulations.

9. The applicants understand that they retain the obligation to identify, apply for, and obtain any relevant local and state permits for this project.

10. The applicants understand that a Mylar must be properly endorsed and recorded within 180 days of this decision and that a zoning permit must be obtained, or the decision will be void.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Hartford Planning Commission concludes that the proposed subdivision meets the requirements of the Town of Hartford Subdivision Regulations including:

Section 200-2 Hartford Subdivision Regulations:

A. To guide future development in accordance with the Hartford Master Plan (the Plan), Zoning Regulations, Flood Hazard Area Regulations, Capital Budget and Program, and all other Town adopted bylaws, ordinances, regulations, plans, policies, and procedures.

B. To promote a desirable relationship to the landform, its topography and geology, natural drainage and surface water runoff, surface water, and groundwater.
3. 23-11

C. To conserve natural resources and fragile features such as prime agricultural soils, wetlands, streams, ponds, steep slopes, ridgelines, important wildlife habitat and connectivity, and scenic views.

D. To minimize the fragmentation of productive resource lands, including farm and forest land, and to promote their continued use and availability for agriculture, forestry, and wildlife.

E. To maintain Hartford’s historic settlement pattern, defined by compact villages surrounded by rural countryside.

F. To encourage variety, innovation, flexibility, and greater efficiency in residential development including clustering of lots, in accordance with the provisions of 24 V.S.A. §4417 (Planned Unit Development).

G. To establish standards of subdivision design including, but not limited to, provisions for pedestrian and vehicular traffic, surface water runoff, surface water, and suitable building sites for the land use contemplated.

H. To ensure development does not exceed the ability of the Town to provide public services and facilities, and that these facilities and services are available and will have sufficient capacity to serve any proposed subdivision. Such facilities and services include, but are not limited to: parks, recreation areas, schools, police and fire protection, libraries, water and wastewater facilities, roads, and public parking.

I. To provide adequate utilities such as water, wastewater, electricity, telephone, and broadband.

J. To provide the most efficient relationship between land use and the circulation of traffic throughout the Town, encourage access management, and avoid undue traffic congestion and overburdening of roads, highways, and intersections.

K. To promote the conservation of energy and use of renewable energy resources.

L. To encourage variety in the type, size, and cost of housing to meet the needs of Hartford’s diverse population.

DECISION

The Hartford Planning Commission, based upon the forgoing Findings of Fact and Conclusions of Law hereby approves application #23-11 by Amanda, Gordon, and Marian Pero, and Marcia Gauvin (owners/applicants) for approval of a boundary line adjustment between lots 42-0072-000 and 42-0073-000, 8 and 24 Hazen Street, Hartford, in a R1-M zoning district on the condition that before a zoning permit is issued to finalize this Decision:
4. 23-11

- The square footage of each lot before and after the annexations is added to the Mylar.
- The applicants submit a letter from their surveyor verifying that the monuments have been set according to the locations identified on the approved survey plat.

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

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

Those in favor:

Those in opposition:

Those not participating:

Dated at Hartford, Vermont this ____ day of August 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. 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 #23-11

2. Survey entitled “Lot Line Adjustment Plan for Lots 42-0072-000 and Lot 42-0073-000, Hazen Street, Hartford, Vermont” prepared by Pathways Consulting, LLC

3. Letter from Barry Schuster dated July 5, 2023
July 5, 2023

Jo-Ann Ells, Hartford Zoning Administrator
Town of Hartford, Vermont

Re: Lot Line Adjustment/Lots 42-0072-000 & 42-0073-000

Dear Jo-Ann:

Please find below the responses to your Memorandum of June 27, 2023.

1. 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. Please call 282-6488 to speak to the Regional State Permit Specialist, Rick Oberkirch.

   Confirmed

2. Before the survey is recorded, your surveyor will need to submit a letter to me certifying that the monuments have been set according to the locations identified on the approved survey plat. Please confirm your understanding.

   Confirmed and surveyor notified.

3. Please reference the subject lot numbers in title block on the survey.

   Subject lot numbers will be included in title block on the survey.

4. A setback waiver was approved in 2021 authoring the re-location of the shed currently shown on the survey on the eastern property line of the Gauvin lot (see attached). What is the status of relocating the shed?

   Correspondence has been separately submitted from Marcia Gauvin and her attorney, Nathan Stearns.
5. I understand that the purpose of this application is to:

   - Annex Parcel A to lot 42-0072-000 from lot 42-0073-000
   - Annex Parcel B to lot 42-0073-000 from lot 42-0072-000

   This is correct.

   Please confirm or correct and add a note regarding parcel B to the General Survey Notes on the survey.

   Instruction provided to surveyor.

6. Please correct the numbering of the General Survey Notes on the survey.

   Instruction provided to surveyor.

7. Please email the following to me in a single email: - Completed.
   - Application form
   - Response to this memo
   - Revised survey

8. Please submit eight copies of the following: - See enclosed package.
   - Application form
   - Response to this memo
   - Revised survey

   If there is any further information required, please do not hesitate to email or call.

   Very truly yours,
   /s/
   Barry C. Schuster

BCS/sf
encl.
ec:  Amanda Pero
     Nathan Stearns, Esq.
TOWN OF HARTFORD APPLICATIONS

Plan of Hartford Applications

Map/Lot/Plot # Fee Pd. $ 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

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)
   1. Amanda, Gordon and Marian Pero, 8 Hazen St; Deed Book 435, Page 333
      Email Address: Amanda Pero ajp0722@gmail.com
   2. Marcia Gauvin, 24 Hazen St.
      Deed Book 560, Page 455
      Email Address: Marcia Gauvin swimmingwhole@gmail.com
      Telephone: Work Home Cell

2. NAME & ADDRESS OF APPLICANT(S)
   1. Amanda, Gordon and Marian Pero, 8 Hazen St; and, 2. Marcia Gauvin, 24 Hazen St.
      Telephone: Email Address: see above

3. NAME & ADDRESS OF APPLICANT'S CONSULTANT
   Skip Nalette, Pathways Consulting; 240 Mechanic St., Lebanon, NH 03766
   603-448-2200; Email Address: Skip.Nalette@pathwaysconsult.com
   Barry Schuster, PO Box 388, Lebanon, NH 03766
   603-448-4780; Email Address: barry@ivylegal.com

4. PROJECT LOCATION 8 Hazen St and 24 Hazen St.

5. PRESENT USE OF PROPERTY - Residential

6. BRIEFLY DESCRIBE PROJECT (in addition, a detailed narrative must be submitted). Boundary line adjustment and confirmation.

7. PROJECT SIZE IN SQ. FT OR ACREAGE - See attached plan.
   Lot Width Lot Depth

8. IS PROJECT ON TOWN WATER/SEWER? Yes. If Yes, estimated Water Consumption per day - No changes
   Amount of Sewer Flow Projected
   Size of Closest Lines Above (water) (sewer)
9. DESCRIBE LANDSCAPING PLAN - No change

10. IF A BUSINESS - N/A
    Days & Hours of Operation - N/A
    Will you use the landfill & recycling center? - N/A
    The main waste by-product of your business is - N/A

11. IF A RESTAURANT - N/A

12. PARKING SPACES - No change.

13. SIGNAGE - N/A

14. FENCING - Existing, no change

15. NEAREST WATER SUPPLY FOR FIRE PROTECTION - hydrant 350 feet +/-

16. ESTIMATED VALUE OF PROPOSED WORK - $0.00

17. IS THERE AN EXISTING DRIVEWAY? - Yes, no change

18. IF A SUBDIVISION - N/A
    Do you request that the Town consider taking over maintenance of - Roads
    Or Park/Open Space

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

Amanda Pero - Applicant (date)
Marcia Gauvin - Applicant (date)
Gordon Pero - Co-Applicant (date)
Marian Pero - Co-Applicant's (date)

Amanda Pero - Lot Owner (date)
Marcia Gauvin - Lot Owner (date)
Gordon Pero - Co-Owner (date)
Co-Owner's - Marian Pero (date)

NOTE: It is the applicant’s responsibility to contact the State for any permits that may be required.
9. DESCRIBE LANDSCAPING PLAN - No change

10. IF A BUSINESS - N/A
    Days & Hours of Operation - N/A
    Will you use the landfill & recycling center? - N/A
    The main waste by-product of your business is - N/A

11. IF A RESTAURANT - N/A

12. PARKING SPACES - No change.

13. SIGNAGE - N/A

14. FENCING - Existing, no change

15. NEAREST WATER SUPPLY FOR FIRE PROTECTION - hydrant 350 feet +/-

16. ESTIMATED VALUE OF PROPOSED WORK - $0.00

17. IS THERE AN EXISTING DRIVEWAY? - Yes, no change

18. IF A SUBDIVISION - N/A
    Do you request that the Town consider taking over maintenance of - Roads
    Or Park/Open Space

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

Amanda Pero - Applicant (date)        Amanda Pero - Lot Owner (date)
Marcia Gauvin - Applicant (date)      Marcia Gauvin - Lot Owner (date)
Gordon Pero - Co-Applicant (date)     Gordon Pero - Co-Owner (date)
Marian Pero - Co-Applicant's (date)   Co-Owner's - Marian Pero (date)

NOTE: It is the applicant’s responsibility to contact the State for any permits that
may be required.
Application #23-07

Devins
DRAFT
FINDINGS OF FACT
CONCLUSIONS OF LAW
AND
DECISION

HARTFORD PLANNING COMMISSION

Application #23-07 by Michael and Debra Devins
for approval of the subdivision of lot 13-0038-000 into four lots
242 Hathaway Road, Hartford
in RL-1 and FC zoning districts and Rural Lands overlay district

This decision pertains to application #23-07 by Michael and Debra Devins (owners/applicants) for approval of the subdivision of lot 13-0038-000 into four lots, 242 Hathaway Road, Hartford, in RL-1 and FC zoning districts and Rural Lands 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 July 31, 2023, the Hartford Planning Commission makes the following Findings of Fact:

1. The owners of record of lot 13-0038-000 are Michael and Debra Devins who acquired the lot on 10-31-01. The deed is recorded in volume 314, page 642 of the Hartford Land Records.

2. The lot is developed with a single-unit dwelling and shed.

3. The lot is approximately 12.2 acres.

4. The lot is class three (3), on-site water and sewer.

5. The lot is in RL-1 and FC zoning districts and the Rural Lands overlay district

This Application

6. The applicant proposes to subdivide the lot into four lots as follows:
Lot 13-0038-000  9.2 acres. (The dwelling and shed will remain on this lot.)
Lot 13-0038-001  1 acre
Lot 13-0038-002  1 acre
Lot 13-0038-003  1 acre

7. The Minimum Dimensional Requirements in the RL-1 zoning district are:

<table>
<thead>
<tr>
<th>Area (acres)</th>
<th>Lot Dimensions (feet)</th>
<th>Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Per Dwelling</td>
<td>Per Lot</td>
</tr>
<tr>
<td>1 acre</td>
<td>1 acre</td>
<td></td>
</tr>
</tbody>
</table>

The Minimum Dimensional Requirements in the FC zoning district are:

<table>
<thead>
<tr>
<th>Area (acres)</th>
<th>Lot Dimensions (feet)</th>
<th>Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Per Dwelling</td>
<td>Per Lot</td>
</tr>
<tr>
<td>28 acres</td>
<td>28 acre</td>
<td></td>
</tr>
</tbody>
</table>

8. The vast majority of the lot is in the RL-1 zoning district. A small a portion of the lot is in the FC zoning district.

Section 260-22 C of the Zoning Regulations allows the zoning district line to be moved 100’ into the RL-1 zoning district zoning. (See exhibit #2. Note: the survey shows the zoning district boundary line moving in the wrong direction. Correcting this is a condition of approval.)

To determine the total number of lots allowed, density for each portion of the lot is determined by dividing existing acreage by the required acreage for the district.

The density for the portion of the lot in the FC zoning district is zero (the lot is currently less than 28 acres). Currently, there is one lot in the FC zoning district. After the subdivision, this number does not increase. (A small portion of lot 13-0028-000 will remain in the FC zoning district. The dwelling and shed will be in the RL-1 zoning district.)

The portion of the property in the FC zoning district will not be altered by the subdivision.

9. The applicants propose that the developments envelopes be defined as the setbacks for the zoning district.

10. The Zoning Regulations require the following for subdivisions in a Rural Lands Overlay District:
Development envelopes and associated development shall be located down-slope of ridgelines and prominent hills in areas where ridgelines and hillsides are easily visible from existing roadways, and shall be considered relative to the availability of less visible locations on-site. Additional landscaping may be required to screen development to reduce visibility.

The development envelopes are not located on a ridgeline or hill.

According to the applicants, “The goal of this subdivision is to provide three new residential housing opportunities. Lots are sized to be 1-acre. Given that the ‘Building Envelope’ includes the residence, associated amenities, e.g., decks, walks, sheds, and outdoor living space, the building envelopes are defined by the zoning setbacks of the RL-1 district determined appropriate by the town planning efforts.

Location of the new lots (and building envelopes) take into consideration and avoid further fragmentation of the large continuous forest block located on the east portion of the parcel.

The new lots and building envelopes create an efficient use of the land that results in clustering development along Hathaway Road. The proposed lots/envelopes are consistent with the existing settlement pattern along Hathaway Road and nearby Timber’s development. The envelopes take advantage of existing utilities and roads and avoid encroachment on the large forest block of unfragmented land to the east.”

When locating structures, roads, driveways, utility corridors and rights-of-way, one or more of the following should be employed:

a) Place improvements at the wooded edge and/or nearby developed areas. If not possible, place improvements in a manner that minimizes encroachment in wooded areas and open fields.

b) Follow existing contours, roads, tree lines, and stone walls.

c) Share roads, driveways, utility corridors and rights-of-way.

d) Place developments and subdivisions close to roads.

e) Follow established settlement patterns.

According to the applicants, “the location of the new structures and driveways are proposed to be located along Hathaway Road. This allows for shorter driveways and
minimized land disturbance. There is an existing utility corridor which runs behind (easterly) of the proposed structures on lots 2 and 3. The new structures are proposed between Hathaway Road and the existing utility corridor.

The placement follows the existing settlement patterns along Hathaway Road and Tall Timbers Drive.”

- Locate development such that it will not conflict with existing agricultural uses in the area, and provide adequate buffers between potentially conflicting uses.

The proposed development will not conflict with agricultural or other uses in the area.

- Create an efficient use of land that results in cluster development, small networks of utilities and roads, and large sections of unfragmented land.

According to the applicants, “The new lots and building envelopes create an efficient use of the land that results in clustering development along Hathaway Road.

There is an existing utility corridor which runs behind on lots 2 and 3 (easterly) of the proposed structures. The new structures are proposed between Hathaway road and the existing utility corridor.

The envelopes take advantage of existing utilities and roads and avoid encroachment on the large forest block of unfragmented land to the east.”

11. Access to the new lots is proposed via individual driveways on Hathaway Road.

According to the applicants, they “considered a shared driveway for lots 2 and 3. The challenge is the location of the proposed on-site sewer system appurtenances. Lots 2 and 3 flow sewage northerly to the common septic effluent disposal field located on Debra and Michael’s lot. The septic tank and gravity sewer serving lot 3 prevents a driveway installation on the north side of the proposed house.”

The applicants are in contact with the Department of Public Works regarding driveway permits.

12. The lots are over 500’ from a municipal fire hydrant. In accordance with the Planning Commission’s Fire Policy, any new dwelling on the proposed lots must be equipped with a residential sprinkler system in accordance with applicable NFPA requirements.
13. The applicants have obtained a State Septic Permit, #WW-3-3404. Easements for septic are depicted on the survey and will be included in the deed should any of the parcels transfer ownership. (See exhibit #3).

14. The applicants retain the obligation to identify, apply for, and obtain any relevant local and state permits for this project.

15. The applicants understand that a Mylar must be properly endorsed and recorded within 180 days of this decision and that a zoning permit must be obtained, or the decision will be void.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Hartford Planning Commission concludes that the proposed subdivision meets the requirements of the Town of Hartford Subdivision Regulations including:

Section 200-2 Hartford Subdivision Regulations:

A. To guide future development in accordance with the Hartford Master Plan (the Plan), Zoning Regulations, Flood Hazard Area Regulations, Capital Budget and Program, and all other Town adopted bylaws, ordinances, regulations, plans, policies, and procedures.

B. To promote a desirable relationship to the land form, its topography and geology, natural drainage and surface water runoff, surface water, and groundwater.

C. To conserve natural resources and fragile features such as prime agricultural soils, wetlands, streams, ponds, steep slopes, ridgelines, important wildlife habitat and connectivity, and scenic views.

D. To minimize the fragmentation of productive resource lands, including farm and forest land, and to promote their continued use and availability for agriculture, forestry, and wildlife.

E. To maintain Hartford’s historic settlement pattern, defined by compact villages surrounded by rural countryside.

F. To encourage variety, innovation, flexibility, and greater efficiency in residential development including clustering of lots, in accordance with the provisions of 24 V.S.A. §4417 (Planned Unit Development).

G. To establish standards of subdivision design including, but not limited, to provisions for pedestrian and vehicular traffic, surface water runoff, surface water, and suitable building
sites for the land use contemplated.

H. To ensure development does not exceed the ability of the Town to provide public services and facilities, and that these facilities and services are available and will have sufficient capacity to serve any proposed subdivision. Such facilities and services include, but are not limited to: parks, recreation areas, schools, police and fire protection, libraries, water and wastewater facilities, roads, and public parking.

I. To provide adequate utilities such as water, wastewater, electricity, telephone, and broadband.

J. To provide the most efficient relationship between land use and the circulation of traffic throughout the Town, encourage access management, and avoid undue traffic congestion and overburdening of roads, highways, and intersections.

K. To promote the conservation of energy and use of renewable energy resources.

L. To encourage variety in the type, size, and cost of housing to meet the needs of Hartford’s diverse population.

DECISION

The Hartford Planning Commission, based upon the forgoing Findings of Fact and Conclusions of Law, hereby approves application #23-07 by Michael and Debra Devins (owners/applicants) for approval of the subdivision of lot 13-0038-000 into four lots, 242 Hathaway Road, Hartford, in RL-1 and FC zoning districts and Rural Lands overlay district on the condition that:

- Before the subdivision plat is recorded or a Zoning Permit is issued to finalize this Decision:
  - The movement of the zoning district boundary line is shown correctly on the Mylar.
  - A letter is submitted from the surveyor certifying that the monuments were set according to the locations identified on the approved plat.
  - The applicants submit a copy of their approved driveway permits.

- Plans for the sprinkler system must be submitted to the Hartford Fire Department for review and approval for any new dwelling before installation commences.
- Before a Certificate of Occupancy is issued for any dwelling, the sprinkler system must be inspected and approved by the Hartford Fire Department and written verification of the approval must be submitted to the Zoning Administrative Officer.

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

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

Those in favor:

Those in opposition:

Those not participating:

Dated at Hartford, Vermont this ___ day of August 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. 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 #23-07

2. Survey entitled “Subdivision Survey, Land of Michael and Debra Devins, Parcel 13-0038-000” received June 30, 2023 and revised as required by this Decision

3. Septic Plans prepared by Hogg Hill Design, LLC
4. Screenshot of Hartford’s Zoning District Map

5. Letter from Mark Bannon dated June 30, 2023 with attachment

6. Letter from Mark Bannon dated June 22, 2023 with attachment
June 30, 2023

Ms. Jo-Ann Ells  
Zoning Administrator  
Town of Hartford  
171 Bridge Street  
White River Junction, VT 05001

Subject: Devins Proposed Subdivision, Lot 13-0038-000

Dear Ms. Ells,

I write in response to your June 28, 2023 memorandum regarding comments/questions on Mike and Debra Devins application to subdivide lot 13-0038-000 located on Hathaway Road (TH70) in the RL-1 district.

Please find the responses and revised exhibits as attachments. Should you have any questions, please feel free to contact me. Thank you.

Sincerely,

Mark Bannon, PE, AICP, CFM  
Professional Engineer
Memorandum

To: Mark Bannon
Cc: Michael and Debra Devins, and Chris Holzwarth
From: Jo-Ann Ells
Date: June 28, 2023
Re: Proposed Subdivision, Lot 13-0038-000

Thank you for your response to my memo of May 31, 2023. Please submit a response to the following comments/questions before 9:00 a.m., Thursday, July 6, 2023. If you are unable to meet this deadline, please contact me immediately. Please note I am out of the office Monday, July 3rd and Town Hall is closed July 4th.

The completeness of your response and decision to make additional changes to your project will determine if your application will be ready for a Public Hearing. It is therefore important that you contact me with any questions you have regarding these comments.

Prior to the Planning Commission Public Hearing, you will receive an agenda, draft Findings of Fact, and additional staff comments if there are any. Please feel free to contact me at any time during this process.

1. Please contact Chris Holzwarth to discuss his email of January 26, 2023 (attached), provide a status on the driveway permits and amend the survey if required based on your discussion with Chris.

   RESPONSE: I discussed the project with Chris on June 29, 2023. I have an engineering plan pending documenting sight lines and tree trimming within the town rights of way and maintenance work on the town ditches to even the flow lines through the proposed driveway culverts.

2. Did you consider a shared driveway for lots 2 & 3?

   RESPONSE: Yes we considered a shared driveway for lots 2 and 3. The challenge is the location of the proposed on-site sewer system appurtenances. Lots 2 and 3 flow sewage northerly to the common septic effluent disposal field located on Debra
and Michael’s lot. The septic tank and gravity sewer serving lot 3 prevents a driveway installation on the north side of the proposed house.

3. Please email me the following in one email and submit seven hard copies of :

- Application form
- Your response to this memo
- Survey
- Septic Plans
- Natural Resource Atlas Map

RESPONSE: Provided herein.
June 22, 2023

Ms. Jo-Ann Ells
Zoning Administrator
Town of Hartford
171 Bridge Street
White River Junction, VT 05001

Subject: Devins Proposed Subdivision, Lot 13-0038-000

Dear Ms. Ells,

I write in response to your May 31, 2023 memorandum regarding comments/questions on Mike and Debra Devins application to subdivide lot 13-0038-000 located on Hathaway Road (TH70) in the RL-1 district.

Please find the responses and revised exhibits as attachments. Should you have any questions, please feel free to contact me. Thank you.

Sincerely,

Mark Bannon, PE. AICP, CFM
Professional Engineer
Memorandum

To: Michael and Debra Devins
Cc: Mark Bannon, Chris Leister, Ethan Gilmore, and Chris Holzwarth
From: Jo-Ann Ells
Date: May 31, 2023
Re: Proposed Subdivision, Lot 13-0038-000

Please submit a response to the following comments/questions on your application to subdivide lot 07-0049-003 to my office before 9:00 a.m., Wednesday, June 7, 2023. If you are unable to meet this deadline, please contact me immediately to discuss the deadline to have your application considered at the next round of Public Hearings.

Please note that some of these questions may be a repeat of previously asked questions prior to your formal submittal. Since this application has been pending for some time, I thought it would be a good idea to have everything in one memo.

The completeness of your response and decision to make additional changes to your project will determine if your application will be ready for a Public Hearing. It is therefore important that you contact me with any questions you have regarding these comments.

Prior to the Planning Commission Public Hearing, you will receive an agenda, draft Findings of Fact, and additional staff comments if there are any. Please feel free to contact me at any time during this process.

1. 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. Please call 282-6488 to speak to the Regional State Permit Specialist, Rick Oberkirch.

   RESPONSE: Understood, applicant will identify, apply for, and obtain local and state permits.

2. Please contact Cristina Tardie in the Assessor’s Office to confirm the proposed lot numbers. (ctardie@hartford-vt.org 295-3077)
RESPONSE: Understood, applicant’s surveyor has contacted Ms. Tardie. Proposed lot numbers are shown on the attached survey.

3. Has the Department of Public Works (DPW) approved the driveway locations? Has a driveway permit been obtained?
   
   RESPONSE: DPW driveway applications have been submitted and approval pending tree trimming along road to be added to engineering site plan.

4. The proposed lots are over 500’ from a fire hydrant. In accordance with the Planning Commission’s Fire Policy, the Fire Chief recommends that any new dwelling be equipped with a residential sprinkler system in accordance with applicable NFPA requirements.

   It will be recommended that any approval will require that:
   
   - Plans for the sprinkler system be submitted to the Hartford Fire Department for review and approval before commencing installation.
   - The sprinkler system be inspected by the Hartford Fire Department before a Certificate of Occupancy will be issued for the dwelling.

   Please acknowledge that you understand these requirements.

   RESPONSE: Understood.

5. The driveway locations and house sites do not appear to be the same on the septic plans and survey. Please clarify.

   RESPONSE: Survey has been amended to show the curb cut locations to match engineering plans submitted to the DPW. The septic plans will be amended for consistency once the driveways have been approved by DPW.

6. Please make the following changes to the survey:

   - Remove the span numbers.
   - Label the existing dwelling, driveway, and shed.
   - Include 2’ contours for the building envelopes including the driveways.
• Label or remove the numbers “1” and “2” behind proposed lot -002.

• Amend the location of the proposed driveways if needed based on your discussion with the DPW.

RESPONSE: Survey has been amended.

7. The Zoning Regulations state: Development envelopes and associated development shall be located down-slope of ridgelines and prominent hills in areas where ridgelines and hillsides are easily visible from existing roadways, and shall be considered relative to the availability of less visible locations on-site. Additional landscaping may be required to screen development to reduce visibility.

Please describe how the building envelopes were chosen to meet these requirements.

RESPONSE: The goal of this subdivision is to provide three new residential housing opportunities. Lots are sized to be 1-acre. Given that the ‘Building Envelope’ includes the residence, associated amenities, e.g., decks, walks, sheds, and outdoor living space, the building envelopes are defined by the zoning setbacks of the RL-1 district determined appropriate by the town planning efforts.

Location of the new lots (and building envelopes) take into consideration and avoid further fragmentation of the large continuous forest block located on the east portion of the parcel.

The new lots and building envelopes create an efficient use of the land that results in clustering development along Hathaway Road. The proposed lots/envelopes are consistent with the existing settlement pattern along Hathaway Road and nearby Timber’s development. The envelopes take advantage of existing utilities and roads and avoid encroachment on the large forest block of unfragmented land to the east.
8. The Zoning Regulations state: When locating structures, roads, driveways, utility corridors and rights-of-way, one or more of the following should be employed:

- Place improvements at the wooded edge and/or nearby developed areas. If not possible, place improvements in a manner that minimizes encroachment in wooded areas and open fields.
• Follow existing contours, roads, tree lines, and stone walls.
• Share roads, driveways, utility corridors and rights-of-way.
• Place developments and subdivisions close to roads.
• Follow established settlement patterns.

Please describe how your application meets this requirement.

RESPONSE: Location of the new structures and driveways are proposed to be located along Hathaway Road. This allows for shorter driveways and minimized land disturbance. There is an existing utility corridor which runs behind (easterly) of the proposed structures on lots 2 and 3. The new structures are proposed between Hathaway road and the existing utility corridor.

The placement follows the existing settlement patterns along Hathaway Rd and Tall Timbers Drive.
9. Please describe how the application "Creates an efficient use of land that results in cluster development, small networks of utilities and roads, and large sections of unfragmented land."

RESPONSE: The new lots and building envelopes create an efficient use of the land that results in clustering development along Hathaway Road.

There is an existing utility corridor which runs behind on lots 2 and 3 (easterly) of the proposed structures. The new structures are proposed between Hathaway road and the existing utility corridor.

The envelopes take advantage of existing utilities and roads and avoid encroachment on the large forest block of unfragmented land to the east.

10. Before the survey is recorded, your surveyor will need to submit a letter certifying that the monuments have been set according to the locations identified on the approved survey plat. Please confirm your understanding.

RESPONSE: Understood. This work is in the surveyor’s scope of work.

11. If you have not done so already, I encourage you to talk to Hartford’s Environmental Sustainability Coordinator, Dana Clawson, about energy efficiency options for development of the proposed lots. (dclawson@hartord-vt.org)

RESPONSE: Understood. Debra will contact Ms. Clawson.

12. Please email me the following in one email:
   - Application form
   - Your response to this memo
   - Revised Survey
   - Septic Plans

13. Please submit seven copies of:
   - Application form
   - Your response to this memo
   - Revised Survey
   - Septic Plans
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)  Michael & Debra Devins
242 Hathaway Road, White River Junction, VT 05001
Deed Recorded Book 314 Page 462 (Available at Town Clerk’s Office)
Telephone: Work Cell (802) 369-4207 Email Address: debradevins@gmail.com

2. NAME & ADDRESS OF APPLICANTS(S) same

Telephone: Work Cell Email Address:

3. NAME & ADDRESS OF APPLICANTS’ CONSULTANT Mark Bannon, PE, AICP
Bannon Engineering, Post Office Box 171, Randolph, VT 05060
Telephone: Work Cell Email Address: mark@bannonengineering.com

4. PROJECT LOCATION 242 Hathaway Road

5. PRESENT USE OF PROPERTY Single-family residence

6. BRIEFLY DESCRIBE PROJECT (in addition, a detailed narrative must be submitted)
4-lot subdivision to create three lots for Devins children

7. PROJECT SIZE IN SQ. FT OR ACREAGE 12.2 ac per survey
Lot Width 990’ Lot Depth 700’

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

9. DESCRIBE LANDSCAPING PLAN woodland surround with traditional lawns, gardens.

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:

Planning Commission App # 
Zoning Board of Adjustment App #

1
11. IF A RESTAURANT - Present seating ___________________ Proposed ___________________
12. PARKING SPACES - Number to be provided __________________
13. SIGNAGE - Free Standing ___________________ Attached __________________
14. FENCING - Location none ___________________ Height __________________
15. NEAREST WATER SUPPLY FOR FIRE PROTECTION greater than 500'
16. ESTIMATED VALUE OF PROPOSED WORK tbd
17. IS THERE AN EXISTING DRIVEWAY? yes
18. IF A SUBDIVISION - Number of New Lots to be Created 3
   Do you request that the Town consider taking over maintenance of - Roads No
   Or Park/Open Space __________________

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

Applicant's Signature: Michael Devins 6/29/2023
Lot Owner's Signature: Michael Devins 6/29/2023

Co-Applicant's Signature: Debra Devins 6/29/2023
Co-Owner's Signature: Debra Devins 6/29/2023

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

<table>
<thead>
<tr>
<th>Map/Lot #</th>
<th>Fee Paid $:</th>
<th>Receipt #:</th>
</tr>
</thead>
<tbody>
<tr>
<td>PD</td>
<td>PD Amend.</td>
<td>Other</td>
</tr>
<tr>
<td>ZBA: Conditional Use</td>
<td>Variance</td>
<td>Appeal</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zoning District(s)</td>
<td>Date Filed:</td>
<td></td>
</tr>
<tr>
<td>Official Submittal Date:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
NOTES
Map created using ANR GIS mapping technology.

1: 2,314
June 25, 2023

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

1" = 193 FT  1cm = 23 Meters

THIS MAP IS NOT TO BE USED FOR NAVIGATION

© Vermont Agency of Natural Resources
NOTES
1. Method of Survey: Random Traverse with Leica 1232 Rotated Total Station R070220. bearings are orientated to the meridian of the Vermont Coordinate System of 1983 as derived from orthophoto 486E27_20760813 and serve only to define angular relationships between courses. Distances are ground.
2. This plot depicts a subdivision survey of the subject properties.

Current Owner: Michael and Debra Devins
Till Age Parcel: 13-38
Area: Sq. Ft. Acres: a
Zoning District: RL

Title to these properties may extend to the centerline of Hathaway Road, subject to the public right of way. Area has been calculated to the right-of-way boundary only.

4. Unless otherwise noted, monuments set are 6" x 10" iron rods with 2" aluminum cap stamped: Survey Marker, DaRois Inc., Ethan Gilmour LS 024-0127787.

MAP REFERENCES

SUBDIVISION SURVEY
Land of
MICHAEL AND DEBRA DEVINS
Parcel #13-0038-000
HARTFORD
WINDSOR COUNTY, VERMONT

GRAPHIC SCALE

SCALE: 1" = 80'
NOTE: THIS PLAN IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION IS PROVIDED BY THE OWNER. DO NOT USE THIS BOUNDARY INFORMATION AS A PROPERTY SURVEY.

SCALE 1" = 50'
Application #23-12
DEW/Braverman
FINDINGS OF FACT
CONCLUSIONS OF LAW
AND DECISION

HARTFORD PLANNING COMMISSION

Application #23-12 by DEW Prospect Street, LLC and DEW Braverman, LLC
for Site Development Plan Approval
for site plan amendments
lot 46-0009-000, 34 Prospect Street
White River Junction, in a CB-2 zoning district.

This decision pertains to application #23-12 by DEW Prospect Street, LLC and DEW Braverman, LLC (owners/applicants) for Site Development Plan Approval under section 260-45 of the Hartford Zoning Regulations for site plan amendments, lot 46-0009-000, 34 Prospect Street, White River Junction, in a CB-2 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 July 31, 2023 the Hartford Planning Commission makes the following Findings of Fact:

General Information

1. The owner of record of lot 46-0009-000 is DEW Braverman, LLC who acquired the lot on 02-15-23. The deed is filed in volume 609, page 331 of the Hartford Land Records.

2. The lot is located on the corner of Maple Street and Prospect Street.

3. A multi-unit dwelling is under construction on the lot.

4. The lot is 0.86 acres.

5. The lot is class one (1), municipal water and sewer.

6. The lot is in a CB-2 zoning district.

This Application

7. In 2022, the Planning Commission approved application #22-23 for the construction of a 42-unit dwelling. Zoning Permit #2022-203 was issued authorizing construction.
8. To accommodate on-site grade changes a 14’ high retaining wall was approved. (See exhibit #3)

According to the applicant, the retaining wall has been extended by 35’ to the east parallel to and in front of the building foundation. This design change has been done to maintain the average grade around the building to meet the requirements of section 202 of the International Building Code. The design modification allowed the building to be considered a 4-story building by code. A 5-story building would have meant changes to the sprinkler system and the construction type. These changes would have caused the project to be financially infeasible.

The location of the wall is directly in front of the concrete foundation of the building and visually replaces a concrete foundation wall which would have been visible from Maple Street if the wall were constructed per the original design. The proposed height of the wall of 14’ has not changed as a result of this design revision. (See exhibit 2)

Additional landscaping has been added along the wall consisting of Climbing Hydrangeas, Boston Ivy, Maiden Grasses, Reed Grasses, and Serviceberry. (See exhibits 2 & 4, sheet L-1)

9. No other changes to the Planning Commission approval of application #22-23 are requested.

**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,

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

DECISION

The Hartford Planning Commission, based upon the foregoing Findings of Fact and Conclusions
of Law, hereby approves application #23-12 by DEW Prospect Street, LLC and DEW
Braverman, LLC (owners/applicants) for Site Development Plan Approval under section 260-45
of the Hartford Zoning Regulations for site plan amendments, lot 46-0009-000, 34 Prospect
Street, White River Junction, in a CB-2 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 applicant is responsible for insuring compliance with all applicable State and Federal
regulations pertaining to this application.

Those in favor:

Those in opposition:

Those not participating:

Dated at Hartford, Vermont this ___ day of August 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. 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 #22-23
2. Renderings prepared by Jutras Architecture received July 6, 2023 showing approved and proposed retaining wall
3. Grading, Drainage and Utility Plan depicted the location of the approved retaining wall received July 6, 2023 (Sheet C2.0)
4. Plan Set entitled “Prospect Street- Multifamily Housing” received July 6, 2023
5. Letter from Adam Morse dated June 29, 2023
6. Letter from Adam Morse dated June 27, 2023
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)  DEW Prospect St., LLC
277 Blair Park Rd. #130, Williston, VT 05495

Deed Recorded Book 501/524 Page 325/591 (Available at Town Clerk's Office)  dwells@dewconstruction.com
Telephone: Work 877-339-5234 Cell ______________ Email Address: rwells@dewconstruction.com

2. NAME & ADDRESS OF APPLICANTS(S)  DEW Braverman, LLC
277 Blair Park Rd. #130, Williston, VT 05495

 Telephone: Work 877-339-5234 Cell ______________ Email Address: dwells@dewconstruction.com

3. NAME & ADDRESS OF APPLICANTS' CONSULTANT  Engineering Ventures, PC
85 Mechanic St., Ste. E2-3, Lebanon, NH 03766

 Telephone: Work 603-727-7031 Cell ______________ Email Address: kevinw@engineeringventures.com

4. PROJECT LOCATION  34 Prospect St.

5. PRESENT USE OF PROPERTY  42-unit multifamily housing under construction

6. BRIEFLY DESCRIBE PROJECT (in addition, a detailed narrative must be submitted)
Retaining wall length extended by 35' to meet international building code average grade requirement at exterior perimeter of building.

7. PROJECT SIZE IN SQ. FT OR ACREAGE  0.86 acres
 Lot Width 240 ft. Lot Depth 160 ft.

8. IS PROJECT ON TOWN WATER/SEWER?  Yes X No
 Water Consumption/day 9,800 Amount of Sewer Flow Projected 9,800
 Size of Closest Lines Above (water) 6" (sewer) 6"

9. DESCRIBE LANDSCAPING PLAN  see landscape 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:

1
11. IF A RESTAURANT - Present seating __________________ Proposed __________________

12. PARKING SPACES - Number to be provided 56

13. SIGNAGE - Free Standing TBD Attached TBD

14. FENCING - Location Along Retaining Wall Height 4'3" above grade

15. NEAREST WATER SUPPLY FOR FIREPROTECTION Prospect St.

16. ESTIMATED VALUE OF PROPOSED WORK

17. IS THERE AN EXISTING DRIVEWAY? yes, shared

18. IF A SUBDIVISION - Number of New Lots to be Created

Do you request that the Town consider taking over maintenance of – Roads

Or Park/Open Space

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

Applicant's Signature [Signature] Date 6/18/23

Lot Owner's Signature [Signature] Date 6/18/23

Co-Applicant's Signature [Signature] Date

Co-Owner's Signature [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

<table>
<thead>
<tr>
<th>Map/Lot #</th>
<th>Fee Paid $</th>
<th>Receipt #</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>PC: Site Plan</th>
<th>PD</th>
<th>ZBA: Conditional Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Sub.</td>
<td>PD Amend.</td>
<td>Variance</td>
</tr>
<tr>
<td>Maj. Sub.</td>
<td></td>
<td>Other</td>
</tr>
</tbody>
</table>

| Zoning District (s) | Date Filed: |

| Official Submittal Date: |

May 2023
### General Notes

**SOIL NO. 1**

- **Description:** [details to be filled in]

---

**Table 1: Project Title**

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Dale</td>
<td></td>
</tr>
</tbody>
</table>

---

**Diagram:**

- Various symbols and lines indicating different sections and features of the project.

---

**Abbreviations:**

- [List of abbreviations]

---

**Legend and Notes:**

- [Legend and notes related to the project]
### Sewer Details

**Description:**

- **Issue Date:** November 14, 2022
- **Area:** Hartford, Vermont, Windsor County

#### Sewer Notes

1. **Sanitary Sewer Mainline Connection:**
   - Connect the sanitary sewer mainline to the existing sewer line.
   - Ensure proper alignment and stability.

2. **Sanitary Sewer Water Separation:**
   - Separate the sanitary sewer from the water supply.
   - Use appropriate materials for separation.

#### Illustrations

- **Sanitary Sewer Connection Diagram:**
  - Shows the connection points and flow directions.
- **Sanitary Sewer Separation Diagram:**
  - Illustrates the separation of the sanitary and water systems.

---

**The Brazer Company, LLC**

Ken Brazer - President

60 Winowe Fall, Way

Winooski, VT 05404

602-343-6330

**Affordable Housing Engineering Ventures**

2G8H, N.Y.

Burtr, VT 05105

802-343-6330

www.affordablehousingventures.com
<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Date</th>
</tr>
</thead>
</table>

**Stone and Masonry Details**

- **Stone Check Dam Detail**
- **Concrete Placement Details**
- **Stone and Masonry Areas Details**

**Stone and Masonry Areas Details**

- **Concrete Placement Details**
- **Stone Check Dam Detail**

**Concrete Placement Details**

- **Stone and Masonry Areas Details**
- **Concrete Placement Details**

**Stone Check Dam Detail**

- **Concrete Placement Details**
- **Stone and Masonry Areas Details**

**Concrete Placement Details**

- **Stone and Masonry Areas Details**
- **Concrete Placement Details**

**Stone and Masonry Areas Details**

- **Concrete Placement Details**
- **Stone and Masonry Areas Details**

**Concrete Placement Details**

- **Stone and Masonry Areas Details**
- **Concrete Placement Details**

**Stone and Masonry Areas Details**

- **Concrete Placement Details**
- **Stone and Masonry Areas Details**

**Concrete Placement Details**

- **Stone and Masonry Areas Details**
- **Concrete Placement Details**

**Stone and Masonry Areas Details**

- **Concrete Placement Details**
- **Stone and Masonry Areas Details**

**Concrete Placement Details**

- **Stone and Masonry Areas Details**
- **Concrete Placement Details**

**Stone and Masonry Areas Details**

- **Concrete Placement Details**
- **Stone and Masonry Areas Details**

**Concrete Placement Details**

- **Stone and Masonry Areas Details**
- **Concrete Placement Details**
CONCRETE TROM NO WASHOUT AREA

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Date</th>
</tr>
</thead>
</table>

WATER EROSION CONTROL NOTES
GENERAL LANDSCAPE NOTES:

- All utilities shall be located and marked prior to any installation. Report any conflicts between utility locations and proposed work to Mara Landscape Design LLC, to determine any necessary adjustments prior to installation.

- Positive drainage shall be maintained away from and around building (refer to engineer's grading plan).

- Landscape contractor shall provide a certified soil analysis prior to existing soil conditions for seeder and plantings.

- All planting heights will be in strict accordance with the latest edition of the American Association of Nurseriesmen. All container plants including grasses shall be set at grade of original growing conditions or slightly higher to receive no more than 2" of mulch.

- Climbing vines shall be set at least 1' from wall to provide roots enough room to become established.

- Plant List: A complete list of plants including a schedule of quantities, sizes, types, and names, is included on Sheet 11. In the event of discrepancies between the quantities of plants in the plant list and the drawings, the plan shall govern.

- All trees and shrubs shall be nursery grown within the U.S.A. Plant Hardiness Zone which is the same as, or colder than, the zone in which the project is located.

- Plant substitutions are not allowed unless approved by Mara Landscape Design, LLC and the town of Hartford, VT.

- Mara Landscape Design LLC shall reserve the right to inspect all plantings at any time to ensure specifications are being met.
34 PROSPECT STREET - RIVERWALK APARTMENTS

PROPOSED LEFT ELEVATION

SITE PLAN AMENDMENTS
June 27, 2023

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

Re: 34 Prospect St. Site Plan Amendment for Multifamily Residential Development

Landowner: DEW Prospect St., LLC

Applicant: DEW Braverman, LLC
Lots 46-9; 46-73
CB-2 Zoning District

Dear Jo-Ann,

As you are aware, the segmented block wall along the Maple St. frontage of the subject property has been extended by 35' to the east parallel to and in front of the building foundation. This design change has been done to maintain the average grade around the building to meet the requirements of section 202 of the International Building Code. The design modification allowed the building to be considered a 4-story building by code. Proceeding with the original wall design as reviewed by the board on 9/12/2022 would have caused extreme hardship for the applicants. The location of the wall is directly in front of the concrete foundation of the building and visually replaces a concrete foundation wall which would have been visible from Maple St. if the wall were constructed per the original design. The proposed height of the wall of 14' has not changed as a result of this design revision.

Additional landscaping has been added along the wall consisting of Climbing Hydrangeas, Boston Ivy, Maiden Grasses, Reed Grasses and Serviceberry. Please see the revised landscape drawings for additional details on the proposed modifications to landscaping along the retaining wall.

The project was also reviewed by the ZBA on 9/14/2022 due to the project being partially located in the 100-year floodplain. The compensatory storage requirement has not been affected by the adjustment to the wall layout. Compensatory storage as required by section 58-7(10) of the Town Flood Ordinance has been met with the proposed retaining wall layout.
Thank you for considering this application. Please give me a call if you have any questions or comments.

Sincerely,
Engineering Ventures P.C.

[Signature]

Adam Morse, PE, Project Manager
June 29, 2023

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

Re: 34 Prospect St. Site Plan Amendment for Multifamily Residential Development

Landowner: DEW Prospect St., LLC
Applicant: DEW Braverman, LLC
Lots 46-9; 46-73
CB-2 Zoning District

Dear Jo-Ann,

On behalf of the applicant and the design please find the attached plans and information in response to your memorandum dated June 29, 2023, concerning the retaining wall changes. Below you will find each memorandum comment followed by our response in blue text.

Planning Comments / Applicant and design team responses:

1. 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. Please call 282-6488 to speak to the Regional State Permit Specialist, Rick Oberkirch.

   Understood

2. Please provide the exterior rendering approved by the Planning Commission on 09-12-22 and the proposed exterior rendering. The requested renderings have been provided with this submittal.

3. Please provide a plan sheet showing the location of the retaining wall as approved by the Planning Commission on 09-12-22. The requested sheet has been provided with this submittal.

   4. Notes S2 and S4 appear on the plan the Planning Commission approved on 09-12-22, but not the proposed plans. Please clarify.

   The oil and grit separator and the floor drains were removed from the design. As confirmed by the MEP engineer the IPC does not require floor drains within parking structures.

5. Please confirm that, besides the extended retaining wall and changes to landscaping, there are no changes to the approved plans beyond those required by the Planning Commission's written Decision. Confirmed except for the oil and grit separator and floor drains which have been removed.
6. Please elaborate on the hardship for the applicant that would have been created if the wall was constructed as approved by the Planning Commission on 09-12-22.

The redesigned retaining wall allows the building to be considered a 4-story building by increasing the overall average finished grade at a distance of 6 ft. from the exterior wall per section 202 of the IBC. A 5-story building would have meant changes to the sprinkler system and the construction type. These changes would have caused the project to be financially infeasible.

The revised wall is also a better engineered design compared with the previous layout that had the wall turned in at 90 degrees to abut the northeast building corner. The foundation is frost protected and the retaining wall is designed to move some with frost cycles. Having the two structures directly adjacent increases the likelihood of damage to the structures over time.

7. Why did you choose climbing hydrangeas for the extended part of the retaining wall?

The climbing hydrangeas were chosen for the last section of wall because this area is considered the garden space for the residents. This area will also receive some shade and Climbing Hydrangea makes the most sense as it can climb and spread rapidly and does well in shade.

8. Please acknowledge that you understand that once the project is complete and before I can issue a Certificate of Occupancy you need to submit 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. Please acknowledge that you understand this requirement.

Understood

9. Please email the following to me in a single email:

- Signed application form
- Response to this memo
- Plans
- Exterior renderings
- June 27, 2023 letter from Adam Morse

10. Please submit 8 copies of:

- Signed application form
- Response to this memo
- Plans
- Exterior renderings
- June 27, 2023 letter from Adam Morse
Thank you for considering this application. Please give me a call if you have any questions or comments.

Sincerely,
Engineering Ventures P.C.

[Signature]

Adam Morse, PE, Project Manager
Application #23-09

White River Investment Properties, LLC
DRAFT
FINDINGS OF FACT
CONCLUSIONS OF LAW
AND
DECISION

HARTFORD PLANNING COMMISSION

Application #23-09 by White River Investment Properties, LLC for Site Development Plan Approval for a new commercial building and site plan amendments 9 Harrison Avenue, lot 49-0020-000 White River Junction, in an IC zoning district

This decision pertains to application #23-09 by White River Investment Properties, LLC (owner/applicant) for Site Development Plan Approval under section 260-45 of the Hartford Zoning Regulations for a new commercial building and site plan amendments, 9 Harrison Avenue, lot 49-0020-000, 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 July 31, 2023, the Hartford Planning Commission makes the following Findings of Fact:

General Information

1. The owner of record of lot 49-0020-000 is White River Investment Properties, LLC who acquired the lot on 12-20-12. The deed is filed in volume 483, page 548 of the Hartford Land Records.

2. The lot is located at 9 Harrison Avenue.

3. The property is a multi-tenant commercial property.

4. The lot is class one (1).

5. The lot is in an IC zoning district.

6. The lot is in the Special Flood Hazard Area. According to the applicant, the Base Flood Elevation (BFE) is 352.2. The FEMA Map Center indicates that the BFE is 352.43. (See
exhibit #4)

Background

7. In 2022, the Zoning Board of Adjustment granted Conditional Use approval (application #10-22) for an office. Zoning Permit #2023-12 and #2023-12A were issued to finalize this approval. To date, a Certificate of Occupancy has not been obtained.

8. In 2013, the Planning Commission (application #13-02) and the Zoning Board of Adjustment (application #01-13) approved an application for bulk fuel storage. Zoning Permit #2013-104 was issued to finalize these approvals and administrative approval was issued in 2016 for minor changes to the approval (#2016-268 and #2016-269). A Certificate of Occupancy was issued in 2016.

9. Zoning permit #2008-240 was issued in 2008 for a mixture of commercial uses including transportation terminal, office, retail, warehouse, and motor vehicle repair.

10. Administrative approval was granted in 2008 for changes to parking (permits #2008-209 and #2008-210).

11. In 2007, the Planning Commission and Zoning Board of Adjustment granted approval for the existing uses on site and an addition to an office building (applications #07-31 and #20-07). The applicant did not obtain a zoning permit within the required timeframe and these approvals became null and void.

12. Zoning permit #5394 was issued in 1987 for a warehouse. A Certificate of Occupancy was issued in 2002.

13. Zoning permit #5293 was issued in 1987 for a warehouse and an addition to a warehouse. A Certificate of Occupancy was issued in 2002.

14. Zoning permit #2007-55 was issued in March of 2007 to convert office and warehouse space to office/research testing lab space. A Certificate of Occupancy was issued in 1987.

15. Zoning permit #4842 was issued in 1986 for a 31’ x 81’ office.

16. Zoning permit #3003 was issued in 1978 for an 8’ x 28’ office. A Certificate of Occupancy was issued in 1979.

17. Zoning permit #1940 was issued in 1974 for four “open lumber sheds” and replacement of four buildings.

18. Zoning permit #676 was issued in 1966 for a 100’ x 30’ pole shed.
19. Zoning permit #578 was issued in 1966 for a 110’ x 30’ pole shed.

This Application

20. In 2017, there was a fire on the property that destroyed two structures.

According to the applicant, “this application proposes to construct a new service building to replace the one lost to fire. The proposed building is a pre-engineered metal building, approximately 72x75’. We propose to place it on the existing concrete pad. The pad is the site of the former vehicle service building and destroyed by fire about 10 years ago. The new building will extend about 3 feet beyond the slab (to be removed and replaced) in front and about 20 feet of slab to the south side. The building is being shifted south to provide 30’ separation to the office facility. Utilities, water, and sewer, will utilize the existing services that served the building before it was destroyed. Services will be run under the slab. The owner proposes to use this building to store equipment and perform minor maintenance. Equipment stored will include trucks, forklifts, mowers, and tractors. Maintenance includes changing tires, putting on plows and chains, and similar minor items. Since the building will be elevated, it will have a ramp installed.”

In addition, the applicant is seeking approval of stairs, an access deck, and propane tanks that were added to the recently permitted office. They are needed for safe access to the building. Adjacent to the building are two propane tanks.

21. The applicant proposes to install downlit lighting over the doors to the proposed building.

The applicant understands that lighting may not create excessive off-site or sky glow. If the Zoning Administrative Officer determines that lighting does not meet this condition, the owner/applicant will be required to comply or will be found in violation of this approval.

22. Proposed hours of operation for the proposed building are 6AM-7PM.

23. There will be a maximum of 8 employees associated with the new building.

24. The applicant has applied to the Zoning Board of Adjustment (application #07-23) for Conditional Use Approval including compliance with Hartford Flood Hazard Area Regulations.

25. As required by the Special Flood Hazard Area Regulations, a copy of the application and supporting information was submitted by the Zoning Administrator to John Broker-Campbell, the State of Vermont National Floodplain Insurance Program Coordinator for review and comment.
26. Section 260-27 C of the Hartford Zoning Regulations states:

C. Grading and drainage. The following provisions shall apply to any changes which affect drainage of water to or from a property:

(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.

According to the applicant, “The only grading change will be the ramp in front of the building (west side). The drainage pattern will not change and flow to existing site drainage.

There will be no change in the rate of runoff as the new building will replace the former building.

The ramp grading will only effect internal drainage but will flow to existing drain features with no increase in runoff.”

27. The applicant understands they must obtain approval from the Department of Public Works for the water and sewer services, and any clean-out and/or manhole cover associated with the building sewer or grease/grit and gas trap in the flood hazard area must have watertight covers and a backflow preventer be installed downstream of any grease/grit and gas trap.

28. 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.

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

30. 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
31. 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.

32. The applicant understands that they must obtain a Certificate of Occupancy from the Zoning Administrative Officer upon completion of the project. The applicant understands that a Certificate of Occupancy will not be issued if the project is not in compliance with these Findings, Plans and any conditions placed on the Decision.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Hartford 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 #23-09 by White River Investment Properties, LLC (owner/applicant) for Site Development Plan Approval under section 260-45 of the Hartford Zoning Regulations for a new commercial building and site plan amendments, 9 Harrison Avenue, lot 49-0020-000, White River Junction, in an IC zoning district **on the condition that:**

1. **In conjunction with applying for a zoning permit:**
   - The proposed use is updated on the Plan Set’s coversheet.
   - The Riparian Buffer is clearly delineated on the plans.
   - A copy of an executed Water and Sewer Allocation from the Hartford Department of Public Works is submitted.
   - Verification from a Professional Engineer licensed by the State of Vermont is submitted confirming that the applicant has obtained all necessary permits from those government agencies from which approval is required by Federal, State or Municipal law.
   - Any questions/comments raised by the State Floodplain Manager are addressed. Any changes to this Decision resulting from this review must be reviewed and approved by the Chair and Zoning Administrator.
   - The discrepancy regarding BFE is explained to the satisfaction of the Chair and Zoning Administrator.

2. **Before a Certificate of Occupancy is issued for the proposed building and existing office/deck/stairs/propane tanks the applicant must:**
   - Submit 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.
Submit an Elevation Certificate.
Submit verification that the water and sewer have been inspected and approved by the Department of Public Works.
Submit a record drawing acceptable to the Department of Public Works.
Submit a PDF of the record drawing to the Zoning Administrator.
Record an Energy Code Certificate in the Land Records if required by the State.

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 August 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 #23-09

2. Set of plans entitled “White River Investment Properties, LLC, Hartford, Windsor County
8. #23-09

Vermont, Site Plan Application,” dated received June 26, 2023 including:

Cover Sheet
Overall Site Plan Sheet OA-1
Lease Site Plan Sheet OA-2
Site Plan Sheet C-1
Site Plan Sheet C-2
Flood Mitigation Plan Sheet C-3

3. Plan Sheet including
   Flood Mitigation Plan Sheet C-3 revised 7-10-23
   Impervious Area Sketch
   Aerial Photo

4. National Flood Hazard Layer FIRMette

5. Building Elevation Sketch

6. Email from Dan Nash dated July 17, 2023

7. Applicant’s response to Jo-Ann Ells memo of July 3, 2023 received July 10, 2023

8. Project Narrative from Dan Nash dated June 26, 2023

9. Letter from Dan Nash dated June 26, 2023 regarding compliance with Flood Regulations

10. Applicant’s response to Jo-Ann Ells memo of May 28, 2023
NOTES:

1. FILL VOLUME FOR NEW BUILDING = 15,000 CF +/-.
2. MITIGATION REQUIRED = 15,000 CF +/-.
3. MITIGATION PROVIDED = 15,500 CF +/-.
4. 3:1 SIDE SLOPES
NOTES:
1. EXISTING SITE DISTURBED AREA IS CURRENTLY BUILDING, CONCRETE SLABS, PAVEMENT OR GRAVEL, ESSENTIALLY ALL IMPERVIOUS.
2. PROPOSED BUILDING WILL REPLACE AN EXISTING SLAB. AREA BETWEEN PROPOSED BUILDING AND OFFICE WILL BE RESTORED TO GRASS.
3. SLOPE AREA TO SOUTH OF BUILDING (NEEDED TO ELEVATE THE BUILDING FOR FLOOD PROTECTION) WILL BE RESTORED TO GRASS.

PROPOSED BUILDING
5,400sf
(72'X75')
FFE=353.2

EXIST. CONC. SLAB
SLAB ELEV=351.4

IMPERVIOUS AREA SKETCH
WHITE RIVER INVESTMENT PROPERTIES, LLC
10JULY2023

NOT TO SCALE
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) White River Investment Properties, LLC
   
   Street Recorded Book __________ Page __________ (Available at Town Clerk's Office)
   Telephone: Work ____________ Cell 802-369-0111 Email Address: WhiteRiverProperties@hotmail.com

2. NAME & ADDRESS OF APPLICANTS(S)
   Sue Kay-Mike Palmer Brookfield, VT
   Telephone: Work ____________ Cell 802-276-3565 Email Address: 

3. NAME & ADDRESS OF APPLICANTS' CONSULTANT Dan Nash
   105 Bank St Lebanon, NH 03766
   Telephone: Work 603-448-6295 Cell ____________ Email Address: 

4. PROJECT LOCATION 9 Harrison Ave. White River Jct., VT 05001

5. PRESENT USE OF PROPERTY Commercial/industrial

6. BRIEFLY DESCRIBE PROJECT (In addition, a detailed narrative must be submitted)
   See project Narrative.

7. PROJECT SIZE IN SQ. FT OR ACREAGE 4,500 sq ft 5,400 sf
   Lot Width Overall 8.92 acres Lot Depth

8. IS PROJECT ON TOWN WATER/SEWER? Yes X No □ If Yes, estimated
   Water Consumption/day 4 EMPLOYEES Amount of Sewer Flow Projected
   Size of Closest Lines Above (water) ON SITE (sewer) ONSITE

9. DESCRIBE LANDSCAPING PLAN Graded to former site

10. IF A BUSINESS - Present # of Employees 4
    Proposed Days & Hours of Operation 7 days 24 hour
    Will you use the landfill & recycling center? Yes X No
    The main waste by-product of your business is: Normal sewer waste
11. IF A RESTAURANT - Present seating __________________ Proposed __________________
12. PARKING SPACES - Number to be provided __________________ Already exists ______
13. SIGNAGE - Free Standing ___________ Attached _____________________________
14. FENCING - Location __________________ Height _____________________________
15. NEAREST WATER SUPPLY FOR FIREPROTECTION 50' ________________
16. ESTIMATED VALUE OF PROPOSED WORK $950,000.
17. IS THERE AN EXISTING DRIVEWAY? Yes __________ No ________________
18. IF A SUBDIVISION - Number of New Lots to be Created X__________
   Do you request that the Town consider taking over maintenance of - Roads ________________
   Or Park/Open Space __________________

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

Applicant's Signature ______________ Date ______________
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. Please call 802-282-6488 to speak with the State Permit Specialist.

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: ________________
RE: PROJECT NARRATIVE
9 Harrison Avenue
Lot 49-20

Dear Ms. Ells:

Attached is our application to construct a replacement building on the property at 9 Harrison Avenue, Lot 49-20. The existing property is a multi-use commercial and industrial parcel. The property was permitted as such in 2008. After the fire in 2012/2013, a temporary office was located on the property. This application proposes to replace a motor vehicle repair building that was destroyed. Also, one of the existing buildings will be leased to Simple energy, see item 1 on the lease plan.

Some of the uses on the site include vehicle parking and storage (Eustis Cable), fuel storage and distribution (Simple Energy), warehouse (Theilson lumber), vehicle parking Action Transport (contract mail carrier), and equipment maintenance. Simple Energy proposes to lease building 1 as shown on the Lease plan, sheet OA-2. They intend to use the building for vehicle storage and minor maintenance such as changing tires and minor repairs. It is our understanding that the multi-use permit allows the landowner to lease to new tenants without getting the new tenant specifically permitted, akin to multi-family dwellings. Once the project is approved, the landlord rents to tenants without having to obtain a permit for each tenant. As long as the tenant’s proposed use does not fall outside of the spirit and intent of the approved permit, new permit action should not be required.

This application proposes to construct a new service building to replace the one lost to fire. The proposed building is a pre-engineered metal building, approximately 72x75'. We propose to place it on the existing concrete pad. The pad is the site of the former
vehicle service building and destroyed by fire about 10 years ago. The new building will extend about 3 feet beyond the slab in front and about 20 feet of slab to the south side. The building is being shifted south to provide 30' separation to the office facility. Utilities, water and sewer, will utilize the existing services that served the building before it was destroyed. Services will be run under the slab. The owner proposes to use this building to store equipment and perform minor maintenance. Equipment stored will include trucks, forklifts, mowers and tractors. Maintenance includes changing tires, putting on plows and chains, and similar minor items. Since the building will be elevated, it will have a ramp installed.

The recently installed office building includes stairs and an access deck. They are needed for safe access to the building. Adjacent to the building are two propane tanks. Apparently, these were not included on the previous plans. We would like these items incorporated into this permit. Owner understands that the certifications provided in February this year satisfied all permit conditions. If we need a CO, owner will apply for that.

The proposed project is in the mapped flood zone. See the separate flood narrative that covers relevant issues.

This is a replacement building, essentially, on an existing pad. The site has existing landscaping and no changes are proposed. The building will have security lighting over the entrance door.

The building will serve existing needs; no new traffic trips are anticipated. Please let me know if you have any questions regarding this application.

Please let me know if you have any questions regarding this application.

Sincerely,

Daniel A. Nash, PE
Principal

CC: Kenny Keith
Dear Ms. Ells:

This letter is to address the development standards outlined in Section VII of the Flood Regulations.

VII.A. Floodway. This project will have no development activity in the Floodway.

VII.B.1. All development. The proposed building will be elevated one foot above the flood plain (flood plain elevation 352.2, floor elevation 353.2). A Flood Certificate will be prepared upon completion of the structure to verify compliance.

VII.B.2. Residential. N/A

VII.B.3. Non-Residential. As the building will be new construction, to replace a building destroyed by fire, it will be elevated one foot above the flood plain. A Flood Certificate will be prepared upon completion of the structure to verify compliance. The new building will have spread footings of concrete, resistant to flotation. The building and the new slab will be securely attached to these foundation wall to prevent flotation or shifting of the building during flood events.

VII.B.4. Subdivisions. N/A

VII.B.5. Areas below lowest floor. N/A

VII.B.6. Water supply. The water supply will be municipal.

VII.B.7. Sewer. The sewer service will be municipal. No infiltration or discharge to flood waters is anticipated.

VII.B.8. On-site waste disposal. N/A.

VII.B.9. Water course capacity. This portion of the project is in the flood plain and does not have any sediment carrying capacity.

VII.B.10. Flood Storage. The project will fill approximately 15,000cf. We propose a mitigation area on the southern portion of the site that will provide approximately 16,500cf of volume. The project will not create any increase in erosion or a flood hazard.
Please let me know if you have any questions regarding this narrative.

Sincerely,

Daniel A. Nash, PE
Principal

CC:  Kenny Keith
Memorandum

To: Kenny Keith
Cc: Dan Nash and Chris Holzwarth
From: Jo-Ann Ells
Date: May 28, 2023
Re: Replace Commercial Structure/Lot 49-0020-000/Harrison Ave

Please submit a response to the following comments/questions on your application for a new commercial building to my office before 9:00 a.m., Monday, June 5, 2023. If you are unable to meet this deadline, please contact me immediately to discuss the deadline to have your application considered at the next round of Public Hearings.

The completeness of your response and decision to make additional changes to your project will determine if your application will be ready for a Public Hearing. It is therefore important that you contact me with any questions you have regarding these comments. (See Application Process Policy)

1. 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. Please call 282-6488 to speak to the Regional State Permit Specialist, Rick Oberkirch.

   We understand our obligations regarding state permits and intend to apply, as applicable, upon obtaining this local approval.

2. Please contact Tom Peltier, Fire Marshal, to discuss requirements for obtaining a Public Building Permit. tpeltier@hartford-vt.org (295-3232).

   We have contacted the Fire Marshall and have the application for Public Building Permit in hand. We intend to apply once this local approval is obtained.

3. Once I receive a complete response to this memorandum, I will forward your application to the Regional Floodplain Manager John Broker-Campbell for
review and comment as required by the Flood Regulations. I will forward any comments from him upon receipt.

We understand the need to comply with requirements of the Regional Floodplain Program.

4. Please amend item #6 on the application form to read “See Project Narrative.”

Item amended.

5. The application materials include conflicting information about the use of the existing pad for the new building versus construction of a new slab and about the elevation of the pad/slab/first floor. Please clarify.

The new building will be located roughly where the existing slab is located. The building is being shifted slightly to the south to provide 30’ of separation from the new office. However, to comply with the flood regulations, the slab has to be removed and replaced and elevated approximately one foot.

6. Please respond to the following comments regarding Dan Nash’s letter dated May 23, 2023:

- Please title the letter “Project Narrative”
- The letter states “One of the existing buildings will be leased to Simple Energy.” Please provide a detailed narrative for this use including the location.
- The letter states “The applicant proposes to construct a new service building.” Please provide a detailed narrative for this use.
- Please include information about vehicular access to the proposed building.
- Sheet C-1 and C-2 indicate a covered deck and propane tanks on the recently constructed office that do not appear on the permit for the office. In addition, a Certificate of Occupancy needs to be obtained for the office. Please address this in the narrative.
- The letter states that the previous building was much larger than the proposed (60’x75’) building. However, site plan sheets C-1 and C-2 show the proposed building extending past the front of the existing building. Please clarify.
- Please outline how each of the existing tenants fall under the existing permits/approvals on the lot and update the plans as necessary. (A link to the permit files was sent to Dan recently.) In addition to use, please
include items in the existing permits such as, hours, employees, parking, storage of materials (exterior and in the pole barns), traffic generation, and any other information specific to the tenant. Any changes that are not deemed minor by the Planning Commission/Zoning Board Chairs will require a Public Hearing.

The above comments have been addressed in the revised project narrative letter.

7. Please respond to the following comments regarding the plan set:

- Include the Map/Lot number in the title block.
- Indicate proposed lighting including location and type of fixture.
- Show the parking spaces on sheet OA-2, C-1 and C-2.
- Label the warehouse on sheet OA-2.
- Include the footprint of the recently constructed office on all applicable sheets.
- There are two references to note #5 on sheet C-1. Please provide a separate note for the recently constructed office.
- Include the proposed grades, accessibility route to a handicapped parking space, and spot grades as needed with the total volume of fill in the flood plain.
- The proposed site plans do not indicate any mitigation methods for the volume of fill in the flood plain. Recommend that the plans be revised to show the proposed location, finished grades, and volume of mitigation to be provided.
- Include the proposed ramp to accommodate vehicular access to the building.

-Map/lot added to title block
-lighting added to proposed building
-Parking spaces added.
-label added.
-foot print added
-notes fixed
-grades added to building
-mitigation not required nor proposed.
-ramp added to site plan.

8. Please respond to the following sections of Article VII Hartford’s Flood Hazard Area Regulations for the proposed building and alterations to the recently permitted office.
VII B 1 Areas of Special Flood Hazard Outside the Floodway as shown on the most current version of the FEMA Flood Insurance rate Map (FIRM).

**All Development:** All development shall be certified by a Vermont licensed engineer, architect, or surveyor that it is:

a) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,

b) constructed with materials resistant to flood damage,

c) constructed by methods and practices that minimize flood damage as detailed in FEMA technical bulletins including not overly constraining flood flows with fill that would require armoring, and

d) constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

VII 3 Non-Residential Development

a) New construction located in Zones A, A1-30, and AE have the lowest floor, including basement, elevated to at least one foot above the base flood elevation.

b) The structural design, specifications and plans, and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

VII 6 Water Supply Systems*: New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems. The designer of the system shall certify that the water supply system design meets this requirement. Following the completion of construction, the designer shall certify that the water supply system was built as designed. The applicant is responsible for the cost of all certifications.

VII 7 Sanitary Sewage Systems*: New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. The designer of the system shall certify that the sanitary sewage system design meets this requirement. Following the completion of construction, the designer shall certify that the sanitary
sewage system was built as designed. The applicant is responsible for the cost of all certifications.

* The proposed utilities must be flood proofed. Any clean-out and/or manhole cover associated with the building sewer or grease/grit and gas trap in the flood hazard area must have watertight covers and a backflow preventor be installed downstream of any grease/grit and gas trap.

VII 10 Flood Storage Capacity: The net post-development flood storage capacity shall not be less than the pre-development capacity. If cuts and fills are used under this provision, a Vermont licensed engineer shall certify that the net change in flood storage and modifications do not create any increase in erosion or flood hazard. Following the completion of construction, a Vermont licensed engineer shall certify that the project was built as designed. The applicant is responsible for the cost of all certifications.

All of these items are addressed in the separate flood narrative.

9. Dan’s May 23rd letter states that water and sewer connections will utilize existing connections to the office building and be run under the slab. However, the site plans show connections utilizing old services to the previous vehicle service building. Please clarify and amend the plans to show the sewer service being replaced to the existing manhole meeting current standards, and the water service be connected office service with the old service shut off at the corporation valve.

This has been corrected in the narrative to indicate the building will utilize existing water and sewer services.

10. Please include information in the project narrative and on the plans regarding your intent (or not) to have floor drains in the proposed building.

If proposed, you will be required to declare and provide a design for any floor drain system meeting the minimum grease/grit and gas trap requirements of the Town and State.

Owner does not intend to incorporate floor drains in the building.

11. The Vermont Wastewater System and Potable Water Supply Rules, § 1-302 Permit Exemption for Reconstruction states:

(a) A building or structure that is exempt from the permitting requirements of this Subchapter under § 1-303, or that has an associated potable water supply or
wastewater system which was permitted by the Secretary on or after January 1, 2007, that has been voluntarily removed or destroyed by fire, flooding, or other force majeure may be reconstructed without obtaining a permit or permit amendment provided all of the following are met:

(2) If the building or structure is exempt pursuant to § 1-303, it shall be reconstructed within 4 years of its removal or destruction. On a case by case basis, this period may be extended for 1 year by the Secretary if:

The cover letter states that the building was destroyed by a fire in 2012/2013. Therefore, the building was destroyed approximately 10 years ago, well beyond the 5-year maximum reconstruction timeline without a permit.

Therefore, the applicant is required to apply for allocation with a full design set of plans to the Department of Public Works in order for the Department of Public Works to issue an Allocation in support of their application for a state wastewater disposal and potable water supply permit.

Please confirm your understanding.

We confirm our understanding and will comply.

12. Please submit an elevation plan for the proposed building if available.

13. How many stories is the proposed building?

The building is proposed to be a single story.

14. What is the height of the proposed building?

The proposed building height is 30'.

15. If you have not done so already, I encourage you to talk to Hartford’s Environmental Sustainability Coordinator, Dana Clawson, about energy efficiency options for your project. (dclawson@hartord-vt.org)

Owner has reached out to the coordinator and has not made contact yet. We will continue to try.

16. Please confirm the project is ADA compliant.

The proposed building will be ADA compliant.
17. Please outline how the application conforms with section 260-27 C of the Hartford Zoning Regulations which states:

C. Grading and drainage. The following provisions shall apply to any changes which affect drainage of water to or from a property:

(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.

The only grading change will be the ramp in front of the building (west side). The drainage pattern will not change and flow to existing site drainage.

There will be no change in the rate of runoff as the new building will replace the former building.

The ramp grading will only affect internal drainage but will flow to existing drain features with no increase in runoff.

18. Please acknowledge that during construction of the proposed 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.

We acknowledge that our construction practices will follow the Handbook as published by VT-DEC.

19. Please acknowledge that you understand the following:

Before you commence construction, you need to schedule a preconstruction meeting with the Department of Public Works (DPW). You need to contact the DPW at least two weeks before you want to hold this meeting.

If this meeting results in any revisions to the approved plans, you must contact me to discuss amending your permit.

We acknowledge the above requirements.

20. Please acknowledge that you understand that once the project is complete and before I can issue a Certificate of Occupancy you need to:
June 25, 2023

- Submit 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.
- Submit an Elevation Certificate.
- Submit verification that the water and sewer have been inspected and approved by the Department of Public Works.
- Submit a record drawing acceptable to the Department of Public Works.
- Submit a PDF of the record drawing to the Zoning Administrator.
- Record an Energy Code Certificate in the Land Records if required by the State.

Please acknowledge that you understand these requirements.

We acknowledge we understand these requirements and intend to comply.

21. Please acknowledge that you understand that construction of the project must comply with Section 260-31 B of the Hartford Zoning Regulations, which states:

   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.

   We acknowledge we understand and will comply with these limitations.

22. Please acknowledge that you understand 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.

   We acknowledge these requirements and will comply.

23. Please email the following to me in a single email:

   - Application form
   - Plan set
   - Project narrative
   - Response to this memo

24. Please submit 13 copies of:

   - Application form
June 25, 2023

- Plan set (please print at a scale such that all elements of the plan are legible)
- Project narrative
- Response to this memo
Memorandum

To: Jo-Ann Ells

Cc: Kenny Keith and Chris Holzwarth

From: Dan Nash and Chris Holzwarth

Date: July 3, 2023

Re: 9 Harrison Ave/49-0020-000 Response

Staff has reviewed your June 26th submission for development of a new commercial building. Please submit a response to the following comments/questions on your application to my office before 9:00 a.m., Monday, July 10, 2023. If you are unable to meet this deadline, please contact me as soon as possible to discuss the deadline to have your application considered at the next round of Public Hearings.

Prior to the Zoning Board of Adjustment and Planning Commission Hearings, you will receive an agenda, draft Findings of Fact, and additional staff comments if there are any. Please feel free to contact me at any time during this process.

1. As required by the Special Flood Hazard Area Regulations, I will send your application to the State Floodplain Manager upon receipt of a response to this memo.

   Acknowledge.

2. Please share this memo with Sue Kay and Mike Palmer. In addition, please provide email and mailing addresses for Sue and Mike.

   -Shared.
   -Sue Kay
   9 Harrison Ave
   WRJ, VT05001
   Sue@eustiscable.com
   -Mike Palmer
   9 Harrison Ave
   WRJ, VT05001
   Mike@eustiscable.com
3. My understanding of your application is as follows:

A. Lease building #1 to Simple Energy for vehicle storage and minor maintenance such as changing tires and minor repairs.

B. Construct a pre-engineered metal 72’ x 75’ “service building” on a new concrete slab to be occupied by Eustis Cable. This building will replace a building lost in 2017.

The building will be used to store equipment and perform minor maintenance. Equipment stored will include trucks, forklifts, mowers, and tractors. Maintenance includes changing tires, putting on plows and chains, and similar minor items. Since the building will be elevated, it will have a ramp installed for access.

Compared to the location of the building lost in 2017, the new building will be shifted to the south, away from the existing office, and the footprint will be approximately 3 feet larger in front and about 20 feet larger to the south.

Hours of operation will be 6AM-7PM and there will be a maximum of 8 employees.

D. The proposed building will be connected to municipal water and sewer. This will be coordinated with the Hartford Department of Public Works.

E. Obtain approval for existing stairs, deck and propane tanks recently installed on the new office.

Please confirm or correct my understanding.

All of your understanding is correct except for hours of operation; Action Moving is a contract mail carrier and operates 24 hours per day.

4. The property is in the Special Flood Hazard Area. Section VII 10 of Hartford’s Flood Hazard Area Regulations requires:

“Flood Storage Capacity: The net post-development flood storage capacity shall not be less than the pre-development capacity. If cuts and fills are used under this provision, a Vermont licensed engineer shall certify that the net change in flood storage and modifications do not create any increase in erosion or flood hazard. Following the completion of construction, a Vermont licensed engineer
shall certify that the project was built as designed. The applicant is responsible for the cost of all certifications."

To meet this requirement you have stated that “The project will fill approximately 15,000cf. We propose a mitigation area on the southern portion of the site that will provide approximately 16,500cf of volume. The project will not create any increase in erosion or a flood hazard.”

Please provide a detailed narrative description of the proposed mitigation area including drainage, how the area is currently used, and relationship to the mitigation area approved in 2013 for Simple Energy. In addition, please confirm that the mitigation area is outside of the Riparian Buffer (see §260-25 of the Zoning Regulations).

Detailed narrative. The proposed mitigation area is currently used for parking vehicles and equipment. The mitigation will simply be the removal of earth approximately 2’ in depth. The resultant area will be flat. The gravelly nature of the native material will allow equal or less runoff than currently exists. The Simple Energy mitigation area is shown on revised sheet C-3, attached. The riparian buffer is also shown on this sheet.

5. Please provide information regarding pre and post impervious areas.

Information regarding impervious areas is on the attached sketch. In the project area, there will be a slight decrease in impervious area.

6. Please outline how the application conforms with section 260-27 C of the Hartford Zoning Regulations which states:

C. Grading and drainage. The following provisions shall apply to any changes which affect drainage of water to or from a property:
(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.

There are no changes that affect drainage of water to or from the property. The new building is on the site of a former building and elevated to protect from flooding. Grading utilizes existing drainage patterns.
7. Please outline how the deck and propane tanks on the new office meet Hartford’s Flood Hazard Area Regulations.

The flood elevation at the new office is 352.2
The deck is on top of the pad which is at elevation 354.10 (1.9’ above flood).
The ground level at the tanks is 353.71 (1.5’ above flood).
The new items are elevated above flood elevation and therefore protected from flooding.

8. Please acknowledge that you understand the following:

- Before a Zoning Permit is issued the following must be addressed:
  - The proposed use is updated on the coversheet of the plan set.
  - The Riparian Buffer is clearly delineated on the plans.
  - An allocation for water and sewer is obtained from the DPW.
  - Verification from a Professional Engineer licensed by the State of Vermont is submitted confirming that the applicant has obtained all necessary permits from those government agencies from which approval is required by Federal, State or Municipal law.
  - Any questions/comments raised by the State Floodplain Manager are addressed.

- Before a Certificate of Occupancy is issued (for this application and Zoning Permit #2023-12/the new office):
  - Written verification is submitted 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.
  - A FEMA Elevation Certificate must be completed.

Acknowledged.

9. Please email me an aerial map of the property.

Aerial map attached.

10. Thank you for the information regarding existing uses/tenants that you submitted on June 26th. I am reviewing the information and will let you know if I have any questions under separate cover.
Acknowledged.

Attachments:
- Updated Sheet C-3
- Impervious Area Sketch
- Aerial Photo
Hi Dan,

Thanks for taking my call.

As discussed, can you please explain the two different BFES for the proposed building and recently permitted office:

2023 application 352.2 This elevation is based on the Elevation Certificate prepared for the Office site.
2022 application 352.6  *This elevation was an estimate at the time of application.*

Also, I am not seeing answers to the following highlighted sections of the Flood Regulations for the new building:
Please answer these:

B. Areas of Special Flood Hazard Outside the Floodway as shown on the most current version of the FEMA Flood Insurance rate Map (FIRM).

1. **All Development:** All development shall be certified by a Vermont licensed engineer, architect, or surveyor that it is:

   a) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,

   According to the applicant’s Engineer, “the new building will have spread footings of concrete, resistant to flotation. The building and the new slab will be securely attached to these foundation wall to prevent flotation or shifting of the building during flood events.”

   b) **constructed with materials resistant to flood damage,**

   *According to the applicant’s Engineer, the materials used will be stone for fill/support, concrete for foundations and steel for the structure (which will be elevated above flood). Stone and concrete are resistant to flood damage.*

   c) constructed by methods and practices that minimize flood damage as detailed in FEMA technical bulletins including not overly constraining flood flows with fill that would require armoring, and

   *According to the applicant’s Engineer, as mentioned above, materials used are resistant to flood damage (zero damage is as minimal as one can get). The proposed fill does not constrain flood flows, as it is adjacent to a fill “hump” the office is on. The proposed*
building is not in a floodway and therefore there are not significant flows that would require armoring. The subject flood plain is a still, inundated area that experiences flow as it fills and as it empties. Said flows have insignificant velocities and are not likely to cause any erosion.

d) constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

According to the applicant’s Engineer, the building pad is proposed to be one foot above the flood elevation. As such, all HVAC and plumbing and electrical utilities in the building will have at least one foot of protection from flooding.

2. **Non-Residential Development**: All non-residential development shall be certified by a Vermont licensed engineer, architect, or surveyor that the following are met:

- New construction located in Zones A, A1-30, and AE have the lowest floor, including basement, elevated to at least one foot above the base flood elevation.

  According to the applicant’s Engineer, “the proposed building will be elevated one foot above the flood plain (flood plain elevation 352.2, floor elevation 353.2). A Flood Certificate will be prepared upon completion of the structure to verify compliance.”

- The structural design, specifications and plans, and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

  According to the applicant’s Engineer, the building is proposed to be elevated on a foundation designed to be
durable to protect the structure from the effects of flooding. The building and structural plans and specifications will be prepared by an architect licensed to do business in the State of Vermont and in accordance with State Building Codes.

3. Water Supply Systems: New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems. The designer of the system shall certify that the water supply system design meets this requirement. Following the completion of construction, the designer shall certify that the water supply system was built as designed. The applicant is responsible for the cost of all certifications.

According to the applicant’s Engineer, “The water supply will be municipal.”

4. Sanitary Sewage Systems: New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. The designer of the system shall certify that the sanitary sewage system design meets this requirement. Following the completion of construction, the designer shall certify that the sanitary sewage system was built as designed. The applicant is responsible for the cost of all certifications.

According to the applicant’s Engineer, “The sewer service will be municipal. No infiltration or discharge to flood waters is anticipated.”

5. Flood Storage Capacity: The net post-development flood storage capacity shall not be less than the pre-development capacity. If cuts and fills are used under this provision, a Vermont licensed engineer shall certify that the net change in flood storage and modifications do not create any increase in erosion or flood hazard. Following the completion of construction, a Vermont licensed engineer shall certify that the project was built as designed. The applicant is responsible for the cost of all certifications.
According to the applicant’s Engineer, “The project will fill approximately 15,000cf. We propose a mitigation area on the southern portion of the site that will provide approximately 16,500cf of volume. The project will not create any increase in erosion or a flood hazard.

The proposed mitigation area is currently used for parking vehicles and equipment. The mitigation will simply be the removal of earth approximately 2’ in depth. The resultant area will be flat. The gravely nature of the native material will allow equal or less runoff than currently exists. The Simple Energy mitigation area is shown on revised sheet C-3, attached. The riparian buffer is also shown on this sheet.”

As I mentioned, I’d appreciate a response today so I can include the information in the Zoning Board of Adjustment/Planning Commission packets for the Hearings.

Thank you,

Jo-Ann

Jo-Ann Ells
Zoning Administrator
Department of Planning & Development
Town of Hartford, Vermont
171 Bridge Street
White River Junction, VT 05001
Office: 802-295-3075 Direct: 802-478-1117
Visit us at www.hartford-vt.org

Please note that any response or reply to this electronic message may be subject to disclosure as a public record under the Vermont Public Records Act.
NOTES:

1. THIS PARCEL IS SHOWN AS LOT 490-0020 ON THE HARTFORD TAX MAPS.
2. THIS SITE IS SERVED BY MUNICIPAL SEWER AND WATER.
3. THIS PARCEL IS NOT SUBJECT TO THE WETLANDS OVERLAY DISTRICT.
4. THIS PARCEL IS SUBJECT TO THE FLOOD OVERLAY DISTRICT.
5. THIS PARCEL IS NOT SUBJECT TO THE HISTORIC DISTRICT.
6. SUBJECT PARCEL IS ZONED I-C INDUSTRIAL-COMMERCIAL.
NOTES:

1. FILL VOLUME FOR NEW BUILDING = 15,000 CF +/-.
2. MITIGATION REQUIRED = 15,000 CF +/-.
3. MITIGATION PROVIDED = 15,500 CF +/-.
4. 3:1 SIDE SLOPES
Application #23-13
Jasmin
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 July 31, 2023, the Hartford Planning Commission makes the following Findings of Fact:

1. The owners of record of lot 14-0016-000 are Raymond and Janice Jasmin, Joshua Jasmin and Sean Jasmin who acquired the lot on 03-15-18. The deed is filed in volume 546, page 381 of the Hartford Land Records.

   The owners of record of lot 14-0017-000 are Raymond and Janice Jasmin who acquired the lot on 02-07-08. The deed is filed in volume 426, page 271 of the Hartford Land Records.

2. The lots are located on Jasmin Lane in White River Junction.

3. Lot 14-0016-000 is developed with a motor vehicle sales, repair, and rental facility and a storage building.

   Lot 14-0017-000 is developed with parking spaces.

4. Lot 14-0016-000 is approximately 3.33 acres/145,420 sq. ft.

   Lot 14-0017-000 is approximately 5.41 acres/235,890 sq. ft.
The lots are class one (1).

The lots are in an GCR zoning district.

**Background**

7. In 2022, application #22-16 was approved by the Planning Commission authorizing a boundary line adjustment between lots 14-0016-000 and 14-0017-000. Zoning Permit #2022-216 was issued to finalize this approval.

8. In 2022, application #11-22 was approved by the Zoning Board of Adjustment and application #22-17 was approved by the Planning Commission for an addition to an accessory structure and changes to parking on lot 14-0016-000. A zoning permit finalizing the approvals was issued, but expired.

9. In 2022, application #22-18 was approved by the Planning Commission for a Parking Facility and Office on lot 14-0017-000. A zoning permit finalizing the approvals was issued, but expired.

10. Permit #2017-65 was issued in 2017 for signage.

11. In 2012, application #12-14 was approved by the Planning Commission and application #12-12 was approved by the Zoning Board of Adjustment for an addition to a motor vehicle sales, repair and rental facility and associated storage. Zoning Permit #2012-192 was issued to finalize the approvals. Zoning Permit #2013-199 and #2013-200 were issued for minor changes to the approvals. A Certificate of Occupancy was issued in 2013.

12. Application #12-13 was approved by the Planning Commission in 2012 for a boundary line adjustment between lot 14-0016-000 and 14-0017-000. Zoning Permit #2012-191 was issued to finalize the approval.

13. Zoning permit #2004-311 was issued in 2004 for a lot line adjustment.

14. Zoning permit #2003-399 was issued in 2003 for space for a car rental facility.

15. Zoning permit #2003-398 was issued in 2003 for signage.


17. Zoning permit #2003-249 was issued in 2003 for changes to water and sewer.

18. Zoning permits #2003-222 and #2003-158 were issued in 2003 for minor site plan amendments.
3. 23-13

19. Zoning permit #2003-131 was issued in 2003 for signage.

This Application

20. The applicants propose to annex 0.05 acres from lot 14-0016-000 to lot 14-0017-000.

21. After the annexation, lot 14-0016-000 will be 3.28 acres/143,240 sq. ft. and lot 14-0017-000 will be 5.46 acres/238,070.

22. Minimum Area and Dimensional Standards in the GCR zoning district are:

<table>
<thead>
<tr>
<th>Area (in square feet)</th>
<th>Lot Dimensions (in feet)</th>
<th>Setbacks (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10,000</td>
<td>Width</td>
<td>Depth</td>
</tr>
<tr>
<td></td>
<td>70</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td>Front</td>
<td>Side</td>
</tr>
<tr>
<td></td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>

23. After the annexation, the lots will meet the minimum area and dimensional requirements. (The current width of lot 14-0016-000 is grandfathered and is approximately 59.72'. The application will not alter this condition.)

24. Both lot 14-0016-000 and lot 14-0017-000 are subject to various utility easements that will not change.

Lot 14-0017-000 will be accessed by a right-of-way over lot 14-0016-000. The right-of-way is shown on the survey as a 50' wide right-of-way labeled Jasmin Lane, running from Route 5 south to approximately the start of the parking lot on lot 14-0016-0000. From there the right of way narrows to 24’ continuing south and then turning east. Finally, the last, approximately 25’ of the right-of-way access widens to 76’ to accommodate truck turning movements on lot 14-0017-000 for a pending application. The entire area of the right-of-way is currently paved.

Lot 14-0017-000 will also benefit from an easement over lot 14-0016-000 to tie into the municipal water and sewer lines on lot 14-0016-000.

Lot 14-0016-000 will benefit from a 2.5’ wide parking easement on the northern border of Lot 14-0017-000 in the area where the current boundary line is to be adjusted. This easement will be for parking on Lot 14-0016-000, as this area is planned for 15 parking spaces to be located perpendicular to the boundary line. Each of the 15 parking spaces will have 2.5’ of its total depth located within this easement.

25. The application is a “One-step” application under section 203-C 2 of the Subdivision Regulations.

26. The applicants understand that they retain the obligation to identify, apply for, and obtain any relevant local and state permits for this project.
27. The applicants understand that a Mylar must be properly endorsed and recorded within 180 days of this decision and that a zoning permit must be obtained, or the decision will be void.

**CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Hartford Planning Commission concludes that the proposed subdivision meets the requirements of the Town of Hartford Subdivision Regulations including:

Section 200-2 Hartford Subdivision Regulations:

A. To guide future development in accordance with the Hartford Master Plan (the Plan), Zoning Regulations, Flood Hazard Area Regulations, Capital Budget and Program, and all other Town adopted bylaws, ordinances, regulations, plans, policies, and procedures.

B. To promote a desirable relationship to the landform, its topography and geology, natural drainage and surface water runoff, surface water, and groundwater.

C. To conserve natural resources and fragile features such as prime agricultural soils, wetlands, streams, ponds, steep slopes, ridgelines, important wildlife habitat and connectivity, and scenic views.

D. To minimize the fragmentation of productive resource lands, including farm and forest land, and to promote their continued use and availability for agriculture, forestry, and wildlife.

E. To maintain Hartford’s historic settlement pattern, defined by compact villages surrounded by rural countryside.

F. To encourage variety, innovation, flexibility, and greater efficiency in residential development including clustering of lots, in accordance with the provisions of 24 V.S.A. §4417 (Planned Unit Development).

G. To establish standards of subdivision design including, but not limited to, provisions for pedestrian and vehicular traffic, surface water runoff, surface water, and suitable building sites for the land use contemplated.

H. To ensure development does not exceed the ability of the Town to provide public services and facilities, and that these facilities and services are available and will have sufficient capacity to serve any proposed subdivision. Such facilities and services include, but are not limited to: parks, recreation areas, schools, police and fire protection, libraries, water and wastewater facilities, roads, and public parking.

I. To provide adequate utilities such as water, wastewater, electricity, telephone, and broadband.
J. To provide the most efficient relationship between land use and the circulation of traffic throughout the Town, encourage access management, and avoid undue traffic congestion and overburdening of roads, highways, and intersections.

K. To promote the conservation of energy and use of renewable energy resources.

L. To encourage variety in the type, size, and cost of housing to meet the needs of Hartford’s diverse population.

DECISION

The Hartford Planning Commission, based upon the forgoing Findings of Fact and Conclusions of Law hereby approves application #23-13 by Raymond and Janice Jasmin, Joshua Jasmin, and Sean Jasmin (owners/applicants) for approval of a boundary line adjustment between lots 14-0016-000 and 14-0017-000, 60 and 98 Jasmin Lane, Hartford, in a GCR zoning district on the condition that before a zoning permit is issued to finalize this Decision:

1. The label “New Boundary” is removed from the Mylar.

2. The applicant’s surveyor submits a letter to the Zoning Administrator certifying that the monuments have been set according to the locations identified on the approved survey plat. The Zoning Administrator may grant an extension provided the applicants can justify that extenuating circumstances exist.

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

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

Those in favor:

Those in opposition:

Those not participating:

Dated at Hartford, Vermont this ____ day of August 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. 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 #23-13

2. Survey entitled “Lot Line Adjustment Plan for Lot 14-16 and 14-17, Jasmin Lane, Hartford, Vermont,” prepared by Pathways Consulting received July 7, 2023 and as revised by this Decision

3. Letter from Nathan Stearns dated July 7, 2023

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) Janice T., Raymond S., Joshua R., and Sean P. Jasmin
   60 Jasmin Lane, White River Jct., VT 05001
   Deed Recorded Book 546 Page 381 And deed recorded Book 426, Page 271. (Available at Town Clerk's Office)
   Telephone: Work 802 295 7572 Cell Email Address: jasminautobody@aol.com

2. NAME & ADDRESS OF APPLICANTS(S) Same as Record Owners
   Telephone: Work Cell Email Address:

3. NAME & ADDRESS OF APPLICANTS’ CONSULTANT Pathways Consulting, LLC
   240 Mechanic Street, Suite 100, Lebanon, NH 03766
   Telephone: Work 603 448 2200 Cell Email Address: jeffgoodrich@pathwaysconsult.com

4. PROJECT LOCATION 60 and 98 Jasmin Lane

5. PRESENT USE OF PROPERTY Commercial motor vehicle repairs

6. BRIEFLY DESCRIBE PROJECT (in addition, a detailed narrative must be submitted)
   Boundary Line Adjustment

7. PROJECT SIZE IN SQ. FT OR ACREAGE 8.74 acres (Lot 14-17-00 5.48 acres/Lot 14-16-00 3.28 acres)
   Lot Width (see plan) Lot Depth (see plan)

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

9. DESCRIBE LANDSCAPING PLAN No changes for BLA

10. IF A BUSINESS - Present # of Employees 21
    Proposed Days & Hours of Operation No changes for BLA
    Will you use the landfill & recycling center? Yes No
    The main waste by-product of your business is: No changes for BLA
11. IF A RESTAURANT - Present seating NA Proposed NA
12. PARKING SPACES - Number to be provided No changes for BLA
13. SIGNAGE - Free Standing No changes for BLA Attached
14. FENCING - Location No changes for BLA Height
15. NEAREST WATER SUPPLY FOR FIREPROTECTION No changes for BLA
16. ESTIMATED VALUE OF PROPOSED WORK NA for BLA
17. IS THERE AN EXISTING DRIVEWAY? Yes
18. IF A SUBDIVISION - Number of New Lots to be Created NA
   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).

Applicant’s Signature
Janice T. Jasmin
6/21/23

Lot Owner’s Signature
Raymond J. Jasmin
6/21/23

Co-Applicant’s Signature
Joshua R. Jasmin
6/21/23

Co-Owner’s Signature
Sean P. Jasmin
6/21/23

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.

<table>
<thead>
<tr>
<th>For Office Use Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>Map/Lot #</td>
</tr>
<tr>
<td>Fee Paid $</td>
</tr>
<tr>
<td>PD</td>
</tr>
<tr>
<td>ZBA: Conditional Use</td>
</tr>
<tr>
<td>Other</td>
</tr>
<tr>
<td>Zoning District(s)</td>
</tr>
<tr>
<td>Official Submittal Date:</td>
</tr>
</tbody>
</table>
July 7, 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: 60 and 98 Jasmin Lane, Boundary Line Adjustment

Dear Jo-Ann,

Please find enclosed herewith application materials for a boundary line adjustment for Lot 14-16-00 and Lot 14-17-00. A boundary line adjustment was previously approved by Planning Commission Decision #22-16, but revisions to the project required by an expanded wetlands buffer have necessitated a further adjustment to the boundary line. This application is submitted simultaneously with two other applications seeking an amendment to the site plan approvals in Planning Commission Decisions #22-17 and #22-18.

General Information:

1. The owner of record of both Lot 14-16-00 and Lot 14-17-00 are currently Janice T. Raymond S., Joshua R., and Sean P. Jasmin. The relevant deeds are filed in volume 546, page 381, and volume 426, page 271 of the Hartford Land Records.

2. The applicants intends to annex approximately 0.05 acres from Lot 14-16-00 to Lot 14-17-00. After the boundary line adjustment, Lot 14-16-00 will be 3.28 acres and Lot 14-17-00 will be 5.46 acres.

3. Both Lots are currently developed with an motor vehicle repair facility.

4. Both lots are in the GRC, General Commercial Residential Zoning District.

5. Both lots are class one (1) lots.

This Application

6. The purpose of this boundary line adjustment is to increase the size of Lot 14-17-00 to
allow amendments to the previously approved site plan for the development of a truck parking facility that will provide room to locate improvements outside of a wetland buffer.

7. The attached Boundary Line Adjustment Plat shows the proposed boundary line adjustment.

8. Submitted with this cover letter are eight copies of the following items
   - The signed application form
   - Survey: Boundary Line Adjustment Plat, prepared by Pathways Consulting, LLC
   - Subdivision Application Checklist
   - Response to J. Ells comments of 6/30/2023
     The $155.00 Application fee was submitted separately.

9. Applicant understands that it retains the obligation to identify, apply for, and obtain any relevant local and state permits for this project.

10. Applicant understands that before the subdivision plat is recorded, the surveyor will need to submit a letter to the Planning Commission certifying that the monuments have been set according to the locations identified on the approved survey plat.

Existing and Proposed Rights-of-Way and Easements

Both lot 14-16-00 and lot 14-17-00 are subject to various utility easements that will not change.

Lot 14-17-00 will be accessed by a right-of-way over lot 14-16-00. The right-of-way is shown on the BLA plan as a 50’ wide right-of-way labeled Jasmin Lane, running from Route 5 south to approximately the start of the parking lot on lot 14-16-00. From there the right of way narrows to 24’ continuing south and then turning east. Finally, the last, approximately 25’ of the right-of-way access widens to 76’ to accommodate truck turning movements on lot 14-17-00. The entire area of the right-of-way is currently paved.

Lot 14-17-00 will also benefit from an easement over lot 14-16-00 to tie into the municipal water and sewer lines on lot 14-16-00.

Lot 14-16-00 will benefit from a 2.5’ wide parking easement on the northern border of Lot 14-17-00 in the area where the current boundary line is to be adjusted. This easement will be for parking on Lot 14-16-00, as this area is planned for 15 parking spaces to be located perpendicular to the boundary line. Each of the 15 parking spaces will have 2.5’ of its total depth located within this easement.
Subdivision Review:

In accordance with the Town of Hartford Subdivision regulations, effective March 8, 2016:

- Section 200-3 C(2), the enclosed application is for a boundary line adjustment. The application has been prepared in accordance with the One-Step application process.

- Article IV, General Requirements and Design Standards. The proposed boundary line adjustment complies with the applicable General Requirements and Design Standards in Sections 200-16 through 200-29. Both lots are already developed; the proposed boundary line adjustment has been designed as part of coordinated development plans for the involved lots; and the adjustment will not impact existing infrastructure, utilities, settlement patterns, or natural or historic resources, and the resulting lots will otherwise conform with zoning requirements, including density and dimensional requirements.

We appreciate your assistance with this Application. Please contact us with any further questions or comments.

Sincerely,

/s/Nathan H. Stearns
Nathan H. Stearns

Enclosures

c (by email):
Joshua Jasmin
C. Robert Manby, Jr., Esq.
Dwayne Andreasen
Jeff Goodrich
Skip Nalette
Jim Ward
Response to J. Ells Comments of:  June 30, 2023
Re:    Boundary Line Adjustment/Lots 14-0017-000 & 14-0016-000

1. Please amend the survey as follows:
   - Change the Zoning district to General Commercial Residential “GCR” (see attached).
   - Please remove the “New Boundary” label adjacent to the 84.01’ property line (I believe this is from the previous BLA).
     *Changes are made in the BLA plan included herewith.*

2. Please explain the purpose of the “2.5’ parking easement.”
   *An explanation is included in the attached cover letter.*

3. Please describe the existing and proposed rights-of-way and easements.
   *An explanation is included in the attached cover letter.*

4. Please email me a copy of and submit eight copies of the complete application including your response to this memo. Please submit full size copies of the survey.
   *Provided.*
Application #23-14
Jasmin
DRAFT
FINDINGS OF FACT
CONCLUSIONS OF LAW AND DECISION

HARTFORD PLANNING COMMISSION

Application #23-14 by Raymond and Janice Jasmin, Joshua Jasmin, and Sean Jasmin
for Site Development Plan Approval
for an addition to an accessory structure and site plan amendments
60 Jasmin Lane, lot 14-0016-000, Hartford, in the GCR zoning district

Application #23-14 by Raymond and Janice Jasmin, Joshua Jasmin, and Sean Jasmin
(owners/applicants) for Site Development Plan Approval under section 260-45 of the Hartford
Zoning Regulations for an addition to an accessory structure and site plan amendments, 60
Jasmin Lane, lot 14-0016-000, Hartford, in the GCR 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 July 31, 2023, the Hartford
Planning Commission makes the following Findings of Fact:

General Information

1. The owners of record of lot 14-0016-000 are Raymond and Janice Jasmin, Joshua Jasmin,
   and Sean Jasmin who acquired the lot on 03-19-03. The deed is filed in volume 348, page
   143 of the Hartford Land Records.

2. The lot is located on Jasmin Lane in White River Junction.

3. The lot is developed with a motor vehicle sales, repair, and rental facility.

4. The lot is approximately 3.33 acres. (see Findings of Fact #19)

5. The lot is class one (1).

6. The lot is in an GCR zoning district.
Background

7. In 2022, application #22-16 was approved by the Planning Commission authorizing a boundary line adjustment between lots 14-0016-000 and 14-0017-000. Zoning Permit #2022-216 was issued to finalize this approval.

8. In 2022, application #11-22 was approved by the Zoning Board of Adjustment and application #22-17 was approved by the Planning Commission for an addition to an accessory structure and changes to parking. A zoning permit finalizing the approvals was issued, but expired.

9. Permit #2017-65 was issued in 2017 for signage.

10. In 2012, application #12-14 was approved by the Planning Commission and application #12-12 was approved by the Zoning Board of Adjustment for an addition to a motor vehicle sales, repair and rental facility and associated storage. Zoning Permit #2012-192 was issued to finalize the approvals. Zoning Permit #2013-199 and #2013-200 were issued for minor changes to the approvals. A Certificate of Occupancy was issued in 2013.

11. Application #12-13 was approved by the Planning Commission in 2012 for a boundary line adjustment between lot 14-0016-000 and 14-0017-000. Zoning Permit #2012-191 was issued to finalize the approval.

12. Zoning permit #2004-311 was issued in 2004 for a lot line adjustment.

13. Zoning permit #2003-399 was issued in 2003 for space for a car rental facility.

14. Zoning permit #2003-398 was issued in 2003 for signage.

15. Zoning permit 2002-391 was issued in 2002 for a motor vehicle sales and repair facility. A Certificate of Occupancy was issued in 2003.

16. Zoning permit #2003-249 was issued in 2003 for changes to water and sewer.

17. Zoning permits #2003-222 and #2003-158 were issued in 2003 for minor site plan amendments.

18. Zoning permit #2003-131 was issued in 2003 for signage.
This Application

19. The applicants have a pending application to annex 0.05 acres to lot 14-0017-000 (application #23-13). This application was prepared and conditioned on the application being approved.

20. The applicants propose to:

- Add 15 parking spaces on the east side of the lot. Designed parking spaces will be as follows:

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>Employees</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Visitors</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Sales</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Rental</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>63</td>
<td>Repair</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>115</td>
<td>Total</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

  Additional parking for repairs will be available behind the storage building.

  The lot will benefit from a 2.5' wide parking easement on lot 14-0017-000 for parking spaces numbered 56-70 as shown on the site plan sheet 2. The easement is necessary to maintain the required minimum depth of these parking spaces and the adjacent 24' wide drive aisle. (Lot 14-0017-000 is currently owned by the applicants. The easement will be executed should the ownership of either lot 14-0016-000 or 14-0017-000 transfer.)

- Add a 960 square foot addition to an existing storage building on the south side of the lot and pave a limited amount of the gravel area, currently used for vehicle storage, south of the proposed addition.

- Plant three trees missing from previous approvals.

- Change the approved hours of operation from 8:00 a.m. - 5:00 p.m. Monday through Saturday and 8:00 a.m. - noon on Sunday to 8:00 a.m. - 5:00 p.m. Monday through Friday.

21. The applicants propose to install a grass island to the south of the proposed parking spaces and west of the proposed addition.

22. There is a stream on the property. According to the applicants, no work is proposed within the 30' riparian buffer for the stream.
23. The approved maximum number of employees is 26. No changes are proposed.

24. According to the applicants, wetland delineations and the 50-foot setback required by the Vermont Agency of Natural Resources are shown on the plans. All site improvements are located outside of the 50-foot wetland buffer.

25. No other changes to the site are proposed.

26. The applicants understand they retain the obligation to identify, apply for, and obtain any relevant State Permits for this project.

27. The applicants understand 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.

28. The applicants understand that:

   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.

29. The applicants understand that a zoning permit is required to finalize this decision. 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.

30. The applicants understand 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.

31. The applicants understand that they must obtain a Certificate of Occupancy from the Zoning Administrative Officer upon completion of the project. The applicants understand 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 #23-14 by Raymond and Janice Jasmin, Joshua Jasmin, and Sean Jasmin (owners/applicants) for Site Development Plan Approval under section 260-45 of the Hartford Zoning Regulations for an addition to an accessory structure and site plan amendments, 60 Jasmin Lane, lot 14-0016-000, Hartford, in the GCR zoning district on the condition that:

- The applicants finalize application #23-13 for a Boundary Line Adjustment.
- Before a Certificate of Occupancy is issued, the applicants submit written verification from a Professional Engineer licensed by the State of Vermont certifying that the project was constructed in compliance with the approved plans and Findings of Fact.

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

The 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 August 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
$262.50. 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 #23-14

2. Plan set dated received July 7, 2023 including:
   - Existing Conditions Plan Sheet 1
   - Site Plan Sheet 2
   - Site Details Sheet 3
   - Erosion and Sediments Control Details Sheet 4

3. Letter from Nathan Stearns dated July 7, 2023

4. Memo responding to Jo-Ann Ells’ memo of June 30, 2023

5. Memo from Jo-Ann Ells dated June 30, 2023
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)  Janice T., Raymond S., Joshua R., and Sean P. Jasmin
60 Jasmin Lane, White River Jct., VT 05001
Deed Recorded Book 546 Page 381 (Available at Town Clerk’s Office)
Telephone: Work 802 295 7572 Cell Email Address: jasminautobody@aol.com

2. NAME & ADDRESS OF APPLICANTS(S)  Same as Record Owners

3. NAME & ADDRESS OF APPLICANTS’ CONSULTANT  Pathways Consulting, LLC
240 Mechanic Street, Suite 100, Lebanon, NH 03766
Telephone: Work 603 448 2200 Cell Email Address: info@pathwaysconsult.com

4. PROJECT LOCATION  60 and 98 Jasmin Lane

5. PRESENT USE OF PROPERTY  Commercial motor vehicle repairs

6. BRIEFLY DESCRIBE PROJECT (in addition, a detailed narrative must be submitted)
   Site Plan and Conditional Use amendment

7. PROJECT SIZE IN SQ. FT OR ACREAGE  3.28 acres
   Lot Width (see plan) Lot Depth (see plan)

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

9. DESCRIBE LANDSCAPING PLAN  No changes

10. IF A BUSINESS - Present # of Employees  21
    Proposed Days & Hours of Operation  No changes
    Will you use the landfill & recycling center? Yes[ ] No
    The main waste by-product of your business is: No changes

Planning Commission App # Zoning Board of Adjustment App #
11. IF A RESTAURANT - Present seating NA Proposed NA
12. PARKING SPACES - Number to be provided 115
13. SIGNAGE - Free Standing No changes Attached
14. FENCING - Location No changes Height
15. NEAREST WATER SUPPLY FOR FIREPROTECTION No changes
16. ESTIMATED VALUE OF PROPOSED WORK TBD
17. IS THERE AN EXISTING DRIVEWAY? Yes
18. IF A SUBDIVISION - Number of New Lots to be Created NA

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).

Applicant's Signature: Janice T. Jasmin
Date: 6/21/23

Lot Owner's Signature: Raymond S. Jasmin
Date: 6/21/23

Co-Applicant's Signature: Joshua R. Jasmin
Date: 6/21/23

Co-Owner's Signature: Sean P. Jasmin
Date: 6/21/23

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

<table>
<thead>
<tr>
<th>Map/Lot #</th>
<th>Fee Paid $</th>
<th>Receipt #</th>
</tr>
</thead>
<tbody>
<tr>
<td>PD</td>
<td>PD Amend.</td>
<td>Other</td>
</tr>
<tr>
<td>ZBA: Conditional Use</td>
<td>Variance</td>
<td>Appeal</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zoning District (s)</td>
<td>Date Filed</td>
<td></td>
</tr>
</tbody>
</table>

Official Submittal Date: 2023

May 2023
PAVEMENT
3,000 PSI
CONCRETE

SELECT SUBBASE
COMPACTED SUBGRADE
PAVEMENT

SAWCUT & TRENCH PAVEMENT

SLOPED GRANITE CURB
N.T.S.
GRANITE CURBING
TCP SHALL

BITUMINOUS CONCRETE PAVEMENT

8' VTRANS 704 04
BANKRUN GRAVEL

MAX 3,000 PSI CONCRETE

DRIVEWAY GRAVEL

3 SCALE: AS SHOWN

SITE DETAILS FOR
JASMIN AUTO BODY

PATHWAYS CONSULTING, LLC
200 MICHIGAN STREET, SUITE 100
LEBANON, NEW HAMPSHIRE 03766
(603) 448-2200

JASMIN AUTO BODY, JASMIN LANE, HARTFORD, VERMONT

DATE: 05/23/22
PROJ. # 12118-02

REVISION NO. DATE DESCRIPTION
06/06/22 CREATED STAND ALONE
JASMIN AUTO BODY PLANS

DPM JEN
JEN

APP RoY
APPROVED BY

APPROVED BY
July 7, 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: 60 and 98 Jasmin Lane, Site Plan and Conditional Use Amendment, Jasmin Auto

Dear Jo-Ann,

Please find enclosed herewith application materials for an amendment to the site plan and conditional use approval for lot 14-16-00.

In June 2022, the Hartford Planning Commission granted site plan approval #22-17, for an addition to an accessory storage building and changes to the parking lot for the Jasmin Auto facility. Zoning permits were issued in December 2022. After obtaining the town approvals, the applicant applied for an Act 250 permit. The Act 250 process took long enough that the zoning permit issued in December 2022 expired. Applicant now seeks approval for a substantially similar project as modified based on changes made in the Act 250 process.

General Information

1. The owners of record of lot 14-0016-000 are Raymond and Janice Jasmin, Joshua Jasmin, and Sean Jasmin. Raymond and Janice Jasmin acquired the lot on 03-19-03. The deed is filed in volume 348, page 143 of the Hartford Land Records. The family members were added by subsequent deeds recorded at volume 546, page 373, and volume 546, page 381.

2. The lot is located on Jasmin Lane in White River Junction.

3. Lot 14-0016-000 is developed with a motor vehicle sales, repair, and rental facility.

4. Lot 14-0016-000 is approximately 3.28 acres.

5. The lot is class one (1).

6. The lot is in a GRC zoning district.
Background

7. In 2022, application #11-22 was approved by the Zoning Board of Adjustment and application #22-17 was approved by the Planning Commission for an addition to an accessory structure and changes to parking. A zoning permit was issued but expired as mentioned above. No certificate of occupancy was issued.

8. Permit #2017-65 was issued in 2017 for signage.

9. In 2012, application #12-14 was approved by the Planning Commission and application #12-12 was approved by the Zoning Board of Adjustment for an addition to a motor vehicle sales, repair and rental facility and associated storage. Zoning Permit #2012-192 was issued to finalize the approvals. Zoning Permit #2013-199 and #2013-200 were issued for minor changes to the approvals. A Certificate of Occupancy was issued in 2013.

10. Application #12-13 was approved by the Planning Commission in 2012 for a boundary line adjustment between lot 14-0016-000 and 14-0017-000. Zoning Permit #2012-191 was issued to finalize the approval.

11. Zoning permit #2004-311 was issued in 2004 for a lot line adjustment.

12. Zoning permit #2003-399 was issued in 2003 for space for a car rental facility.

13. Zoning permit #2003-398 was issued in 2003 for signage.


15. Zoning permit #2003-249 was issued in 2003 for changes to water and sewer.

16. Zoning permits #2003-222 and #2003-158 were issued in 2003 for minor site plan amendments.

17. Zoning permit #2003-131 was issued in 2003 for signage.

This Application

18. The applicants have a pending application to annex 0.05 acres to lot 14-0017-000. The current application was prepared and conditioned on that application being approved.

19. The applicants propose to:
Add 15 parking spaces on the east side of the lot. Designed parking spaces will be as follows:

26 Employees
10 Visitors
12 Sales
4 Rental
63 Repair
115 Total

Additional parking for repairs will be available behind the storage building. A 2.5’ wide parking easement is provided on lot 14-17-00 for parking spaces numbered 56-70 as shown on the site plan sheet 2. The 2.5’ wide parking easement is necessary to maintain the required minimum depth of these parking spaces and the adjacent 24’ wide drive aisle.

Add a 960 square foot addition to an existing storage building on the south side of the lot and pave a limited amount of the gravel area, currently used for vehicle storage, south of the proposed addition.

Plant three trees missing from previous approvals.

Change the approved hours of operation from 8:00 a.m. - 5:00 p.m. Monday through Saturday and 8:00 a.m. - noon on Sunday to 8:00 a.m. - 5:00 p.m. Monday through Friday.

The proposed site amendments will repurpose a portion of the previously developed site for parking and an island south of the existing building along with a building addition, limited paving, and an island proximate to the existing storage building. Grading modifications will be limited for the proposed work and will maintain historic drainage patterns.

Lot 14-16-00 is subject to various utility easements that will not change.

Lot 14-17-00 will be accessed by a right-of-way over lot 14-16-00. The right-of-way is shown on the BLA plan as a 50’ wide right-of-way labeled Jasmin Lane, running from Route 5 south to approximately the start of the parking lot on lot 14-16-00. From there the right of way narrows to 24’ continuing south and then turning east. Finally, the last, approximately 25’ of the right-of-way access widens to 76’ to accommodate truck turning movements on lot 14-17-00. The entire area of the right-of-way is currently paved.

Lot 14-17-00 will also benefit from an easement over lot 14-16-00 to tie into the municipal water and sewer lines on lot 14-16-00.
Lot 14-16-00 will benefit from a 2.5' wide parking easement on the northern border of Lot 14-17-00 in the area where the current boundary line is to be adjusted. This easement will be for parking on Lot 14-16-00, as this area is planned for 15 parking spaces to be located perpendicular to the boundary line. Each of the 15 parking spaces will have 2.5' of its total depth located within this easement.

21. There is a stream on the property. No work is proposed within the 30’ riparian buffer for the stream.

22. The approved maximum number of employees is 26. No changes are proposed.

23. Wetland delineations and the 50-foot setback required by VANR are shown on the attached plans. All site improvements are located outside of the 50-foot wetland buffer.

24. No other changes to the site are proposed.

25. Applicants understand that they retain the obligation to identify, apply for, and obtain any relevant local and state permits for this project.

26. Applicants understand 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.

27. Applicants understand that 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.

28. Applicants understand that a zoning permit is required to finalize this decision. 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.

29. Applicants understand 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.

We appreciate your assistance with this Application. Please contact us with any further questions or comments.
J. Ells  
Jasmin Lane, Site Plan and Conditional Use Amendment, Jasmin Auto  
July 7, 2023  
Page 5  

Sincerely,

/s/Nathan H. Stearns  
Nathan H. Stearns

Enclosures

cc (by email):
Joshua Jasmin  
C. Robert Manby, Jr., Esq.  
Dwayne Andreasen  
Jeff Goodrich  
Skip Nalette  
Jim Ward
Response to J. Ells Comments of: June 30, 2023
Re: Jasmin Auto Site Plan Amendments/Lot 14-0016-000

1. As discussed with Nate, please amend the cover letter to include a request for approval of the improvements/changes on this lot approved in 2022 since the approval/permit was not acted on and is void. In addition, please remove any references to the proposed Parking Facility unless necessary for this application. This is addressed in the attached cover letter.

2. Please amend the plan to show that the pending BLA has been complete. Changes are made in the site plan included herewith.

3. Please email me a copy of and submit 14 copies of the complete application including your response to this memo. Please submit larger plans as the 11" x 17" plans are difficult to read. Provided.
Application #23-15

Jasmin/Eromeno
DRAFT
FINDINGS OF FACT
CONCLUSIONS OF LAW
AND
DECISION

HARTFORD PLANNING COMMISSION

Application #23-15 by Raymond and Janice, Joshua Jasmin and Sean Jasmin and Eromeno, LLC
for Site Development Plan Approval
for a Parking Facility
98 Jasmin Lane, lot 14-0017-000
Hartford, in the GCR zoning district

Application #23-15 by Raymond and Janice Jasmin, Joshua Jasmin, Sean Jasmin, and Eromeno, LLC (owners/applicants) for Site Development Plan Approval under section 260-45 of the Hartford Zoning Regulations for a Parking Facility, 98 Jasmin Lane, lot 14-0017-000, Hartford, in the GCR 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 July 31, 2023, the Hartford Planning Commission makes the following Findings of Fact:

General Information

1. The owners of record of lot 14-0017-000 are Raymond and Janice Jasmin who acquired the lot on 02-07-08. The deed is filed in volume 426, page 271 of the Hartford Land Records.

2. The lot is located at 98 Jasmin Lane in White River Junction.

3. The lot is developed with a storage building for Jasmin Auto. The lot was previously developed with a Health Club, “The Fountain of Youth,” which was removed years ago.

4. The lot is approximately 5.41 acres. (See finding #12.)

5. The lot is class one (1).

6. The lot is in an GCR zoning district.

Background

7. In 2022, application #22-16 was approved by the Planning Commission authorizing a boundary line adjustment between lots 14-0016-000 and 14-0017-000. Zoning Permit #2022-216 was issued to finalize this approval.
8. In 2022, application #22-18 was approved by the Planning Commission for a Parking Facility and Office. A zoning permit finalizing the approvals was issued, but expired.

9. Application #12-13 was approved by the Planning Commission in 2012 for a boundary line adjustment between lot 14-0016-000 and 14-0017-000. Zoning Permit #2012-191 was issued to finalize the approval.

10. Application #04-55 was approved by the Planning Commission in 2004 for a boundary line adjustment between lot 14-0016-000 and 14-0017-000. Zoning Permit #2004-311 was issued to finalize the approval.

**This Application**

11. The applicants have a pending application to annex 0.05 acres to lot 14-0017-000 from lot 14-0016-000 (application #23-13). This application was prepared and conditioned on the application being approved.

12. The applicant proposes to develop a Parking Facility and Office on the lot. In 2022, application #22-18 was approved by the Planning Commission for a Parking Facility and Office. At this time the zoning district was IC-2 and the proposes uses did not require approval from the Zoning Board of Adjustment. Since then, the zoning district has change to GCR. A Parking Facility is a Conditional Use in the GCR zoning district.

13. The applicant proposes to create 6 parking spaces for tractors (numbered 1 through 6 on the site plan), 6 parking spaces for tractors/trailers numbered (7 through 12 on the site plan), and one employee parking space numbered 13 on the site plan.

Drivers will leave the site at any time, but typically between 2:00 a.m. and 6:00 a.m., after connecting to a trailer on-site or leave without a trailer and connect to a trailer off-site. Drivers will typically return to the site before noon, but may return in the afternoon as well.

All trailers will be empty. No materials or goods will be stored in the trailers or on site.

Fleet maintenance will not be conducted on-site.

14. In addition, the applicant proposes to locate a 500-750 square foot office on the property. The office will be connected to Town water and sewer. The office will be accessory to the parking facility and will not be used for sleeping quarters.

15. The applicant proposes a maximum of seven employees: six drivers and one office staff person.

16. As required by the Planning Commission in application #22-18, the applicant has provided a noise study prepared by RSG. The study assessed the character of the area through background sound level monitoring and assessed impacts with respect to noise through sound propagation modeling. The results show that "the Project is at or below the limits applied from the Town of Hartford Ordinance and will not create an adverse
17. The applicant proposes to retain six existing trees. The site design has been coordinated with lot 14-0016-000 to provide two vegetated areas along the boundary between the two lots as shown on the site plan, sheet 2.

18. According to the applicant, the site is designed to accommodate the turning movements for the tractors and tractor-trailers. Applicant shall maintain site control (e.g., no public parking) and shall schedule trucks so that space 6 will be open when a tractor-trailer is making turning movements to park in space 7.

19. One dark-sky complainant down lit light fixture is proposed at the office door.

The applicant understands that lighting may 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 or will be found in violation of this approval.

20. Section 260-27 C of the Hartford Zoning Regulations states:

Grading and drainage. The following provisions shall apply to any changes which affect drainage of water to or from a property:
(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.

According to the applicant, “the proposed site amendments will repurpose a portion of the previously developed site for parking including the existing pavement on the east side of the site and either gravel or pavement on the west side of the site. Grading modifications will be limited for the proposed work and will maintain historic drainage patterns. Since the proposed parking facility is smaller than the previous development area, the result will be that the existing area beyond space 12 will not be disturbed and will assist with directing runoff in historical patterns. The Vermont Agency of Natural Resources (VANR) has determined that no storm water permit is required for the project”.

21. Wetland delineations and the 50-foot setback required by VANR are shown on the plans. All site improvements are located outside of the 50-foot wetland buffer.

22. There is a stream on the property. No activity is proposed within the stream’s 30’ riparian buffer.

23. 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.

24. The applicants understand that no structure, including construction/office trailers, signage, parking spaces or plantings, may be placed in such a way that obstruct sight
25. Construction of the project will comply with Section 260-31 B of the Hartford Zoning Regulations, which states:

   *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.*

26. The applicants understand that 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.

27. The applicants understand that they retain the obligation to identify, apply for, and obtain any relevant local and state permits for this project.

28. The applicants understand 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.

29. The applicants understand that a zoning permit is required 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.

30. The applicants understand 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. The Planning Commission may grant one six (6) month extension to both time periods providing application is made prior to the expiration of these time periods.

31. The applicants understand that they must obtain a Certificate of Occupancy from the Zoning Administrative Officer upon completion of the project. The applicants understand 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 #23-15 by Raymond and Janice Jasmin, Joshua Jasmin, Sean Jasmin, and Eromeno, LLC (owners/applicants) for Site Development Plan Approval under section 260-45 of the Hartford Zoning Regulations for a Parking Facility, 98 Jasmin Lane, lot 14-0017-000, Hartford, in the GCR zoning district on the condition that:
1. Before a Zoning Permit is issued:

- The applicants finalize application #23-13 for a Boundary Line Adjustment.
- The applicants submit a copy of written documentation from the Department of Public Works confirming they have approved the location of the office trailer.
- The applicants submit a copy of their executed Water and Sewer Allocation from the Department of Public Works.
- The applicant revises the site plan to move parking space 13 south and east along the edge of the existing pavement so that it is outside of any turning movement area necessary for a tractor-trailer to park in space 7.

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.

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

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

Those in favor:

Those in opposition:

Those not participating:

Dated at Hartford, Vermont this ___ day of August 2022.

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. 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 #23-15

2. Plan set dated received July 7, 2023 including:
   - Existing Conditions Plan  Sheet 1
   - Site Plan  Sheet 2
   - Site Details  Sheet 3
   - Water and Sewer Details  Sheet 4
   - Erosion and Sediments Control Details  Sheet 5

3. Turning movement plans T1 and T2

4. Jasmin Truck Lot Noise Assessment prepared by Resource Systems Group

5. Letter from Nathan Steans dated July 7, 2023

6. Memo from Jo-Ann Ells dated Jun 30, 2023

7. Response to J. Ells comments of June 30, 2023
SITE PLAN FOR
EROMENO, LLC

PATHWAYS CONSULTING, LLC
244 WASHINGTON STREET, SUITE 200
JONES LANE, HARTFORD, VERMONT
July 7, 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: 98 Jasmin Lane, Eromeno, LLC, Conditional Use and Site Plan approval

Dear Jo-Ann:

Please find enclosed herewith application materials for conditional use and site plan approval for a truck parking facility with an office trailer on lot 14-17-00.

In June 2022, the Hartford Planning Commission granted site plan approval #22-18 for the development of a truck parking facility with an office trailer. After obtaining the town approvals, the applicant applied for an Act 250 permit. The Act 250 process took long enough that the zoning permit issued in December 2022 expired. The underlying zoning district also changed from IR-C to GRC, and as a result the truck parking facility that was permitted by right in the IR-C district is now a conditional use in the GRC district.

General Information

1. The owners of record of lot 14-0017-000 are Raymond and Janice Jasmin who acquired the lot on 02-07-08. The deed is filed in volume 426, page 271 of the Hartford Land Records.

2. The lot is located at 98 Jasmin Lane in White River Junction.

3. The lot was previously developed with a Health Club, “The Fountain of Youth,” which was removed years ago, but the associated pavement and parking areas remain.

4. The lot is approximately 5.46 acres.

5. The lot is class one (1).

6. The lot is in a GRC zoning district.
This Application

7. The applicant proposes to develop a truck parking facility and office on the lot.

8. The applicant proposes to create 6 parking spaces for tractors numbered 1 through 6 on the site plan, 6 parking spaces for tractors/trailers numbered 7 through 12 of the site plan, and one employee parking space numbered 13 on the site plan.

Drivers will leave the site at any time, but typically between 2:00 a.m. and 6:00 a.m., after connecting to a trailer on-site or leave without a trailer and connect to a trailer off-site. Drivers will typically return to the site before noon, but may return in the afternoon as well.

All trailers will be empty. No materials or goods will be stored in the trailers or on site.

Fleet maintenance will not be conducted on-site.

9. In addition, the applicant proposes to locate an office trailer on the property of between 500 and 750 square feet. The office trailer will be connected to Town water and sewer.

10. Easements. The project will require the following easements:

   - Lot 14-17-00 is subject to various utility easements that will not change.

   - Lot 14-17-00 will be accessed by a right-of-way over lot 14-16-00. The right-of-way is shown on the BLA plan as a 50’ wide right-of-way labeled Jasmin Lane, running from Route 5 south to approximately the start of the parking lot on lot 14-16-00. From there the right of way narrows to 24’ continuing south and then turning east. Finally, the last, approximately 25’ of the right-of-way access widens to 76’ to accommodate truck turning movements on lot 14-17-00. The entire area of the right-of-way is currently paved.

   - Lot 14-17-00 will also benefit from an easement over lot 14-16-00 to tie into the municipal water and sewer lines on lot 14-16-00.

   - Lot 14-17-00 will be subject to a 2.5’ wide parking easement on the northern border of Lot 14-17-00 in the area where the current boundary line is to be adjusted. This easement will benefit Lot 14-16-00 for parking. Each of the 15 parking spaces planned for this area on Lot 14-16-00 will have 2.5’ of its total depth located within this easement.

11. The applicant proposes a maximum of six employees, but typically no more than one employee will be on site at a time and the office trailer will not be staffed on a regular basis.
12. Applicant has provided a noise study prepared by RSG. The study assessed the character of the area through background sound level monitoring and assessed impacts with respect to noise through sound propagation modeling. The results show that the Project is at or below the limits applied from the Town of Hartford Ordinance and will not create an adverse impact with respect to noise.

13. The applicant proposes to retain six existing trees. The site design has been coordinated with lot 14-16-00 to provide two vegetated areas along the boundary between the two lots as shown on the site plan, sheet 2.

14. The site is designed to accommodate the turning movements for the tractors and tractor-trailers, as shown in the turning movement plans submitted with the application materials.

15. One, dark-sky compliant light fixture is proposed at the office trailer door. The applicant understands that lighting may 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 or will be found in violation of the applicable zoning approval.

16. Section 260-27 C of the Hartford Zoning Regulations states:

Grading and drainage. The following provisions shall apply to any changes which affect drainage of water to or from a property:

(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.

The proposed site amendments will repurpose a portion of the previously developed site for parking including the existing pavement on the east side of the site and either gravel or pavement on the west side of the site. Grading modifications will be limited for the proposed work and will maintain historic drainage patterns. Since the proposed parking facility is smaller than the previous development area, the result will be that the existing area beyond space 12 will not be disturbed and will assist with directing runoff in historical patterns. The VANR has determined that no storm water permit is required for the project.
17. Wetland delineations and the 50-foot setback required by VANR are shown on the attached plans. All site improvements are located outside of the 50-foot wetland buffer.

18. There is a stream on the property. No activity is proposed within the stream’s 30’ riparian buffer.

19. Snow will be stored in the southeast portion of the parcel and will be removed as needed.

Conditional Use

20. The GRC zoning district allows a parking facility as a conditional use. Office use is permitted by right.

21. The requirements for Conditional Use approval set forth in Section 260-16, and Applicant’s responses, are as follows:

*In order for the permit to be granted, the applicant shall be required to present evidence that the proposed use shall not result in an undue adverse effect on any of the following such that an impact cannot be reasonably mitigated:*

1) Community facilities.

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


(b) The Board may seek or require input from the Town Manager and other municipal officials regarding relevant facilities. The Board shall also take into account sections of the Municipal Plan and any duly adopted Capital Plan which specify anticipated growth, service standards, and facility construction plans.

The project will redevelop a previously developed commercial property that is located in an area surrounded by other existing commercial development and I-89. No new community facilities are required or planned to serve the project. Accordingly, the project will not overburden the use of community facilities, such as to have an undue adverse effect.
(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.

The objective of the GRC district is as follows:

To maintain its role and function as a local and regional service center along an important Town gateway while encouraging a transition towards more compact commercial, mixed-use and multi-unit residential development. New development and redevelopment shall focus on the following elements that create a sense of place including:

- Enhance the aesthetic character of this corridor with well-designed buildings, landscaping, signage and lighting.
- Recognize the visual importance of the mass and scale of buildings including elements such as clearly delineated doors and windows, rooflines, variations in building footprint, materials and architectural features.
- Ensure compatibility of different uses.
- Provide improved walkability with connections to existing sidewalks and adjacent properties.
- Provide parking on the sides and rear of the lot, while avoiding parking in the front of buildings.
- Use landscaped islands to break up expanses of pavement.
- Provide a suitable buffer from adjoining wetlands and streams.

The project is consistent with the objectives of the GRC district and does not violate any specifically stated policies and standards of the municipal plan and is consistent with the type of development identified for Gateway Commercial Lands, which includes, among other uses, commercial (including retail), professional offices, and light manufacturing. The project also re-uses a previously developed site with very few changes to the existing improvements, and the use of the project for parking will be consistent with the current use of the project site and the neighboring use by Jasmin Auto. The project has also been designed to provide a 50 foot buffer from the wetlands and stream on site, within which no new improvements will be located.

(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.
The expected traffic flows of the project will not create an undue adverse effect on the capacity of roads and highways in the vicinity. The project will access Route 5 via the existing access from Jasmin Lane. Trucks leaving and returning the site will be on staggered schedules and will not create any significant increase in traffic throughout the day.

(4) Any Town of Hartford bylaws in effect.

The project will not violate Town of Hartford bylaws.

(5) Utilization of renewable energy resources.

The project will not interfere with or have an undue adverse effect on the utilization of renewable energy resources. The office trailer on site will comply with the Vermont Commercial Building Energy Standards.

22. Pursuant to Section 260-16.C, Applicant understands that, if the project is approved, any enlargement or alteration of the project that is not exempt as a minor change will require conditional use review by the Zoning Board of Adjustment.

23. The applicant understands that no structure, including construction/office trailers, signage, parking spaces or plantings may be placed in such a way that obstruct sight distance along the traveled way, at any intersection or driveway.

24. Construction of the project will comply with Section 260-31 B of the Hartford Zoning Regulations, which states:

   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.

25. The applicant understands that 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.

26. The applicant understands that it retains the obligation to identify, apply for, and obtain any relevant local and state permits for this project.

27. 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.

28. 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.

29. 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. The Planning Commission may grant one six (6) month extension to both time periods providing application is made prior to the expiration of these time periods.

30. 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.

We appreciate your assistance with this Application. Please contact us with any further questions or comments.

Sincerely,

SHEEHEY FURLONG & BEHM P.C.

/s/Nathan H. Stearns

Nathan H. Stearns

Enclosures

cc (by email):
Joshua Jasmin
C. Robert Manby, Jr., Esq.
Dwayne Andreasen
Jeff Goodrich
Skip Nalette
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)  
Janice T., Raymond S., Joshua R., and Sean P. Jasmin  
60 Jasmin Lane, White River Jct., VT 05001  
Deed Recorded Book 546 Page 381 And deed recorded Book 426, Page 271.  
(Available at Town Clerk's Office)  
Telephone: Work 802 295 7572 Cell Email Address: jasminautobody@aol.com

2. NAME & ADDRESS OF APPLICANTS(S)  
Eromeno, LLC  
11 Navigator Road, Londonderry, NH 03053  
Telephone: Work 603 647 4838 Cell Email Address: dwayne@edaservicesinc.com

3. NAME & ADDRESS OF APPLICANTS' CONSULTANT  
Pathways Consulting, LLC  
240 Mechanic Street, Suite 100, Lebanon, NH 03766  
Telephone: Work 603 448 2200 Cell Email Address: jlgoodrich@pathwaysconsult.com

4. PROJECT LOCATION  
60 and 98 Jasmin Lane

5. PRESENT USE OF PROPERTY  
Commercial motor vehicle repairs

6. BRIEFLY DESCRIBE PROJECT (in addition, a detailed narrative must be submitted)  
Conditional Use approval and Site Plan approval for truck parking facility and office trailer.

7. PROJECT SIZE IN SQ. FT OR ACREAGE  
5.46 acres

Lot Width (see plan) Lot Depth (see plan)

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

Water Consumption/day Amount of Sewer Flow Projected

Size of Closest Lines Above (water) (sewer)

9. DESCRIBE LANDSCAPING PLAN  
See site plan

10. IF A BUSINESS - Present # of Employees  
No changes

Proposed Days & Hours of Operation  
No changes

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

The main waste by-product of your business is: Office waste
11. IF A RESTAURANT - Present seating: NA Proposed: NA
12. PARKING SPACES - Number to be provided: 13
13. SIGNAGE - Free Standing: None Attached: NA
14. FENCING - Location: None Height: NA
15. NEAREST WATER SUPPLY FOR FIREPROTECTION: On corner of Lot 14-16 and Lot 14-15
16. ESTIMATED VALUE OF PROPOSED WORK: TBD
17. IS THERE AN EXISTING DRIVEWAY? Yes
18. IF A SUBDIVISION - Number of New Lots to be Created: NA
   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).

Lot Owner's Signature: Janice T. Jasmin Date: 1
Lot Owner's Signature: Raymond S. Jasmin Date: 1
Lot Owner's Signature: Joshua R. Jasmin Date: 1
Lot Owner's Signature: Sean P. Jasmin Date: 1

For Office Use Only

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

May 2075
JASMIN TRUCK LOT - NOISE ASSESSMENT
Report Title:
Jasmin Truck Lot - Noise Assessment

Report Prepared by:
RSG

Report Prepared for:
Sheehy Furlong & Behm, P.C.

For additional information regarding this report, or for questions about permissions or use of findings contained therein, please contact:
RSG (Headquarters)
55 Railroad Row
White River Junction, VT 05001
(802) 295-4999
www.rsginc.com

© 2022 RSG
# CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXECUTIVE SUMMARY</td>
<td>III</td>
</tr>
<tr>
<td>1.0 INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>2.0 NOISE STANDARDS</td>
<td>3</td>
</tr>
<tr>
<td>2.1 LOCAL STANDARDS</td>
<td>3</td>
</tr>
<tr>
<td>2.2 STATE STANDARDS – ACT 250</td>
<td>4</td>
</tr>
<tr>
<td>3.0 SOUND LEVEL MONITORING</td>
<td>5</td>
</tr>
<tr>
<td>3.2 LOCAL NOISE LIMITS BASED ON EXISTING BACKGROUND</td>
<td>8</td>
</tr>
<tr>
<td>3.3 SHORT TERM MONITORING</td>
<td>9</td>
</tr>
<tr>
<td>4.0 SOUND PROPAGATION MODELING</td>
<td>11</td>
</tr>
<tr>
<td>5.0 DISCUSSION AND CONCLUSION</td>
<td>15</td>
</tr>
<tr>
<td>5.1 ACT 250 - QUECHEE TEST</td>
<td>15</td>
</tr>
<tr>
<td>5.2 CONCLUSION</td>
<td>15</td>
</tr>
<tr>
<td>APPENDIX A. NOISE PRIMER</td>
<td>16</td>
</tr>
</tbody>
</table>
EXECUTIVE SUMMARY

RSG performed a noise assessment for the proposed Jasmin Truck Lot in White River Junction, VT (the “Project”). The study assessed the character of the area through background sound level monitoring and assessed impacts with respect to noise through sound propagation modeling.

The proposed Project is a truck parking lot adjacent to the I-89 and I-91 interchange and accessible from US Route 5. The site is currently mostly an existing parking lot. The lot would support up to twelve semi-trucks that would be mobilized primarily on nights prior to weekday mornings. Most of the trucks would independently leave the lot during nighttime hours and return later during the day.

One week of continuous sound level monitoring at the site in July 2022 determined that the diurnal soundscape at the site was dominated by traffic on I-89. Daytime sound levels were dominated by continuous traffic on I-89, with hourly equivalent average sound levels typically approaching 60 dBA $L_{	ext{eq1h}}$ during the day and residual sound levels ($L_{90}$) around 55 dBA. Hourly nighttime equivalent average sound levels were typically around 50 dBA $L_{	ext{eq1h}}$, with hourly $L_{90}$ around 45 dBA. The $L_{\text{max}}$ each hour at night was generally between 60 and 70 dBA. The Town of Hartford sound level limits were adjusted based on the existing sound levels to 56 dBA $L_{\text{eq1h}}$ and 65 dBA $L_{\text{max}}$ at sensitive property lines per the ordinance.

To model the trucks onsite, short term monitoring of a Project truck was performed. Sound pressure levels associated with startup, truck idle, and leaving the site were measured and associated sound powers were calculated for use in the sound propagation model. Sound propagation modeling of representative truck activities at the site was performed. Average equivalent sound level ($L_{e}$) and maximum sound level ($L_{\text{max}}$) metrics were both assessed. The specific operations modeled represent a maximum use-case scenario where a major portion of the entire operation is condensed into a one-hour long nighttime period. Backup alarms will not be used onsite.

The maximum nighttime $L_{\text{eq1h}}$ was predicted to be 48 dBA at the property line and 44 dBA at the façade of the neighboring hotel to the east. Maximum one-second sound levels from the operation were modeled at 65 dBA at the property line and 60 dBA at the nearby hotel façade. The results show that the Project is at or below the limits applied from the Town of Hartford Ordinance and will not create an adverse impact with respect to noise.
Jasmin Truck Lot - Noise Assessment

1.0 INTRODUCTION

This noise assessment quantifies background sound levels in the area, predicts the expected sound levels from the proposed operations, and compares sound levels to local regulations and state noise guidelines. A primer on noise is provided in Appendix A.

Project Description

The Jasmin Truck Lot (the “Project”) is a truck parking lot proposed by DDA Services in White River Junction, VT. The Project is located at the existing parking lot behind Jasmin Auto Body, which is located between US Route 5 and Interstate 89, as shown in the map in Figure 1.

The Project includes adding two storage buildings to the site and refinishing some of the existing lot space. The intended use is for parking up to six semi-trucks and up to six additional semi-trucks with trailers, for a total of up to 12 trucks and 6 trailers.

The Project requires an Act 250 permit and must demonstrate that it will meet the Town of Hartford noise ordinance.

Intended Operation Schedule

The proposed Project can accommodate up to 12 trucks. Only 6 trucks are currently planned to operate at the site but the site design allows for up to 12 trucks (Truck #6 to Truck #12) for additional capacity, if needed. Up to six trucks of the 12 potential trucks may have their trailers attached. This analysis considers all 12 potential trucks and thus the noise modeling considers maximum planned utilization of the facility.

Most trucks leave the facility in the early morning hours (nighttime), go to another location in White River Junction to pick up their trailer, complete deliveries, and then return during daytime after their work is complete, without the trailer. The trucks will return to the site generally between mid-day and early afternoon.

When a truck leaves, it will need to start-up and idle for approximately 5 minutes in the summer and about 10 minutes in the winter to allow brakes to warmup.

Figure 2 shows an example weekday operational schedule generated with data provided by the applicant. Based on the intended schedule provided by the applicant, up to 10 trucks could leave over the course of a single night with a single truck returning; a maximum of 6 trucks could leave in one hour.

---

1 Project trucks each have an onboard computer that shuts the engine off after 10 minutes of idling; a 15-minute idling period was used in this study to represent a maximum idle time condition.
FIGURE 1: MAP OF PROJECT SITE

FIGURE 2: EXAMPLE TRUCK SCHEDULE FOR A SINGLE WEEKDAY
2.0 NOISE STANDARDS

2.1 LOCAL STANDARDS

Town of Hartford, Vermont

The Town of Hartford Ordinances\textsuperscript{2} regulate noise at sensitive use parcel property lines by time of day ("Noise Ordinance"). As shown in Table 1, the 1-hour equivalent average sound level ($L_{eq1h}$ or simply, $L_{1h}$) limit is 45 dBA and the "Maximum Level" is 65 dBA at night (assumed to be $L_{max}$). The Noise Ordinance also specifies penalties for tonal sound and high background sound levels. Only the eastern boundary of the Project site is considered a sensitive property line.

<table>
<thead>
<tr>
<th>TABLE 1. REPRODUCTION OF TABLE I: SOUND LEVEL STANDARDS (FOR FIXED SOUND SOURCES)\textsuperscript{3} FROM THE TOWN OF HARTFORD ORDINANCES, CHAPTER 110: NOISE.</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOUND LEVEL DESCRIPTION</td>
</tr>
<tr>
<td>------------------------</td>
</tr>
<tr>
<td>7 AM to 10 PM</td>
</tr>
<tr>
<td>Hourly Leq, dBA\textsuperscript{4}</td>
</tr>
<tr>
<td>Maximum Level, dBA\textsuperscript{4}</td>
</tr>
</tbody>
</table>

Further, the Noise Ordinance also provides adjustments to the limits based on ambient sound levels, Chapter 110 A(1):

\begin{quote}
In the event the measured ambient sound level exceeds the applicable sound level standard identified in Table I, the sound level standard (the standard against which violations are measured) shall be adjusted so as to equal the ambient sound level plus three dB.
\end{quote}

Thus, if the existing background sound levels are above the limits in Table 1, the sound level limits are adjusted to be 3 dB above the existing sound level. Results from background sound level monitoring are presented in Section 3.1 and the resulting noise limits, based on monitoring results, are provided in Section 3.2.

\textsuperscript{2} Town of Hartford Ordinances, Adopted 2009-02-24, Chapter 110, Noise
\textsuperscript{3} A "fixed sound source" is defined in the Noise Ordinance as, among other things, "motor vehicles operated on private property."
\textsuperscript{4} In the Hartford Noise Ordinance "Table I," the units of the sound levels are labeled as "dB." The next table in the document (Table II) labels the same values (i.e., 50 and 45) as A-weighted. Thus, the values in Table I are considered to be A-weighted, which is common practice with community noise regulations.
2.2 STATE STANDARDS – ACT 250

There are no Vermont statutes or regulations that establish quantitative noise standards applicable to this project. However, noise from the proposed project is assessed in Act 250 proceedings primarily under Criterion 8, Aesthetics. Noise is evaluated under Criterion 8 via the Quechee Test which first asks if the project will cause an adverse impact on aesthetics with regard to noise, by comparing the existing character of the area with the future character of the area given the proposed project. If a project is considered to cause an adverse impact, the Quechee Test then asks if the project will cause an undue adverse impact on aesthetics with regard to noise. To determine if the adverse impacts are undue three questions must be considered:

1. Is the project so out of character with the area that it would offend the sensibilities of the average person? Does it rise to the level of being considered shocking and offensive?
2. Has the applicant failed to take steps to mitigate impacts that a reasonable person would take?
3. Does the project violate a clear, written community standard regarding noise or acoustical aesthetics?

If there is an affirmative answer to any of these questions, then the project is considered to cause an undue adverse impact, and it fails the Quechee Test.

Precedent

The most common noise limit applied to a project through Act 250 is 55 dBA $L_{\text{max}}$ at homes and areas of frequent human use during the day, known as the Barre-Granite standard. In some cases, a 70 dBA $L_{\text{max}}$ property line limit has also been set. These precedents were set by the Environmental Board and have generally been upheld by the Environmental Court to evaluate whether or not a project would be considered shocking and offensive to the average person. More recently the Supreme Court\(^5\) has used these limits for the first part of the Quechee test to determine if sound from the project would be considered adverse; not necessarily unduly adverse. However, the Vermont Superior Court Environmental Division, and the Vermont Supreme Court have made it clear that the Barre-Granite limit is a flexible standard depending on the context of the project and is not a hard and fast limit.

---

\(^5\) 2021 VT 22, Vermont Supreme Court, In re JSCL, LLC CU Permit.
3.0 SOUND LEVEL MONITORING

Continuous sound level monitoring was completed from July 14 to July 21, 2022. The purpose of the long-term monitoring is to quantify the existing background sound levels and help establish the existing acoustical character of the area. Short-term sound level monitoring in August 2022 was also performed to directly quantify the expected sound levels from trucks at the site.

3.1 LONG-TERM MONITORING

Background sound level monitoring permits a determination of baseline sound levels near sensitive locations, such as residences or areas of frequency human use. These measurements help to define the existing acoustical character of the area. Background sound levels constantly change, such that the character of the area cannot be defined by simply one value. Rather, the character of the area is defined by the types of sound sources present, the average sound level, the maximum sound level, and the statistical distribution of sound levels over time.

Procedure

The sound monitor was placed near the property line between the proposed Project parcel and the nearby hotel on Ballardvale Drive. The location of the monitor in relation to the surrounding areas and property lines is shown in Figure 1.

Sound levels were logged each second with a CESVA SC310 ANSI/IEC Class 1 sound level meter. The sound level meter was lab calibrated within 1-year of these measurements and was field-calibrated with a Cirrus CR:515 calibrator before and after the site visit. The monitor also recorded continuous audio to aid in sound source identification through a Roland Edirol digital audio recorder attached to the sound level meter. The microphone was mounted on wooden stakes at an approximate height of 1.4 meters (4.6 feet) and covered with 180 mm (7 inch) hydrophobic wind screen. Onset HOBOware wind speed sensor was co-located with the sound level meter. Pictures of the monitor setup are provided in Figure 3 and Figure 4. Regional meteorological data was obtained for Lebanon, NH. Data was summarized into 10-minute periods, as well as daytime, nighttime, and overall categories using R. Data was removed if it was logged during periods with measurable precipitation or wind speeds over 5 m/s (11 mph).

Results

The overall, daytime, and nighttime sound level results from the week of sound level monitoring at the site are provided in Table 2.

<table>
<thead>
<tr>
<th>TIME PERIOD</th>
<th>(L_{eq})</th>
<th>(L_{10})</th>
<th>(L_{50})</th>
<th>(L_{90})</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day</td>
<td>59</td>
<td>61</td>
<td>57</td>
<td>53</td>
</tr>
<tr>
<td>Night</td>
<td>54</td>
<td>58</td>
<td>50</td>
<td>44</td>
</tr>
<tr>
<td>Overall</td>
<td>57</td>
<td>60</td>
<td>56</td>
<td>46</td>
</tr>
</tbody>
</table>

TABLE 2: OVERALL A-WEIGHTED SOUND LEVEL MONITORING RESULTS (dBA)
FIGURE 3: PICTURE OF MONITOR, LOOKING SOUTHEAST

FIGURE 4: PICTURE OF MONITOR, LOOKING NORTH
To visualize the variation in sound levels measured at the site, the time history results of the monitoring period are summarized in the chart in Figure 5. For the chart, sound levels were aggregated into 1-hour periods, with the $L_{\text{max}}$ (i.e., the maximum slow response 1-second sound level, or $L_{\text{ASmax}}$) for each hour depicted.

The regular diurnal sound level pattern at the site is a direct expression of the traffic volumes on I-89. The peaks during the last couple days were from nearby lawn care equipment. Data excluded for rain on the afternoon and evening of July 18; intermittent wind gusts above 5 m/s caused 1.5 hours of data exclusions over the week of monitoring. Bird sound was plentiful around dawn and dusk, but automobiles dominated the soundscape.

On weekdays, traffic and sound levels start to increase from around 4 AM until around 7 AM, remaining relatively consistent (~60 dBA $L_{\text{eq1h}}$) throughout the day until about 8 PM. Sound levels dropped to their minimum (~50 dBA $L_{\text{eq1h}}$) around midnight each night. The hourly $L_{90}$, or residual sound level during these times was 45 dBA. With infrequent highway passbys at night as the dominant nighttime sound source, the $L_{90}$ typifies the nighttime sound level at night in the absence of the highway. The $L_{\text{max}}$ exceeded 65 dBA in most nighttime hours. The site exemplifies commercial infrastructure adjacent to an interstate corridor.

![Sound Level Metric and Data Exclusions Chart]

**FIGURE 5:** TIME HISTORY RESULTS OF SOUND MONITORING AT THE SITE IN JULY 2022. DATA ARE AGGREGATED INTO 1-HOUR PERIODS; THE ORANGE LINE IS THE $L_{\text{max}}$ FROM EACH HOUR.
3.2 LOCAL NOISE LIMITS BASED ON EXISTING BACKGROUND

Based on monitoring data at the site, the average ambient when most of the trucks would be leaving in the early morning (between 2 and 4 AM) is 53 dBA L_{eqth}.

One-second sound levels between 2 AM and 5 AM were typically below 60 dBA, though most hours did have some L_{max} values above 65 dBA.

In both cases, the existing background sound levels are above or approaching the sound level limits in Table 1. Thus, the sound level limits applied to the project are adjusted to be 3 dB above the existing sound level, in accordance with the Sound Ordinance. A summary of the noise metrics assessed for this project is provided in Table 3.

### TABLE 3: NOISE METRICS ASSESSED

<table>
<thead>
<tr>
<th>Maximum Nighttime Sound Levels</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>At sensitive-use property lines: 56 dBA L_{eqth}f_r</td>
<td>Town of Hartford</td>
</tr>
<tr>
<td>At sensitive-use property lines: 65 dBA L_{max}</td>
<td>Town of Hartford</td>
</tr>
</tbody>
</table>

6 53 dBA + 3 dB = 56 dBA
3.3 SHORT TERM MONITORING

Procedure

To quantify the expected sound level emissions of the trucks at the site, a representative truck from the fleet that is planned to be operating at the site was measured on the evening of August 22, 2022. Two Cirrus CR171 sound level meters were deployed with similar properties as the long-term monitor as described in Section 3.1. One monitor continuously measured sound at 45 meters from the truck’s designated parking location. The other moved throughout the site, as needed. During measurements, the wind was calm, the sky was generally clear, and the temperature was about 55 °F. Data was collected in the evening between 8 and 9 PM to measure under lower background sound levels.

The truck was measured under the expected operating conditions – idling and then pulling out from the site. Idling was measured at 10 meters from the truck on each side (i.e., front, back, left, and right). A picture of the truck being measured at 10 meters from its left (i.e., port) side while idling is provided in Figure 6. Additionally, the truck leaving and entering the site was measured by a static monitor 45 meters toward the east, representing the closest distance between a truck’s parking location and the property line. Due to the sound of truck operations being influenced by background sound at 45 meters, the entering and exiting truck was also measured at half the distance (22.5 meters). Measurements were conducted while the truck pulled in and out of the designated parking spot several times.

FIGURE 6: PICTURE OF SOUND LEVEL DATA COLLECTION AT 10 METERS FROM THE LEFT (PORT) SIDE OF A TRUCK ASSOCIATED WITH THE PROJECT

7 Representing the shortest distance from the property line to the closest truck in the Project
Results

Sound power levels were calculated from sound pressure levels measured at the site. The resulting sound power levels were used as sound emission data in the sound propagation model (Section 4.0).

**Truck Idle**

Sound levels measured at 10 meters from the truck were 62 dBA at the sides, 64 dBA to the front, and 60 dBA behind the truck. The idling measurements yielded an overall sound power level of 90 dBA, as shown in Table 4. Idling is a relatively consistent activity acoustically and $L_{eq} = L_{max}$.

**Truck Departure**

The truck was often indistinguishable from background sound levels at the 45-meter location (representing the distance from the truck to the nearest property line). The $L_{max}$ at 45 meters during the monitoring was 64 dBA; it did not exceed 65 dBA during testing.

The highest sound levels measured during truck operations were due to the release of air pressure in the brake system, which lasted about one second. Specifically, the air pressure discharged from the braking system when the operator released the brakes generated sound levels of up to 69 dBA at 22.5 meters. Otherwise, the highest sound level from a truck leaving or arriving, as measured from the 22.5-meter reference location was 62 dBA. The resulting calculated sound power levels from these measurements are provided in Table 4. The airbrake release sound was calculated as an $L_{max}$ and the maximum engine sound level is applied as the $L_{eq}$ of the truck leaving.

**TABLE 4: CALCULATED SOUND POWER LEVELS FROM TRUCK SOUND TESTING**

<table>
<thead>
<tr>
<th>Heavy Truck Source</th>
<th>Full Octave Band Center Frequency (Hz)</th>
<th>Overall Sound Power Level</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>31.5</td>
<td>63</td>
</tr>
<tr>
<td>Idle ($L_{max} &amp; L_{eq}$)</td>
<td>95</td>
<td>94</td>
</tr>
<tr>
<td>Brake Release ($L_{max}$)</td>
<td>94</td>
<td>96</td>
</tr>
<tr>
<td>Leave site ($L_{eq}$)</td>
<td>96</td>
<td>91</td>
</tr>
</tbody>
</table>

---

8 One instance from the truck operation (air brake release) and one instance from a vehicle on I-89
4.0 SOUND PROPAGATION MODELING

4.1 PROCEDURE

Estimated sound levels from the operation of the site were modeled. Sound propagation modeling was conducted using the ISO 9613-2 standard as implemented in the CadnaA acoustical modeling software package. CadnaA is an internationally accepted acoustical model, used by many noise control professionals in the United States and abroad. It has been accepted for many years as a reliable noise modeling methodology by Act 250 commissions, the former Environmental Board, the Vermont Superior Court Environmental Division, and the Vermont Supreme Court.

The model considers source sound power levels, surface reflection and absorption, atmospheric absorption, geometric divergence, meteorological conditions, walls, barriers, berms, and terrain. Standard modeling methodology assumes a moderate nighttime temperature inversion, or equivalently, moderate downwind conditions. Paved and gravel portions of the proposed site were modeled as reflective ground (G=0), with soft ground (G=1) elsewhere. Existing and proposed buildings at the site were modeled as reflective (A = 0.1) with two orders of reflection considered.

A 1- by 1-meter (3.3 by 3.3 ft) grid at 1.5 meters (5 feet) above ground level was setup to cover approximately 66 acres around the site. A receiver is a point above the ground at which the computer model calculates a sound level. In addition, sound levels were calculated for sensitive land use property lines and building facades. The sensitive land uses abutting the site are interstate-adjacent hotels.
4.2 MODEL SCENARIOS

Two scenarios were simulated in the model based on the potential for 6 trucks to arrive or depart in a single one-hour time period. The specific operations modeled represent a maximum usage scenario where a major portion of the entire operation is condensed into a one-hour long period. Only nighttime scenarios are considered due to the lower nighttime sound level limit. The following events are considered:

**Average one-hour equivalent sound level (\(L_{eq/hr}\))**
- 6 idling trucks distributed evenly throughout the Project lot. Each truck modeled to be idling for 15 minutes in the one-hour period
- 6 trucks leaving the site

**Maximum one-second sound level (\(L_{max}\))**
- 5 idling trucks distributed evenly throughout the Project lot
- 1 truck leaving the site from a parking spot nearest to the closest sensitive property line

The specific source locations for each scenario are shown in the results provided in Section 4.3. Backup alarms will not be used onsite and thus were not included in the model.

Trucks were modeled without their trailers. If trucks on the east side of the site were backed in with trailers attached, the noise source (i.e., the truck’s engine) would move farther from the sensitive property line to the east. Thus, the easternmost trucks are modeled in their closest possible position to the sensitive eastern property line.

4.3 MODEL RESULTS

\(L_{eq/hr}\)

Figure 7 provides a map with sound level contours of the maximum potential one-hour equivalent average sound levels from the Project. Maximum nighttime \(L_{eq/hr}\) are predicted to be 48 dBA at the property line and up to 44 dBA at the façade of the neighboring hotel to the east. These levels are below the limit given in Table 3 and below background levels, as shown in Table 2.

\(L_{max}\)

The projected sound levels from the \(L_{max}\) scenario are provided in Figure 8. The figure shows that maximum one-second sound levels from the operation could reach 65 dBA at the property line and 60 dBA at the façade of the nearest hotel (to the east). These levels would be below the limit given in Table 3.
FIGURE 7: SOUND LEVEL RESULTS – ONE-HOUR LEQ SCENARIO
FIGURE 8: SOUND LEVEL RESULTS – LMAX SCENARIO
5.0 DISCUSSION AND CONCLUSION

5.1 ACT 250 - QUECHEE TEST

Maximum one-second sound levels are projected to be above 55 dBA $L_{\text{max}}$ (60 dBA) at the neighboring sensitive receptors, indicating a potential adverse impact. In the Quechee Test, once an adverse impact is identified, it must be identified as unduly adverse or not. An unduly adverse impact is determined if it:

- Is considered shocking and offensive to the average person,
- Is not attended to with reasonable mitigation measures to reduce impacts, OR
- Does not meet local noise standards.

The proposed truck depot:

- Produces sound that is consistent with the character of the area (i.e., vehicular infrastructure in a transportation corridor). Figure 5 indicates 1-second sound levels consistently above 60 dBA every hour (see shaded orange area in sound level traces). Since the anticipated $L_{\text{max}}$ events throughout a single night are twelve or fewer, the truck operation is likely an insignificant contribution to the overall soundscape and consistent with the existing sound levels currently at the site.

- Involves only intermittent truck operation and does not overtly increase use of the parcel. Parking spaces were sited away from sensitive receptors (i.e., on the western half of the parcel away from the eastern parcel boundary).

- Adheres with the Town of Hartford Ordinance.

As a result, we conclude that although the Project may produce an adverse impact to a neighboring sensitive receptor, it does not produce an undue adverse impact on aesthetics with regard to noise for sensitive neighboring parcels.

5.2 CONCLUSION

RSG performed a noise assessment for the proposed Jasmin Truck Lot in White River Junction, VT in the summer of 2022. The noise study assessed the character of the area through background sound level monitoring and assessed potential impacts with respect to noise through sound propagation modeling. Model results were compared with the Town of Hartford Ordinance and Act 250 noise precedent.

The noise assessment concludes that the Project would meet the Town Ordinance and will not cause an undue adverse impact on aesthetics with respect to noise.
APPENDIX A. NOISE PRIMER

Expressing Sound in Decibel Levels

The varying air pressure that constitutes sound can be characterized in many different ways. The human ear is the basis for the metrics that are used in acoustics. Normal human hearing is sensitive to sound fluctuations over an enormous range of pressures, from about 20 micropascals (the “threshold of audibility”) to about 20 pascals (the “threshold of pain”). This factor of one million in sound pressure difference is challenging to convey in engineering units. Instead, sound pressure is converted to sound “levels” in units of “decibels” (dB, named after Alexander Graham Bell). Once a measured sound is converted to dB, it is denoted as a level with the letter “L.”

The conversion from sound pressure in pascals to sound level in dB is a four-step process. First, the sound wave’s measured amplitude is squared and the mean is taken. Second, a ratio is taken between the mean square sound pressure and the square of the threshold of audibility (20 micropascals). Third, using the logarithm function, the ratio is converted to factors of 10. The final result is multiplied by 10 to give the decibel level. By this decibel scale, sound levels range from 0 dB at the threshold of audibility to 120 dB at the threshold of pain.

Typical sound sources, and their sound pressure levels, are listed on the scale in Figure 9.

Human Response to Sound Levels: Apparent Loudness

For every 20 dB increase in sound level, the sound pressure increases by a factor of 10; the sound level range from 0 dB to 120 dB covers 6 factors of 10, or one million, in sound pressure. However, for an increase of 10 dB in sound level as measured by a meter, humans perceive an approximate doubling of apparent loudness: to the human ear, a sound level of 70 dB sounds about “twice as loud” as a sound level of 60 dB. Smaller changes in sound level, less than 3 dB up or down, are generally not perceptible.

---

9 The pascal is a measure of pressure in the metric system. In Imperial units, they are themselves very small: one pascal is only 145 millionths of a pound per square inch (psi). The sound pressure at the threshold of audibility is only 3 one-billionths of one psi; at the threshold of pain, it is about 3 one-thousandths of one psi.
### Figure 9: A Scale of Sound Pressure Levels for Typical Sound Sources

<table>
<thead>
<tr>
<th>Decibels (dBA)</th>
<th>HUMAN PERCEPTION</th>
<th>EVERYDAY NOISE</th>
<th>TRANSPORTATION NOISE</th>
</tr>
</thead>
<tbody>
<tr>
<td>140</td>
<td>Deafening</td>
<td>Near a Jet Engine</td>
<td></td>
</tr>
<tr>
<td>130</td>
<td>Threshold of Pain</td>
<td>Hard Rock Band</td>
<td></td>
</tr>
<tr>
<td>120</td>
<td></td>
<td>Chainsaw</td>
<td></td>
</tr>
<tr>
<td>110</td>
<td></td>
<td>Auto Horn</td>
<td></td>
</tr>
<tr>
<td>100</td>
<td></td>
<td>Snowmobile</td>
<td></td>
</tr>
<tr>
<td>90</td>
<td></td>
<td>Riding Lawn Mower</td>
<td>Snowmobile</td>
</tr>
<tr>
<td>80</td>
<td></td>
<td>Shop-Vac, Outdoors</td>
<td>Street Sweeper</td>
</tr>
<tr>
<td>70</td>
<td></td>
<td>Vacuum Cleaner</td>
<td></td>
</tr>
<tr>
<td>60</td>
<td></td>
<td>Field with Insects</td>
<td></td>
</tr>
<tr>
<td>50</td>
<td></td>
<td>Refrigerator</td>
<td></td>
</tr>
<tr>
<td>40</td>
<td></td>
<td>Library</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td></td>
<td>Truck Passby</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td></td>
<td>Inside Car</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td></td>
<td>Tractor</td>
<td></td>
</tr>
<tr>
<td>0</td>
<td></td>
<td>Snowmobile</td>
<td></td>
</tr>
</tbody>
</table>

- **Urban Area**: Conversational Speech
- **Suburban Area**: Quiet Rural Area
- **Quiet Winter Night**: Quiet Rural Area

**Thresholds**:
- **Threshold of Audibility**: 1000 Hz
- **Threshold of Pain**: 140 dBA
- **Deafening**: 130 dBA
- **Threshold of Audibility**: 1000 Hz

DECIBELS (dBA)

<table>
<thead>
<tr>
<th>Decibels (dBA)</th>
<th>HUMAN PERCEPTION</th>
<th>EVERYDAY NOISE</th>
<th>TRANSPORTATION NOISE</th>
</tr>
</thead>
<tbody>
<tr>
<td>140</td>
<td>Deafening</td>
<td>Near a Jet Engine</td>
<td></td>
</tr>
<tr>
<td>130</td>
<td>Threshold of Pain</td>
<td>Hard Rock Band</td>
<td></td>
</tr>
<tr>
<td>120</td>
<td></td>
<td>Chainsaw</td>
<td></td>
</tr>
<tr>
<td>110</td>
<td></td>
<td>Auto Horn</td>
<td>Snowmobile</td>
</tr>
<tr>
<td>100</td>
<td></td>
<td>Riding Lawn Mower</td>
<td>Snowmobile</td>
</tr>
<tr>
<td>90</td>
<td></td>
<td>Shop-Vac, Outdoors</td>
<td>Street Sweeper</td>
</tr>
<tr>
<td>80</td>
<td></td>
<td>Vacuum Cleaner</td>
<td></td>
</tr>
<tr>
<td>70</td>
<td></td>
<td>Field with Insects</td>
<td></td>
</tr>
<tr>
<td>60</td>
<td></td>
<td>Refrigerator</td>
<td></td>
</tr>
<tr>
<td>50</td>
<td></td>
<td>Library</td>
<td></td>
</tr>
<tr>
<td>40</td>
<td></td>
<td>Truck Passby</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td></td>
<td>Inside Car</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td></td>
<td>Tractor</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td></td>
<td>Snowmobile</td>
<td></td>
</tr>
</tbody>
</table>

**Thresholds**:
- **Threshold of Audibility**: 1000 Hz
- **Threshold of Pain**: 140 dBA
- **Deafening**: 130 dBA
- **Threshold of Audibility**: 1000 Hz

**DECIBELS (dBA)**

**RSG**
Frequency Spectrum of Sound

The “frequency” of a sound is the rate at which it fluctuates in time, expressed in Hertz (Hz), or cycles per second. Very few sounds occur at only one frequency: most sound contains energy at many different frequencies, and it can be broken down into different frequency divisions, or bands. These bands are similar to musical pitches, from low tones to high tones. The most common division is the standard octave band. An octave is the range of frequencies whose upper frequency limit is twice its lower frequency limit, exactly like an octave in music. An octave band is identified by its center frequency: each successive band’s center frequency is twice as high (one octave) as the previous band. For example, the 500 Hz octave band includes all sound whose frequencies range between 354 Hz (Hertz, or cycles per second) and 707 Hz. The next band is centered at 1,000 Hz with a range between 707 Hz and 1,414 Hz. The range of human hearing is divided into 10 standard octave bands: 31.5 Hz, 63 Hz, 125 Hz, 250 Hz, 500 Hz, 1,000 Hz, 2,000 Hz, 4,000 Hz, 8,000 Hz, and 16,000 Hz. For analyses that require finer frequency detail, each octave-band can be subdivided. A commonly-used subdivision creates three smaller bands within each octave band, or so-called 1/3-octave bands.

Human Response to Frequency: Weighting of Sound Levels

The human ear is not equally sensitive to sounds of all frequencies. Sounds at some frequencies seem louder than others, despite having the same decibel level as measured by a sound level meter. In particular, human hearing is much more sensitive to medium pitches (from about 500 Hz to about 4,000 Hz) than to very low or very high pitches. For example, a tone measuring 80 dB at 500 Hz (a medium pitch) sounds quite a bit louder than a tone measuring 80 dB at 60 Hz (a very low pitch). The frequency response of normal human hearing ranges from 20 Hz to 20,000 Hz. Below 20 Hz, sound pressure fluctuations are not “heard”, but sometimes can be “felt”. This is known as “infrasound”. Likewise, above 20,000 Hz, sound can no longer be heard by humans; this is known as “ultrasound”. As humans age, they tend to lose the ability to hear higher frequencies first; many adults do not hear very well above about 16,000 Hz. Most natural and man-made sound occurs in the range from about 40 Hz to about 4,000 Hz. Some insects and bird songs reach to about 8,000 Hz.

To adjust measured sound pressure levels so that they mimic human hearing response, sound level meters apply filters, known as “frequency weightings”, to the signals. There are several defined weighting scales, including “A”, “B”, “C”, “D”, “G”, and “Z”. The most common weighting scale used in environmental noise analysis and regulation is A-weighting. This weighting represents the sensitivity of the human ear to sounds of low to moderate level. It attenuates sounds with frequencies below 1000 Hz and above 4000 Hz; it amplifies very slightly sounds between 1000 Hz and 4000 Hz, where the human ear is particularly sensitive. The C-weighting scale is sometimes used to describe louder sounds. The B- and D- scales are seldom used. All of these frequency weighting scales are normalized to the average human hearing response at 1000 Hz: at this frequency, the filters neither attenuate nor amplify. G-weighting is a standardized weighting used to evaluate infrasound.
When a reported sound level has been filtered using a frequency weighting, the letter is appended to “dB”. For example, sound with A-weighting is usually denoted “dBA”. When no filtering is applied, the level is denoted “dB” or “dBZ”. The letter is also appended as a subscript to the level indicator “L”, for example “LA” for A-weighted levels.

**Time Response of Sound Level Meters**

Because sound levels can vary greatly from one moment to the next, the time over which sound is measured can influence the value of the levels reported. Often, sound is measured in real time, as it fluctuates. In this case, acousticians apply a so-called “time response” to the sound level meter, and this time response is often part of regulations for measuring sound. If the sound level is varying slowly, over a few seconds, “Slow” time response is applied, with a time constant of one second. If the sound level is varying quickly (for example, if brief events are mixed into the overall sound), “Fast” time response can be applied, with a time constant of one-eighth of a second. The time response setting for a sound level measurement is indicated with the subscript “S” for Slow and “F” for Fast: LS or LF. A sound level meter set to Fast time response will indicate higher sound levels than one set to Slow time response when brief events are mixed into the overall sound, because it can respond more quickly.

In some cases, the maximum sound level that can be generated by a source is of concern. Likewise, the minimum sound level occurring during a monitoring period may be required. To measure these, the sound level meter can be set to capture and hold the highest and lowest levels measured during a given monitoring period. This is represented by the subscript “max”, denoted as “Lmax”. One can define a “max” level with Fast response LFmax (1/8-second time constant), Slow time response LSmax (1-second time constant), or Continuous Equivalent level over a specified time period Leq-max.

**Accounting for Changes in Sound Over Time**

A sound level meter’s time response settings are useful for continuous monitoring. However, they are less useful in summarizing sound levels over longer periods. To do so, acousticians apply simple statistics to the measured sound levels, resulting in a set of defined types of sound level related to averages over time. An example is shown in Figure 10. The sound level at each instant of time is the grey trace going from left to right. Over the total time it was measured (1 hour in the figure), the sound energy spends certain fractions of time near various levels, ranging from the minimum (about 27 dB in the figure) to the maximum (about 65 dB in the figure). The simplest descriptor is the average sound level, known as the Equivalent Continuous Sound Level. Statistical levels are used to determine for what percentage of time the sound is louder than any given level. These levels are described in the following sections.

**Equivalent Continuous Sound Level - Leq**

One straightforward, common way of describing sound levels is in terms of the Continuous Equivalent Sound Level, or Leq. The Leq is the average sound pressure level over a defined period

---

10 There is a third time response defined by standards, the “Impulse” response. This response was defined to enable use of older, analog meters when measuring very brief sounds; it is no longer in common use.
of time, such as one hour or one day. $L_{eq}$ is the most commonly used descriptor in noise standards and regulations. $L_{eq}$ is representative of the overall sound to which a person is exposed. Because of the logarithmic calculation of decibels, $L_{eq}$ tends to favor higher sound levels: loud and infrequent sources have a larger impact on the resulting average sound level than quieter but more frequent sounds. For example, in Figure 10, even though the sound levels spend most of the time near about 34 dBA, the $L_{eq}$ is 41 dBA, having been “inflated” by the maximum level of 65 dBA and other occasional spikes over the course of the hour.

FIGURE 10: EXAMPLE OF DESCRIPTIVE TERMS OF SOUND MEASUREMENT OVER TIME
Percentile Sound Levels – Ln

Percentile sound levels describe the statistical distribution of sound levels over time. “Ln” is the level above which the sound spends “N” percent of the time. For example, L90 (sometimes called the “residual base level”) is the sound level exceeded 90% of the time: the sound is louder than L90 most of the time. L10 is the sound level that is exceeded only 10% of the time. (the “median level”) is exceeded 50% of the time: half of the time the sound is louder than , and half the time it is quieter than . Note that (median) and L eq (mean) are not always the same, for reasons described in the previous section.

L90 is often a good representation of the “ambient sound” in an area. This is the sound that persists for longer periods, and below which the overall sound level seldom falls. It tends to filter out other short-term environmental sounds that aren’t part of the source being investigated. L10 represents the higher, but less frequent, sound levels. These could include such events as barking dogs, vehicles driving by and aircraft flying overhead, gusts of wind, and work operations. L90 represents the background sound that is present when these event sounds are excluded.

Note that if one sound source is very constant and dominates the soundscape in an area, all of the descriptive sound levels mentioned here tend toward the same value. It is when the sound is varying widely from one moment to the next that the statistical descriptors are useful.
Response to J. Ells Comments of: June 30, 2023
Re: Parking Facility/Lot 14-0017-000

1. As discussed with Nate, because the project did not start before the Zoning Permit expired, the Planning Commission's approval and Zoning Permit #2022-218 are void and full reapplication of the project is required.

Since the project was approved, the zoning district has changed to GCR (see attached) and a Parking Facility is now a Conditional Use. In addition to Site Plan Approval from the Planning Commission, you need Conditional Use Approval from the Zoning Board of Adjustment.

I have attached the 2022 approval and noise assessment so you can review the documents that are required for a complete application. Please let me know if you have any questions about what is required. In addition, please outline any changes to the project as described in the Findings of Fact.

This is addressed in the attached cover letter.

2. Please amend the plans to show that the pending BLA has been completed (finalization will be a condition of any approval).

Changes are made in the site plan included herewith.

3. Please acknowledge that you understand that you need to obtain a water and sewer allocation from the Department of Public Works.

This is addressed in the attached cover letter.

4. The proposed office building is located over an existing water main that is aging cast iron and the proposed services for this building are not clearly indicated.

Please amend the plans such that the building is located a minimum of 10’ away from the main or submit plans to relocate the main. In addition, please indicate the proposed services clearly on the plans.

Applicant requests approval notwithstanding this comment given applicant’s understanding that the water main only serves a decommissioned reservoir, is not currently in use, there are no plans to return it to service in the foreseeable future, and also that the office trailer will not be on a permanent foundation and
will be movable by disconnecting it from its utility connections if the Town ever does need access to the water line in the future.

5. Please amend the plans as follows:

- Reference the GCR zoning district dimensional requirements
- Include turning movement plans with the proposed layout. (Note, it appears proposed parking spaces #7 may be difficult to access.)

*Changes are made in the site plan included herewith.*

6. Please email me a copy of and submit 14 copies of the complete application including your response to this memo. Please submit larger plans as the 11” x 17” plans are difficult to read.

*Provided.*