



**TRUSTEES MEETING**  
**TUESDAY, MAY 10, 2016 AT 4:00 PM**  
**LINCOLN HALL MEETING ROOM**  
**2 LINCOLN STREET, ESSEX JUNCTION, VT 05452**

1. **CALL TO ORDER** [4:00 PM]
2. **WORK SESSION**
  - a. Discuss Trustee Goals and Issues
3. **CONSENT AGENDA**
  - a. Expense Warrant #16041 dated 4/28/16 in the amount of \$264,101.24
4. **ADJOURN**

*Meetings of the Trustees are accessible to people with disabilities. For information on accessibility or this agenda, call the Village Manager's office at 878-6944.*

## **Notes From 10 August 2015 Trustee Retreat**

### George's Notes from Meeting

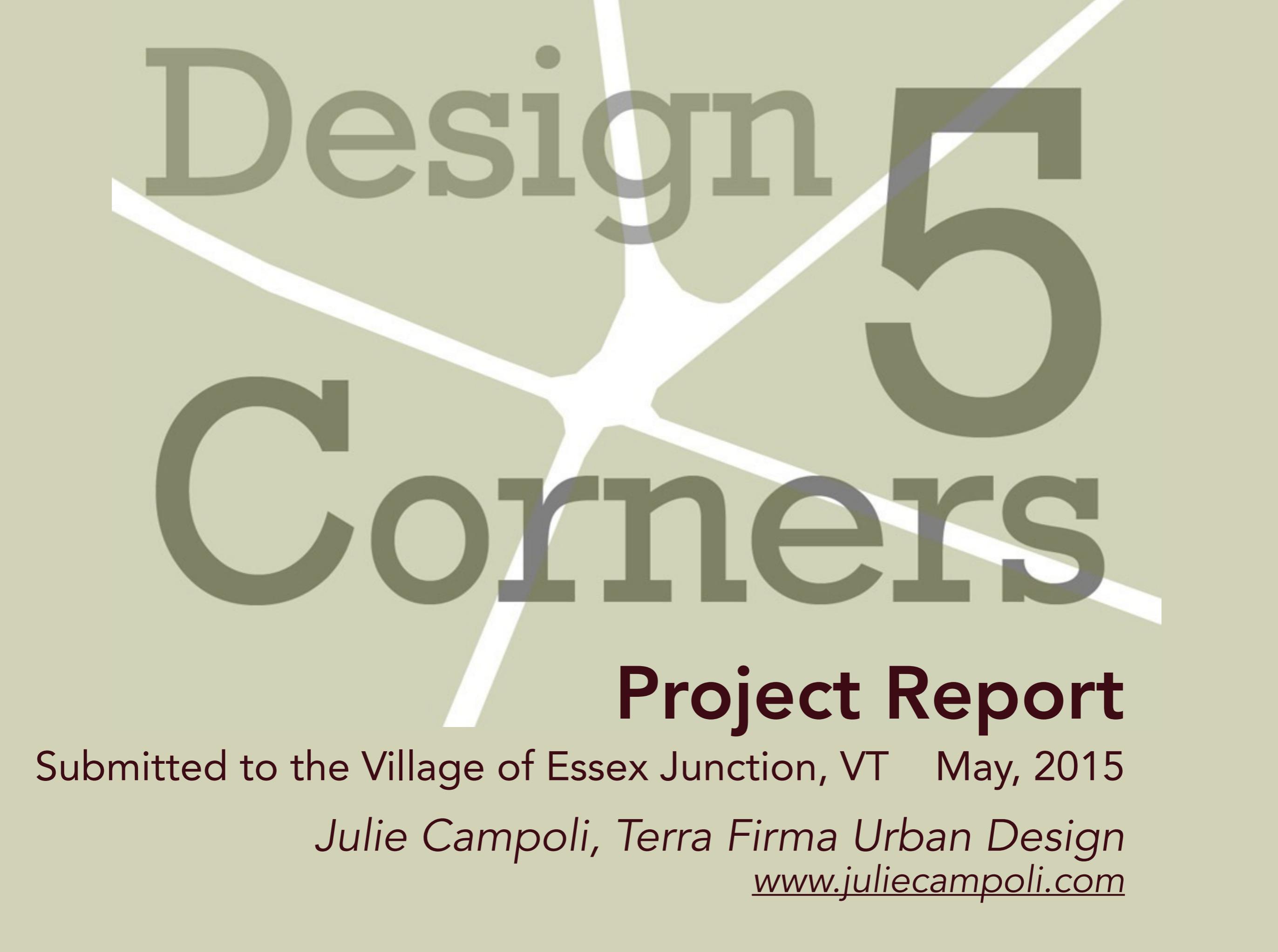
- 1) There was general agreement that we should explore business/real estate opportunities that would result in conversion of Road ResQ property to a small Village green space/park.
- 2) Thoughts on how to proceed with the above included using the remaining Land Acquisition Fund and/or an outright general fund increase.
- 3) Additional thoughts focused on possible sale of Stevens Park property. There was agreement that this could be an emotionally charged issue. Immediate neighbors would be impacted but impacts could be mitigated by preserving buffer of trees. But overall this should be favorably viewed by Village because it would resolve deterioration and abuse of public property (Stevens Park) and provide an opportunity to provide much more accessible green space at Five Corners.
- 4) If tax abatements are used to encourage real estate transactions in Village Center, Lauren would need to calculate impacts on other tax payers.
- 5) More regarding Downtown Development: (Other Trustee recollections after meeting)

### Other Trustees' Notes About Village Center Submitted Post Meeting

- 1) Incentives to business/property owners for improving buildings and constructing new buildings that reflect Design Five Corners vision.
- 2) Question: Would design control give PC more authority to ensure good development or would we lose flexibility?
- 3) The Trustees have broad latitude to offer tax stabilization, but it is usually intended to create jobs. Can/Should we develop a tax stabilization program centered specifically on property improvements and adherence to the Design Five Corners vision? Is it possible? Would the school district and town agree also?
- 4) Should we look at Burlington's Main Street Association as a possible guide for how to do things?
- 5) Could we offer Design Services (Village Design Services) free of charge to business/property owners interested in fixing up their properties?

### Notes About Rental Registry

- 1) Obtain list of all rental properties in the Village
- 2) Would probably need several different modes of data collection to cross reference for accuracy (questionnaire and tax data from state or feds)
- 3) Do property inspections. There would be inspection fees which would pay the cost of the inspections.
- 4) Need a lot of assessment of costs/benefits. Understood that this would require at least one and perhaps more staff.



# Design 5 Corners

## **Project Report**

Submitted to the Village of Essex Junction, VT    May, 2015

*Julie Campoli, Terra Firma Urban Design*

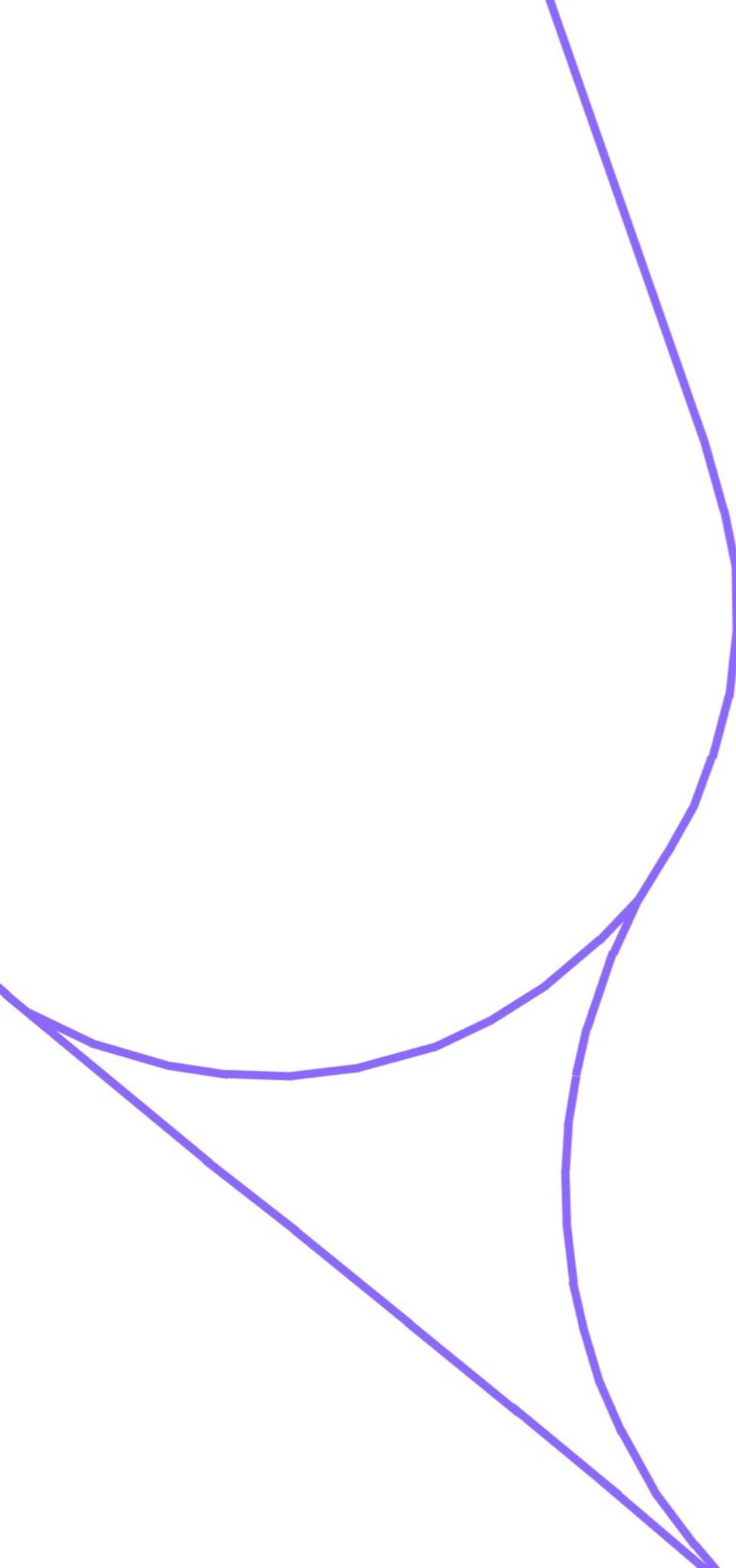
[www.juliecampoli.com](http://www.juliecampoli.com)

# What is thoughtful growth?

*“Thoughtful growth” is a value held by many Essex Junction residents and expressed through the community’s recent Heart and Soul process, yet it had never been illustrated. Design Five Corners (DFC) set out to articulate an urban form that Village residents might agree constitutes “thoughtful growth.”*

# How can Essex Junction Village grow into a more vibrant, walkable center?

*Community members have stated their preference for a more economically vibrant and pedestrian-oriented town center through the Heart and Soul process, as well as Essex Junction's municipal development plan. DFC's main goal was to show physical changes that can help the village core grow into a vibrant, walkable town center.*



# Historic patterns

*To create a plan that would fit the spirit of the place, the first step was to understand the historic context from which Essex Junction's built environment evolved.*

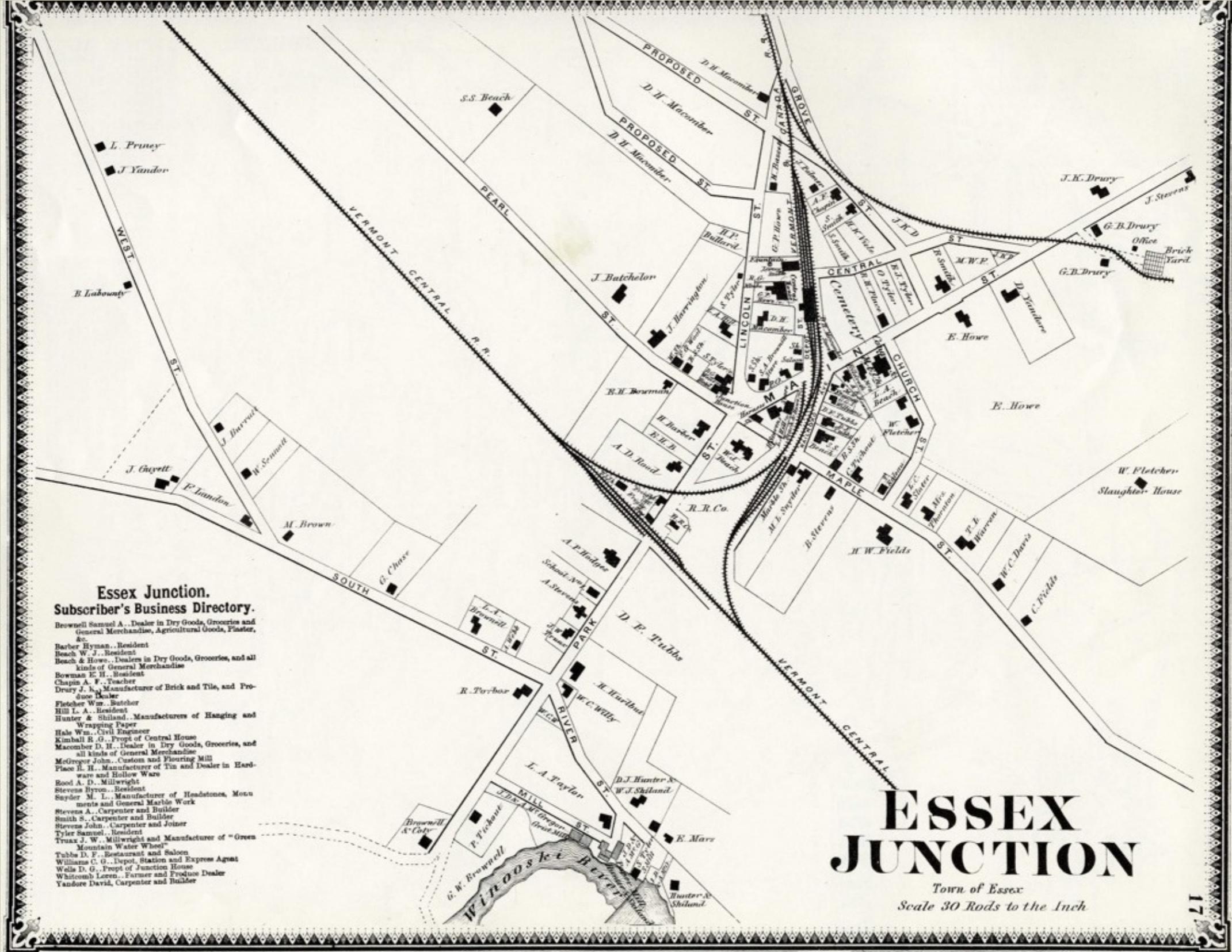
## The Junction railway intersection

*Settlements typically form around transportation access points, often at intersections. In the early years, a railway intersection, or "the Junction" was key to the town's formation and growth, as well as its layout.*



# Overlapping networks

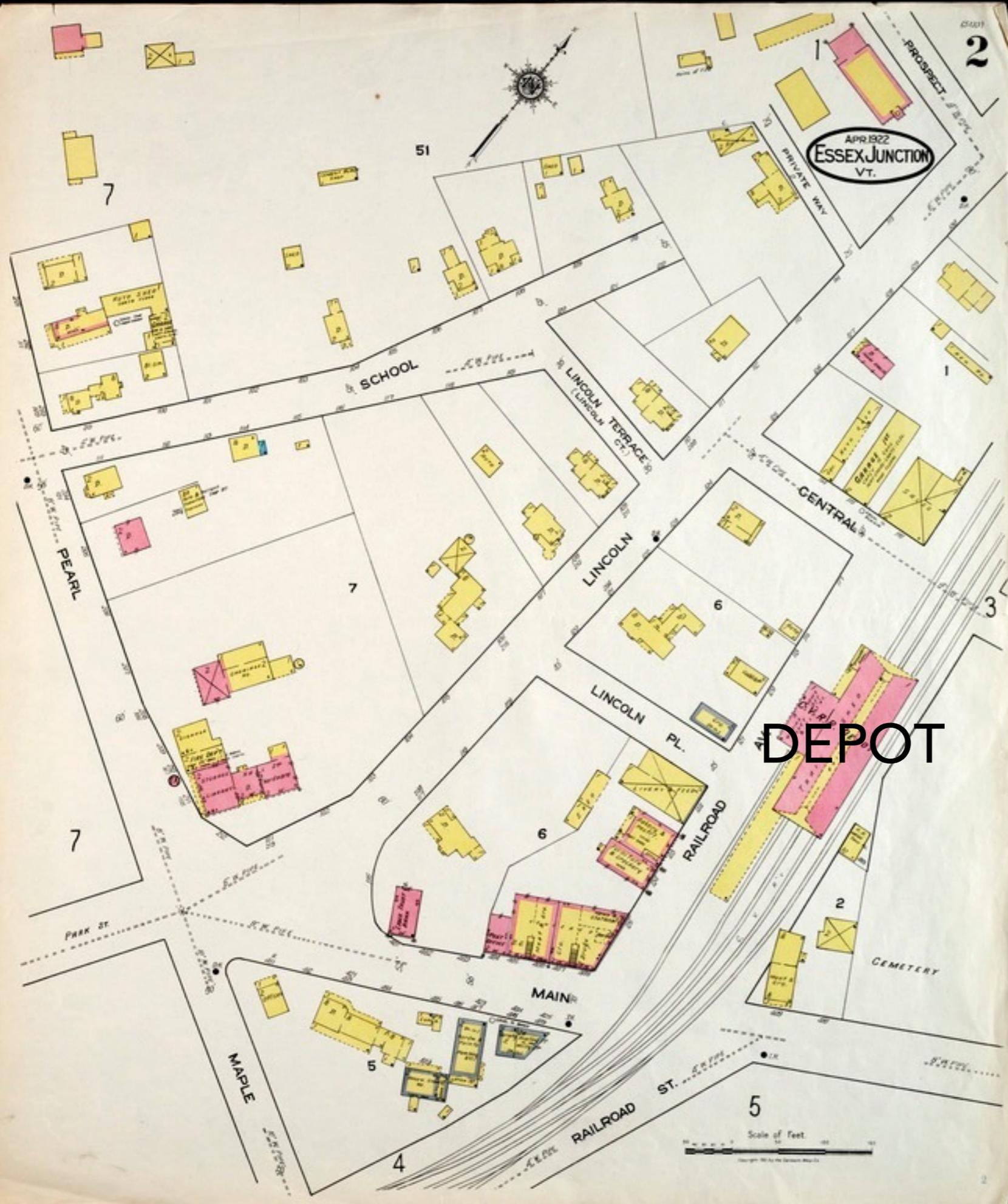
*The basic structure of the village are the overlapping networks of **rail** and streets. **Local streets** took shape around the railroad depot and **through roads** connected to surrounding towns.*



Through the 19th and early 20th centuries, the railroad was the dominant transportation mode- more people and goods came in and out through the rails than by highway.

# Density

The tight network of streets formed **small blocks**, which were subdivided into **small parcels**. Buildings were **set directly** on the street, creating **short distances** between destinations. Most buildings were located within a half mile from the railroad depot. Industries were built adjacent to the tracks for better access to train lines.





*A rail-focused transportation system was responsible for the connected street network, human scale architecture, and relatively dense village core. This photo from the 1930s illustrates the compact form of village center surrounded by farm land that characterized Chittenden County towns during the pre-war era*

# Slow travel



*During this era of slow travel, Five Corners was a humane and attractive public space. As cars became more common and Vermont shifted to a highway-based transportation system, Five Corners lost its intimate scale. Streets were widened to larger roads that could be maneuvered in a car and at higher speeds. Essex Junction's main intersection was no longer the rail but Five Corners.*



*In the process, it was transformed from a place to be to something traveled through at a higher speed.*



*More traffic, led to more accommodations for the car (turning lanes, more pavement, larger-sized signs and traffic signals). The greater volumes of noisy, idling and moving traffic, degraded the experience of crossing the intersection, and made the village center a less appealing place, especially for people on foot.*



*The older, smaller scale of the rail era got overwhelmed by the larger spaces required to store automobiles. Parking lots expanded into village properties that once held buildings or green space.*

## Existing Patterns



## Buildings

### Mind the gaps

*One characteristic of a walkable place are streets with clear edges formed by closely-aligned buildings. A map showing only buildings will reveal where streets are located. The existing pattern of Essex Junction, shows a strong alignment of buildings in the upper right, where the commercial blocks of Railroad and Main Streets form edges. Park St. is somewhat visible, but along Maple, and closer to Five Corners, with few buildings hugging the intersection, it's difficult to see where the streets go.*

Existing  
Patterns



# Parking and Streets

*Parking lots occupy much of land  
around Five Corners*

Existing  
Patterns



## Parking and Streets

Total space dedicated  
to vehicles

*Combine the areas consumed by parking and streets (black) and there is little land left (white) for economic and social activities. For the village to become more vibrant, this ratio of car-dedicated space to people-oriented space needs to shift.*



# Important destinations within walking distance

*elementary schools*

*middle school*

*high school*

*library*

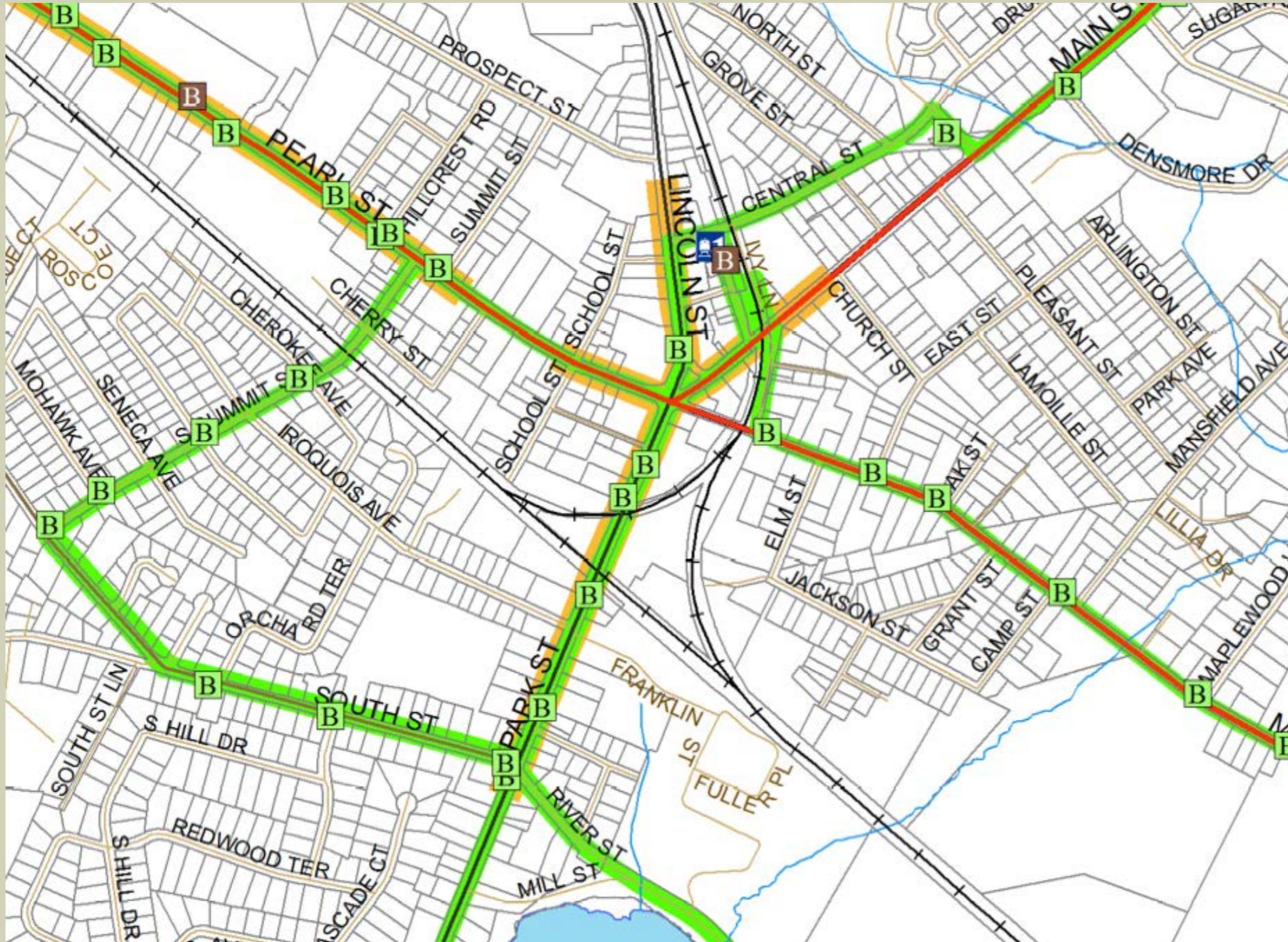
*town offices*

*senior center*

*significant tracts of open land*

*Schools, cultural destinations and open space add to the diversity of places to go on foot. Residents have much of what they need nearby. The challenge is to make the journey to these places safer and more pleasant.*

# Many homes within easy reach of transit



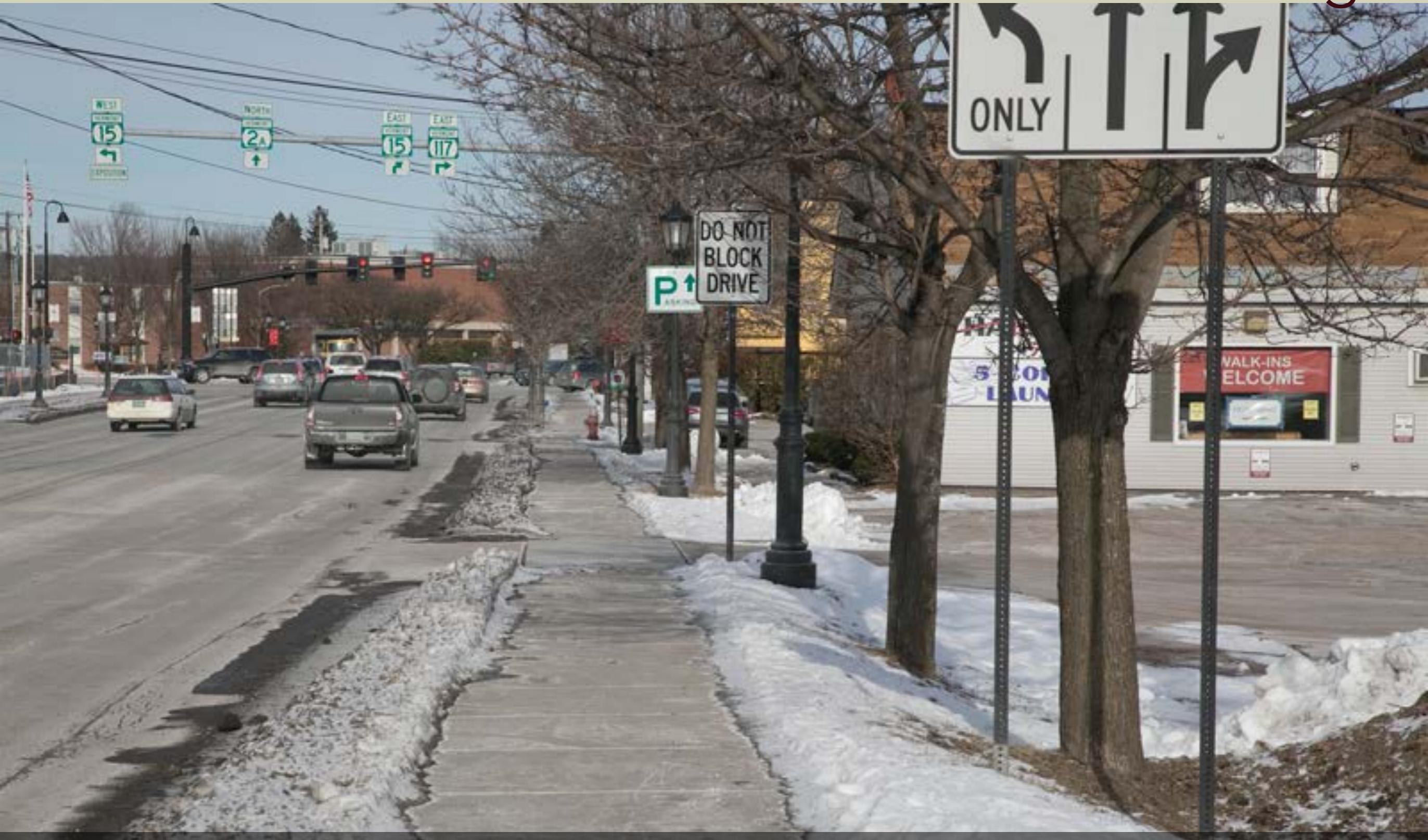
Essex Junction has an extensive network of bus lines that thread through its neighborhoods, with bus stops close to where people live.

# Passenger rail service



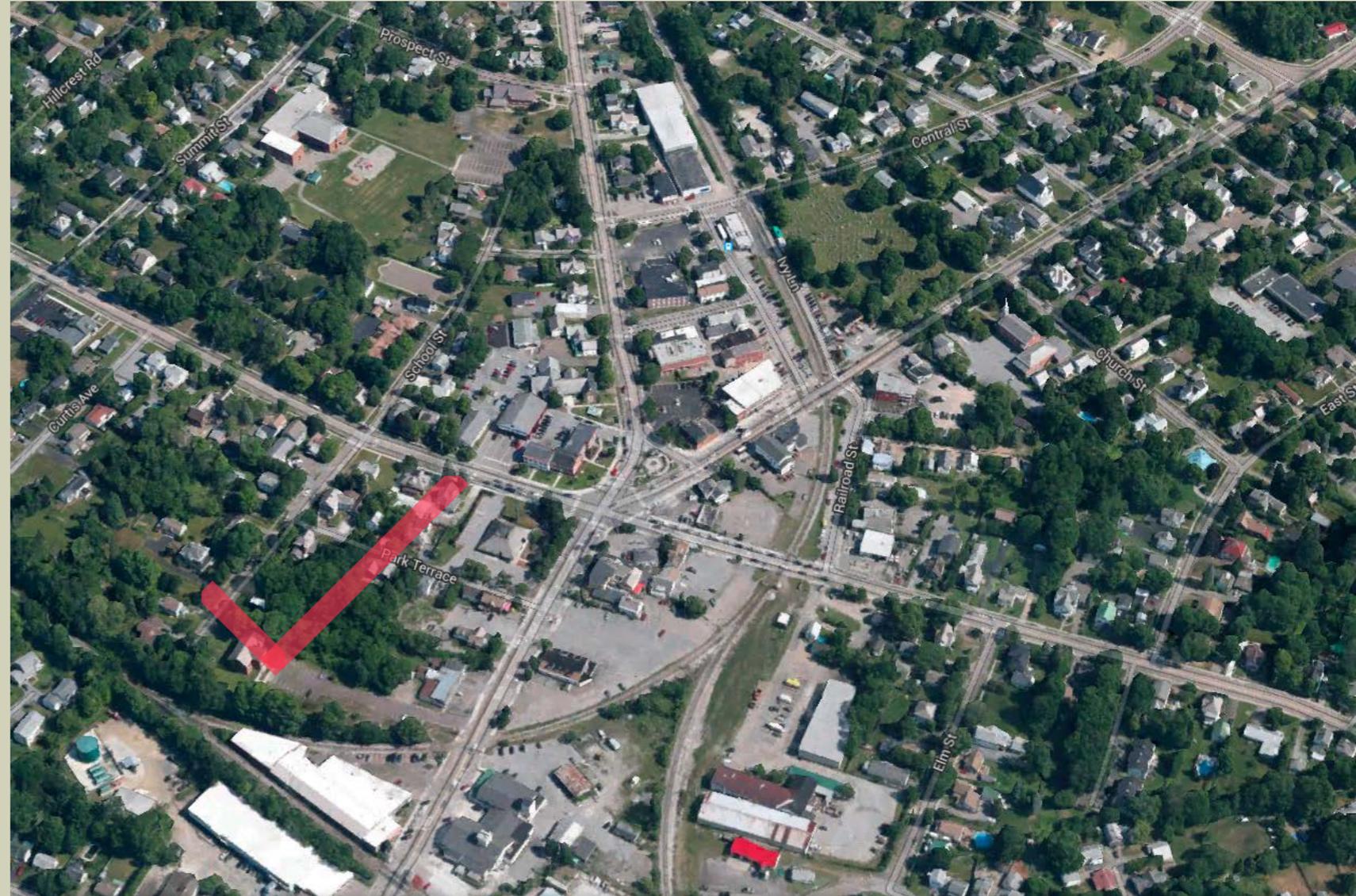
*Essex Junction is one of a handful of passenger rail stops in Vermont. Amtrak ridership is growing, with a link to Montreal in the works, but with few amenities near the existing station, passengers rarely linger. A walkable, lively village center could make Essex Junction a destination for those travelers, rather than a departure and arrival point.*

# Public investment in the infrastructure of walking



*The town has installed sidewalks, street trees, benches and human scale lighting. This type of infrastructure is an important first step.*

# What are good bones?



*These attributes, together with Essex Junction's historic urban form of connected streets, small lots are its "good bones." They create the physical framework for sustainable growth.*

# *What's missing? Other destinations in a great walking environment*



*The next step for Essex Junction is to put some flesh on those bones- by adding more destinations (shops, offices, upstairs apartments) and connecting them with streetscapes that makes pedestrians feel protected and comfortable.*

# Train Hop



DFC engaged Essex Junction residents to inform the design process. It began at the Train Hop in December, where we set up a display and photo stand. People let us know what they would like to see in a future village center.



# What would make you more likely to walk to Five Corners?

More shopping, eating and gathering places

Calmer traffic

*According to public responses, the biggest barriers to walking in the Five Corners areas are a lack of destinations to walk to, and the oppressive environment created by car and truck traffic.*



*Residents who visited the Train Hop, the library, the senior center, and the town offices, had the opportunity to show their top destinations and favored routes through the village. This map gives a sense of where sidewalk and crosswalk improvements might be prioritized.*

# What is needed in Five Corners?

Restaurants

Bakery

Coffee shops

*Train hoppers and others envisioned a wide array of services in the village, but most would like to see more gathering places such as restaurants, bakeries and coffee shops.*

Design Five Corners

Page Messages Notifications Insights Posts Settings Help

Design Five Corners Community

271 likes

Promote Your Page  
Connect with more of the people who matter to you  
Promote Page

ABOUT

Help redesign Essex Junction Village Five Corners. Find out about the public design process to make the Corners more vibrant and pedestrian-friendly.  
<http://www.juliecampoli.com/> Promote Website

PHOTOS

Status Photo / Video Offer, Event +

What have you been up to?

Design Five Corners

Posted by Darby Mayville [?] · March 30 at 3:17pm ·

Essex Junction Bike/Walk Advisory Committee Volunteer Opportunity!

Are you passionate about walking and biking in Essex Junction and want to help make it safe and enjoyable? The Village of Essex Junction Trustees has established a Bicycle and Pedestrian Advisory Committee and needs your expertise and energy to help make our community more conducive to non-motorized transport! We are looking for a committed volunteer committee member, especially one with a particular emphasi... See More

132 people reached Boost Post

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1 share

Write a comment...

Promote

THIS WEEK

1 Page Like

339 Post Reach

UNREAD

0 Notifications

0 Messages

Recent

2015

2014

See Your Ad Here

Design Five Corners  
Essex Junction Bike/Walk Advisory Committee Volunteer Opportunity! Are you passionate a...  
Like Page

Boost Post

*The DFC Facebook Page has been the main source of communication with community members. With almost 300 followers, it has provided a forum for sharing project information, events, articles, ideas and comments.*

### The View from the Sidewalk

Look closely at the following photographs taken along the streets around Five Corners. How comfortable would you feel walking on each segment of sidewalk? Rate each image on a scale of 1 (not at all appealing) to 5 (very appealing).

Feel free to move back and alter a rating after you've seen all the images.

#### Image #1



1. Rate the view above on a scale of 1 (not at all appealing) to 5 (very appealing).

Image #1

1

2

3

4

5

*An online survey asking residents to examine and rate village streetscapes helped us gauge what people liked and didn't like about existing conditions. With 280 responses, the survey results demonstrated clear preferences for a certain type of streetscape.*

# *Very unappealing*



*The vast majority of respondents didn't like streetscapes that had an excessive amount of paving—large parking areas and travel lanes close to the sidewalk, buildings located in the distance, and a lack of sheltering elements like trees.*

# *Very appealing*



Generally, they disliked streets that were designed for driving and preferred places that were designed for walking, with a more intimate scale— buildings lining the sidewalk, generous display windows, frequent doorways, and high quality architecture.

# Public Comments Summary

too much asphalt, need more green

smaller scale, historically sensitive bldgs

don't want to see parking lots

wider sidewalks, more buffer

retail entrances close to the street

more gathering places

*Survey respondents confirmed their preferences for a more pedestrian-oriented streetscape in their written comments*

A group of people are seated at tables in a workshop setting. In the foreground, a woman with white hair and a patterned scarf is looking down at a document. Next to her, a woman with long brown hair is also looking at a document. In the background, other participants are visible, some looking at documents and others talking. There are water bottles and papers on the tables. The text "Design Workshop" is overlaid in the upper right corner.

# Design Workshop

*In late January, a half-day design workshop gave residents an opportunity to dig into the issues at a deeper level. The afternoon included presentations and hands-on exercises covering the physical form of Five Corners, the relationship between density and design, and how communities across the country have improved their downtowns.*



*Most significantly, the workshop gave residents a chance to talk about how future growth could take shape.*



*Working in groups they built block models, arranging infill buildings on undeveloped or underused parcels. They came up with some great ideas for how development could enhance life in the village center.*

# Favored Design Elements

*Central green and pocket parks*

*Buildings lining the streets*

*Pedestrianized Main Street*

*Multi-story mixed use*

*Street trees*

*The common threads among the groups were more green, more activity, and more public space*

# Architectural Preferences



*A second online survey asked people to rate photographs of recently built multi-story buildings in other communities, to get a sense of what types of architectural styles Essex Junction residents envisioned for their downtown.*

# Architectural Preferences



*Most of the higher rated images displayed a look of permanence, with articulated facades and a generous amount of transparency (many windows and doors)*

# Maximize space in the village core



*Throughout the engagement process, public opinion synched up with stated goals of Essex Junction's Municipal Development Plan and other official documents—to make better use of space in the village core, maximizing these town center locations to create more services, economic activity and benefits.*

# Reclaim some space for people



*And to create a place people want to be in, rather than get through in a car.*

1. Divert and calm traffic
2. Fill in the gaps
3. Connect with public space

*Transforming Five Corners into a walkable destination requires three related strategies; rerouting traffic away from the intersection and reclaiming pavement for pedestrians, filling in the underused parcels with buildings, and expanding the amount of public space beyond the narrow confines of the sidewalk.*

# Infill



*There is plenty of room for growth in the village, given the sparse building pattern and large amount of underused land.*

# Infill

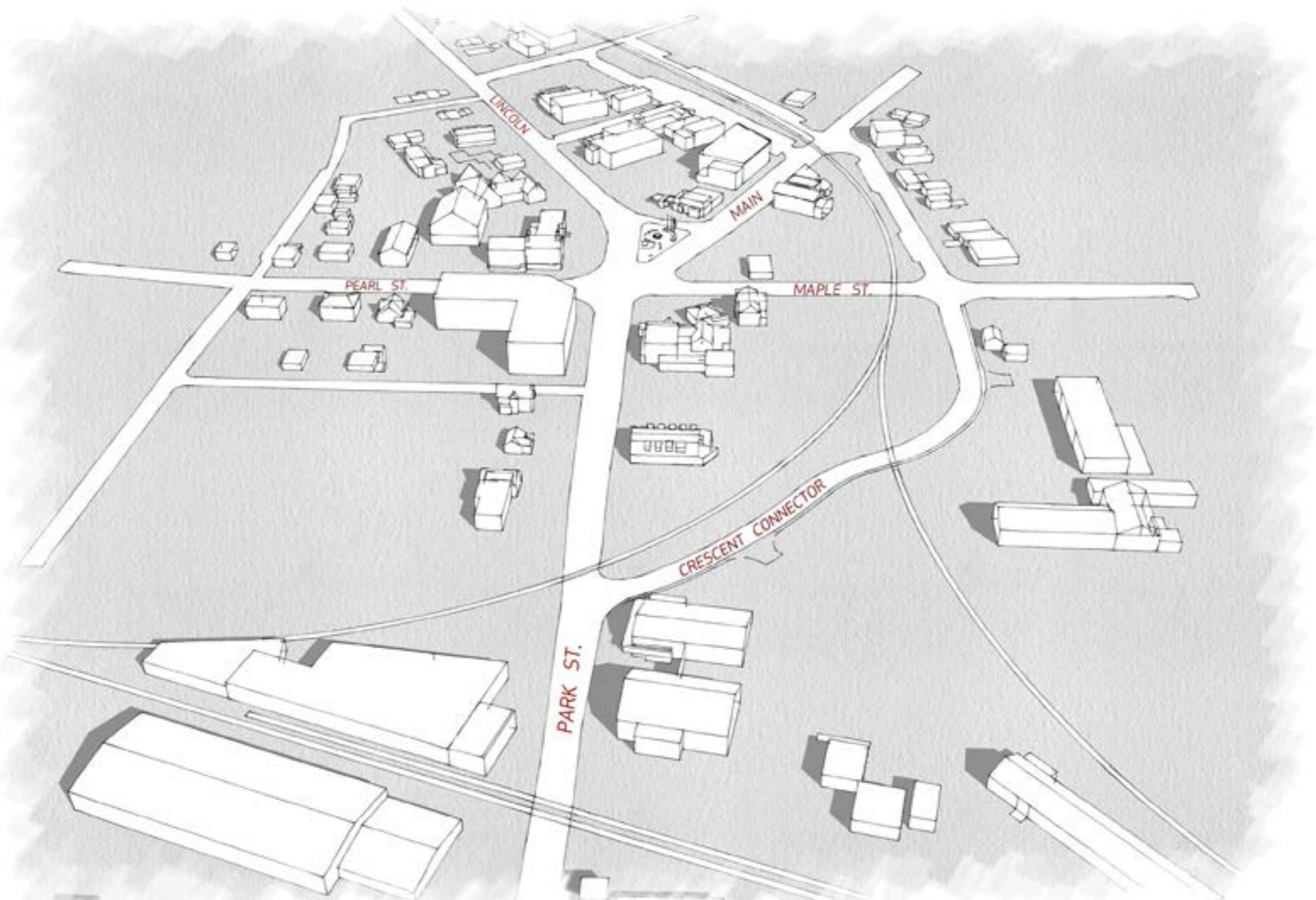


*Many parcels can be redeveloped to a greater density, using a higher building coverage and multi-story buildings to create more value on each parcel.*

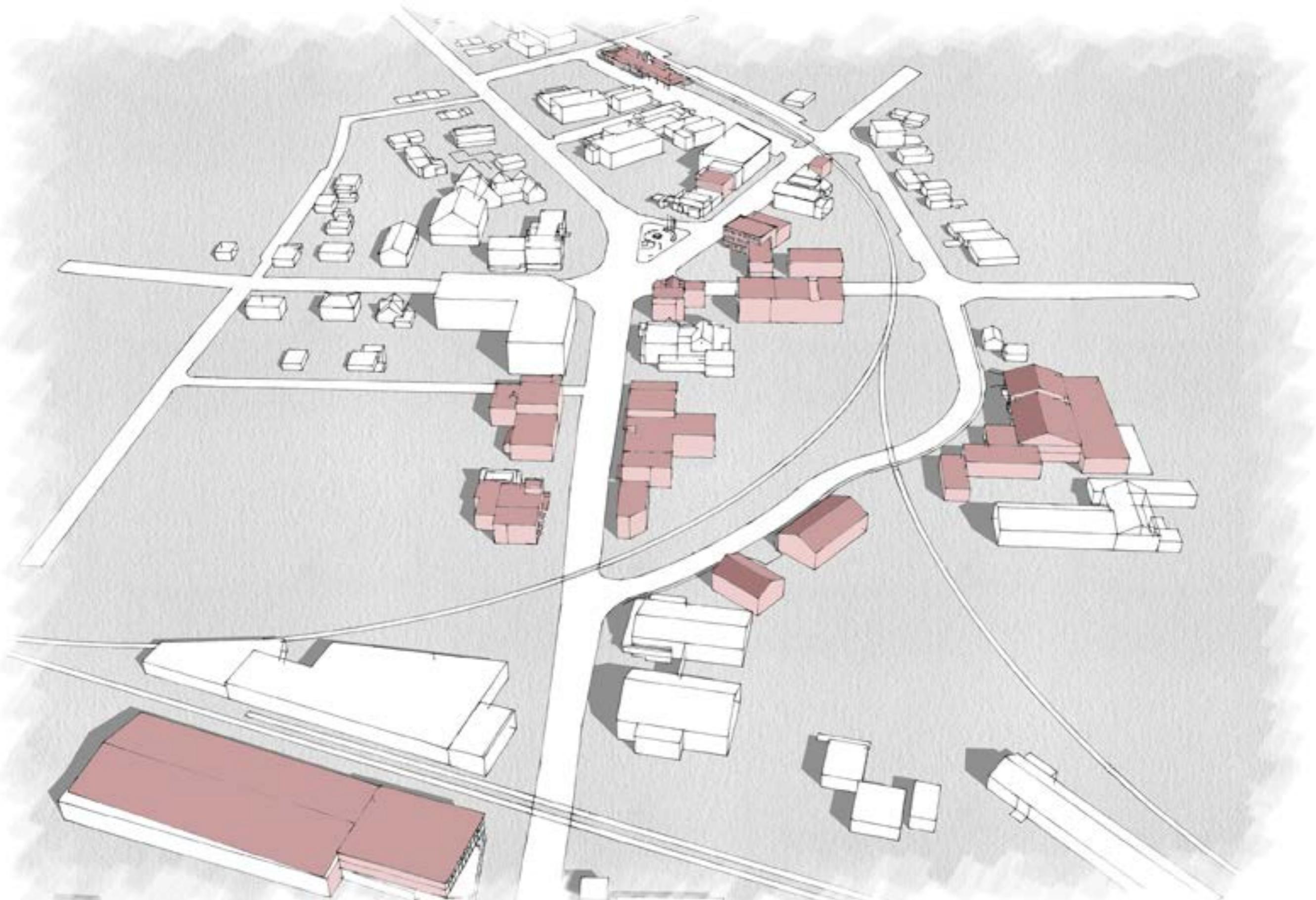
# Infill



*New buildings (shown in black) can fill the gaps along Park, Maple and Main, as well as newly accessible land along the Crescent Connector. This schematic also shows how underused parcels could be redeveloped to a higher density to create more value.*



*A bird's eye view seen from the south, showing the large amount of land between existing buildings and opportunities for infill.*



*New buildings would hug the streets, creating a stronger edge to Park and Maple Streets*

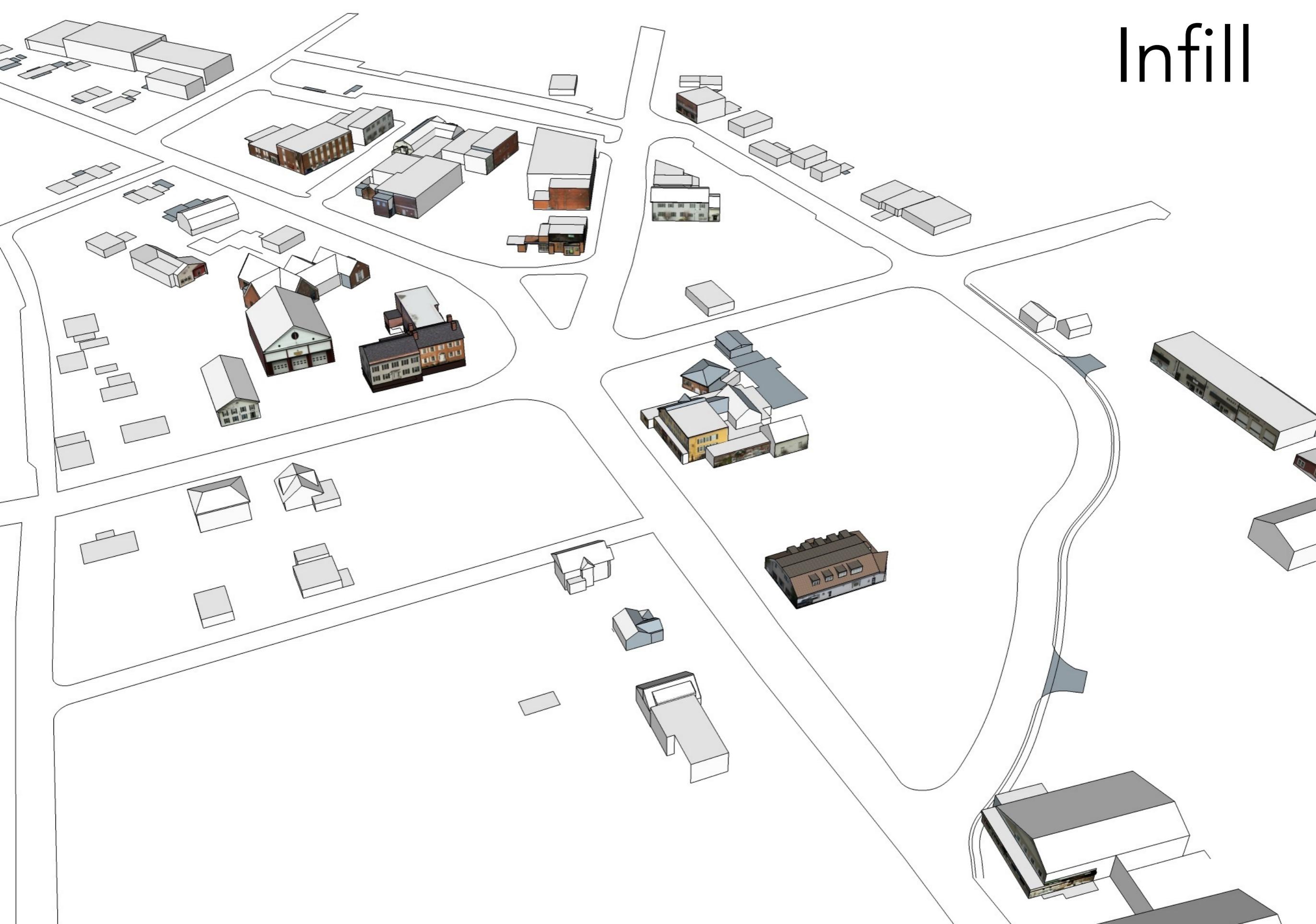


*Parking can be organized into a tighter configuration, maximizing space on the smaller lots. Shared parking between complementary uses and an aggressive parking demand management strategy can help limit the number of spaces needed.*



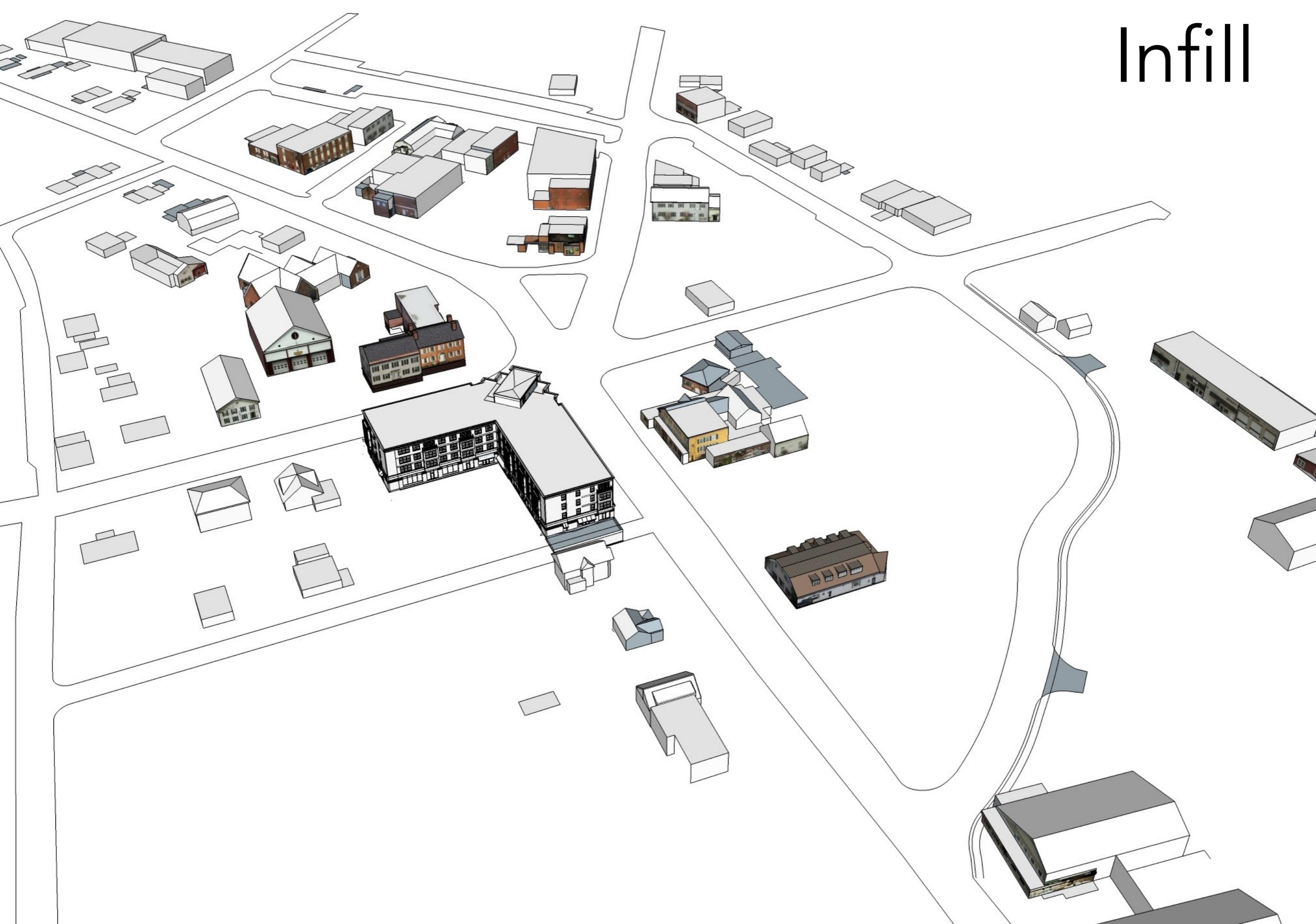
*In past years, the Village has made a significant public investment in pedestrian infrastructure. Crosswalks, sidewalks, trees and benches have helped, but village streets need a more consistent building edge to entice more pedestrians.*

# Infill



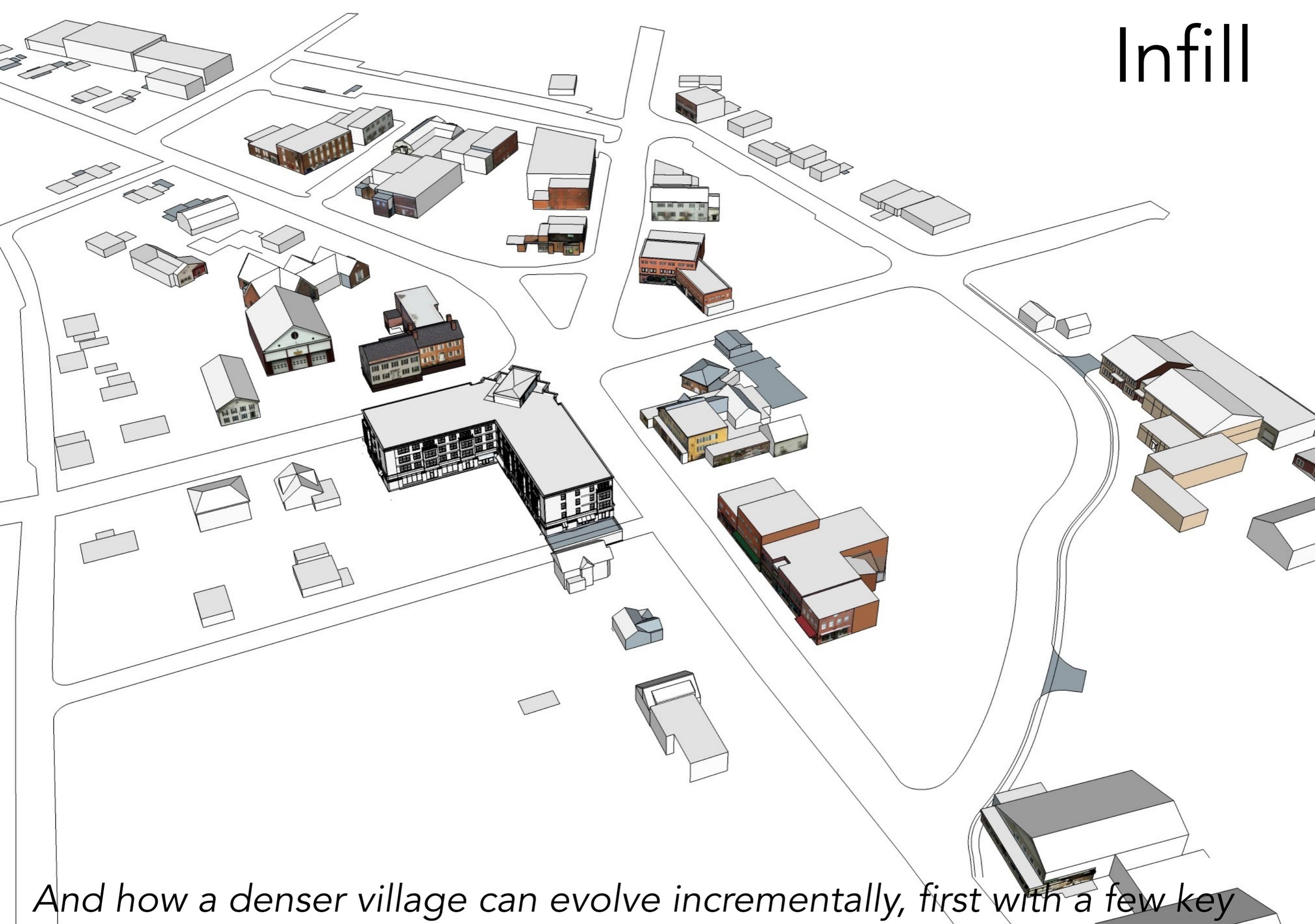
*Another series of aerial views shows the building pattern as of today*

# Infill



*With the addition of the corner building currently under construction*

# Infill



*And how a denser village can evolve incrementally, first with a few key buildings*

# Infill



*And more filling in over time*

# Infill



*Until the streets are lined with shops and other services, creating a consistent edge and an enhanced pedestrian experience.*



*The contrast between Park Street today, with its sidewalk sandwiched between moving cars and many stretches of empty space bleeding into parking lots...*



*...and what it might look like after the infill buildings are in place, is striking.*

# Infill



*Full buildout shown with public green space and shared parking behind buildings*

# Public Space



*For decades, Five Corners has functioned as a traffic intersection rather than a town center.*



*An expansive right-of-way was given over to the circulation of vehicles. Very little of that public space is available for people who are not in cars.*

# Public Space

## *Street network*

*Construction of the Crescent Connector will create an exciting opportunity to reclaim some of that right-of-way for people to enjoy. A significant portion of through traffic, especially trucks will be diverted away from the Five Corners intersection reducing noise and congestion in the heart of the village.*

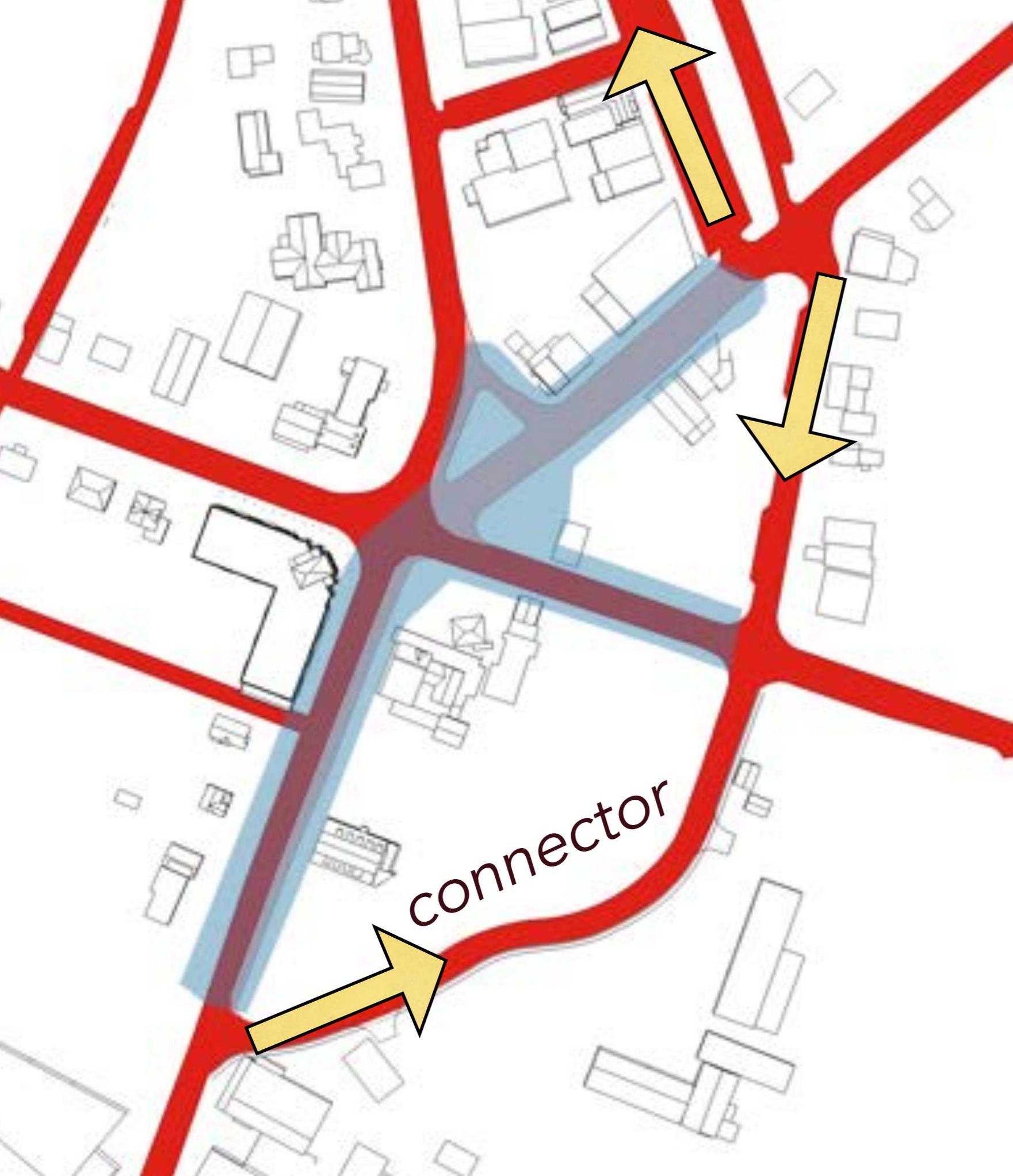


# Public Space

## Connector

*This relieves pressure on Main Street, making it possible to pedestrianize the main commercial block and providing two significant benefits; a more efficient four-way intersection with shorter wait times for vehicles, and more public space.*





*Diverting traffic to the Connector creates a zone of opportunity for greener, quieter public space around Five Corners as well as along Main and Park.*



village  
green

*Redevelopment of key properties would make it possible to combine a pedestrianized Main Street with a new village green.*



Connector

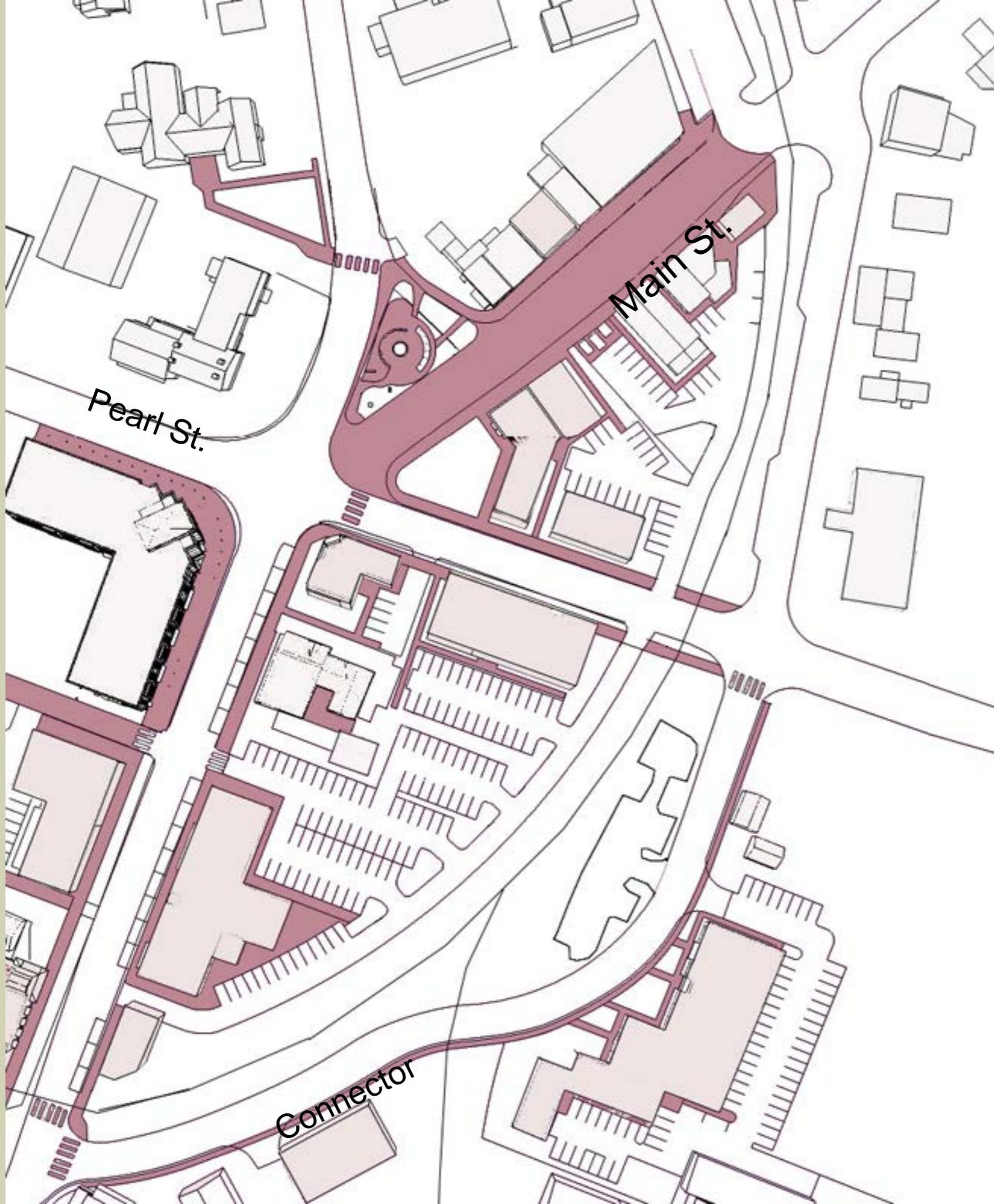
Lincoln St.

*The green seen from the northwest, above Brownell Library*



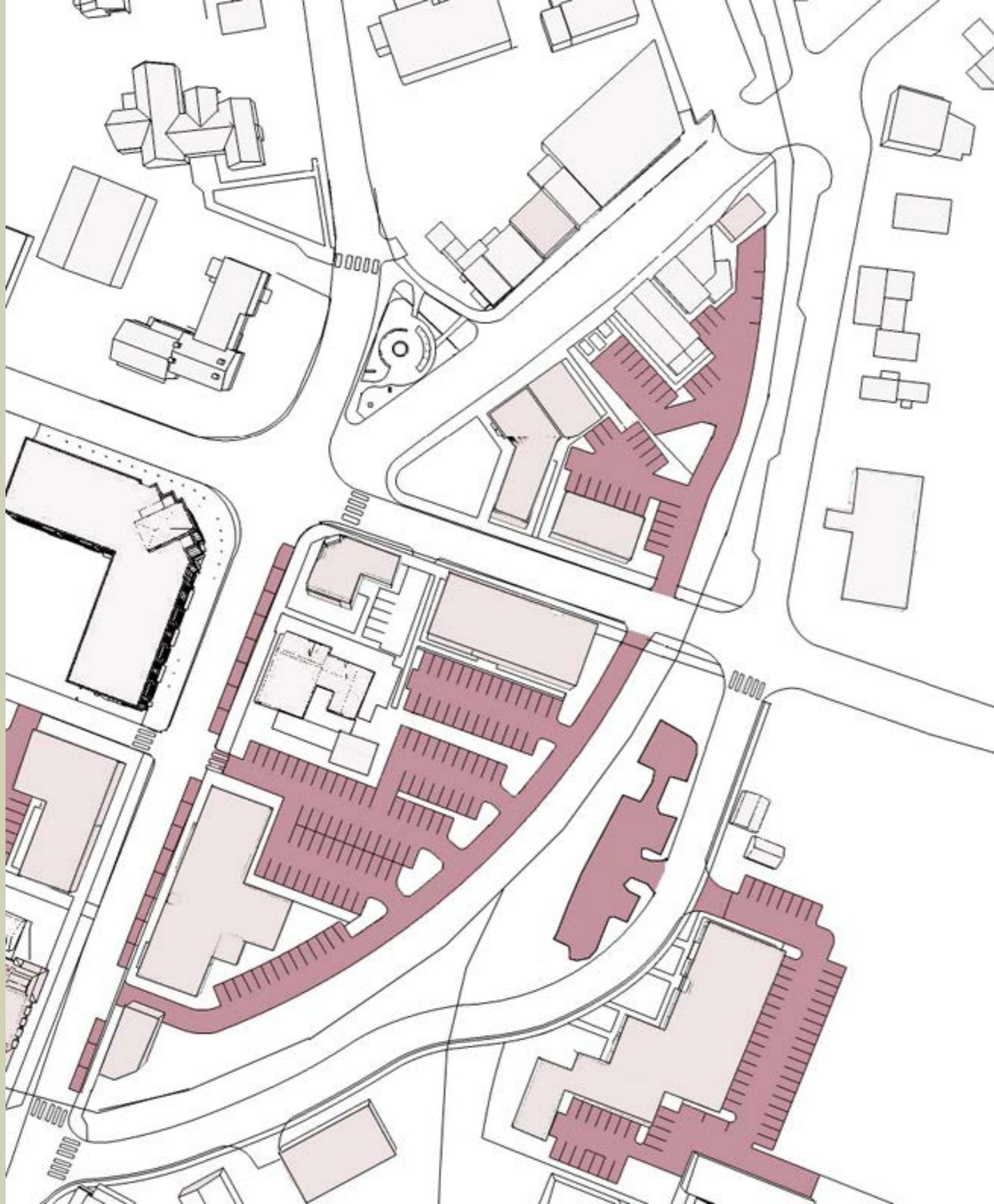
## *New green*

*This central green would serve as a focal point for those traveling west on Pearl and south on Lincoln.*



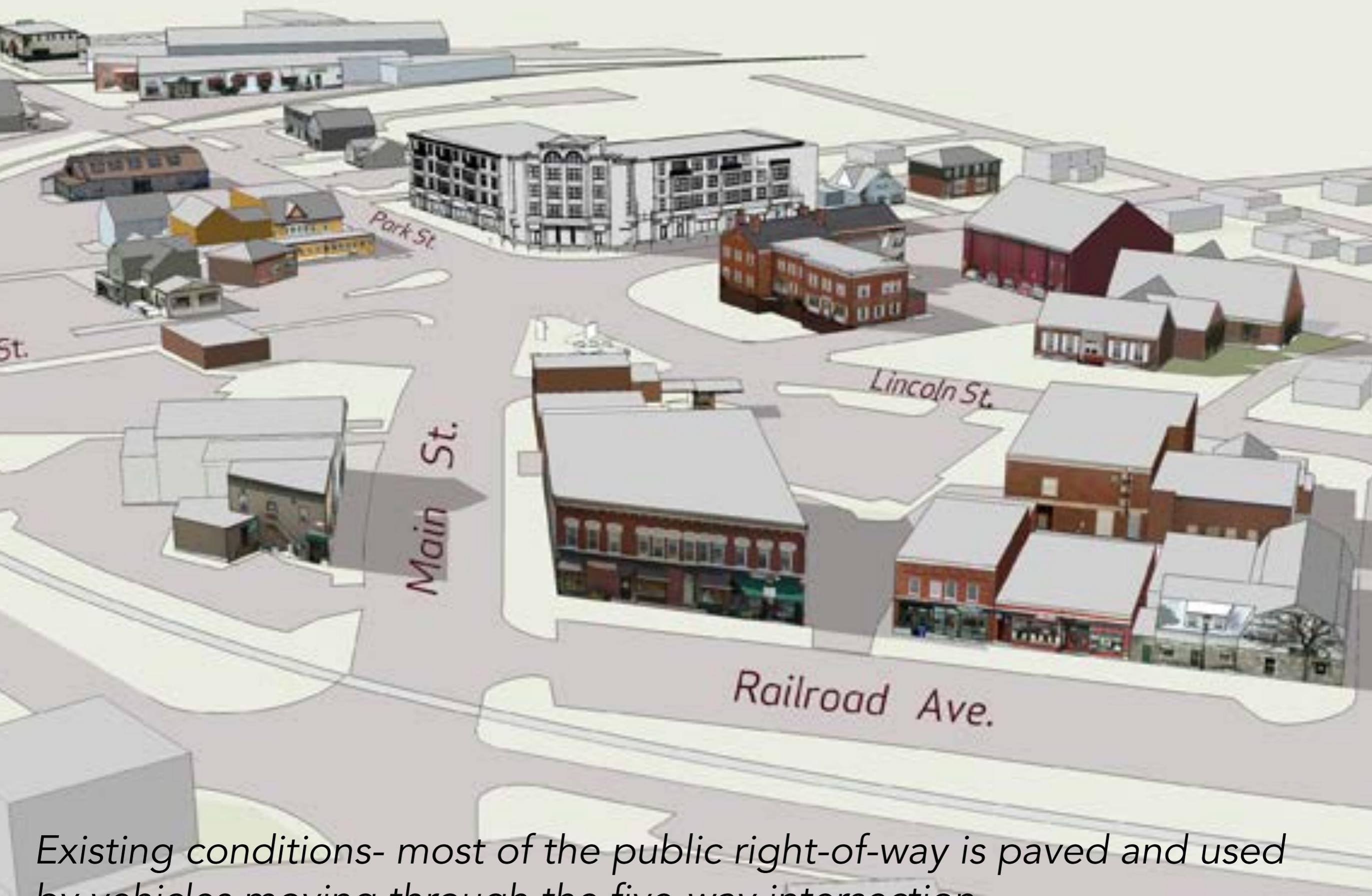
## *Pedestrian links*

*Sidewalks and crosswalks would connect all buildings and public spaces and lead to the many shared parking areas.*



## *Parking areas*

*With fewer vehicles moving along Park St., it will be possible to convert the northbound right turn lane into on-street parking. These spaces will supplement many located in rear lots accessed from Park, Maple and the Connector. This new parking lot layout features green medians to collect and filter storm water.*



*Existing conditions- most of the public right-of-way is paved and used by vehicles moving through the five-way intersection.*



Crescent Connector

*Wider sidewalks create more room for pedestrians. New buildings fill the underused parcels, resulting in spaces that are more enclosed and comfortable for walking.*

*Rain gardens along the existing curb line could absorb storm water as well as support shade trees. Closing the street to vehicular traffic but leaving it free of obstructions retains the historic feel of Main*



*Rain gardens along the existing curb line could absorb storm water as well as support shade trees. Closing the street to vehicular traffic but leaving it free of obstructions retains the historic feel of Main*





*And allows the space to be used in many different ways*



*such as outdoor cafes, and the everyday enjoyment of Main Street shoppers and visitors*



*or for community events such as the farmer's market, Memorial Day parade activities, and Train Hop.*





*Two parcels occupying prime village space could be developed to create more value for their owners.*



*Combining them into one larger parcel would create a viable building site that could host a commercial block building, similar to the Brownell Block. This would anchor the southern end of Main Street and still allow room for green space in front and parking in the rear.*



*Shops and eateries along the ground floor could spill out onto the sidewalk activating the edge of the village green. This view illustrates how the green might look on a summer's day with the farmer's market operating along Main Street.*

The recently planted street trees along Park and Maple form the beginning of a green canopy. Additional trees spaced at regular intervals along the sidewalks will help clean the air, absorb noise and create a visual connection to the central green.





*Another view of the connected green spaces looking north along Park St.*



*The view looking south along Park Street today*



*And after redevelopment over time, with outdoor gathering places, a wide array of retail services, offices, and upstairs apartments. Greater density, but at a human scale and built for human comfort.*



*With carefully sited and designed higher density buildings and public spaces, the future village center can be a place that invites investment and creates value for generations to come.*

*Design Five Corners is a community design process of Essex Junction Village, initiated by the Village Trustees and overseen by the Community Development Office with the Trustees and other partners. It was undertaken and completed by Julie Campoli of Terra Firma Urban Design between December, 2014 and May, 2015.*

*Thanks to George Tyler, Robin Pierce, Darby Mayville, Lori Houghton, Liz Sabin, Elaine Sopchak, John Alden, and hundreds of Essex Junction residents.*

ONE NINETY SEVEN PEARL

JIDDIJISITTU TRUST

HANKEY/NANCY C

203 PEARL ST LP

HANDY GABRIEL

FORD JEFFREY

FRANKLIN SOUTH LLC

STATE OF VT

TOWN OF ESSEX - PEARL ST PARK

BROWN ROLLIN W

BROWN ROLLIN W

WARNER AVENUE

PIGEON STEFANE

BARRY BRUCE

167 PEARL STREET LLC

REICHEL KURT V

BARRY BRUCE

COMPLEX 159 PARTNERSHIP

OLDE GREEN MOUNTAIN MAGIC LLC

BRASSARD AUTO SERVICES INC

WILLETTS COURT

PAQUETTE RAMOND

LENES REAL ESTATE LLC

WIEBE KERRY

PIERCE WILLIAM E

CHAMPLAIN VALLEY EXPOSITION

PEARL STREET ROUTE 15

WEST STREET EXT

CTG PROPERTIES, LLC

HAMLIN MARY MARGARET

PAROLINE PROPERTIES LLC

PAROLINE PROPERTIES LLC

MUSSEN RONALD D

CHAMP CAR CARE CENTER INC

A & M REALTY LLC

MONRO MUFFLERBRAKE INC

MONRO MUFFLERBRAKE INC

WENDCO OF EPSOM INC

MCDONALD'S CORP

MCDONALD'S USA LLC

STEPHEN CARBONE INC

CARBONE/STEPHEN V

B & M VENTURES LLC

HANKER VIRGINIA ANN

HANKER DANNY R

REICHEL SUN C TRUST

CRE JV FIVE BRANCH HOLDINGS LLC

MPH ESSEX PROPERTIES LLC

HAUKE BUILDING SUPPLY INC

HAUKE BUILDING SUPPLY INC

HIGHLAND VILLAGE

PAPASERAPHIM SOTOS & MARIA S

WEST HILLCREST RD

VALLEY BERNARD

PEARL STREET ROUTE 15

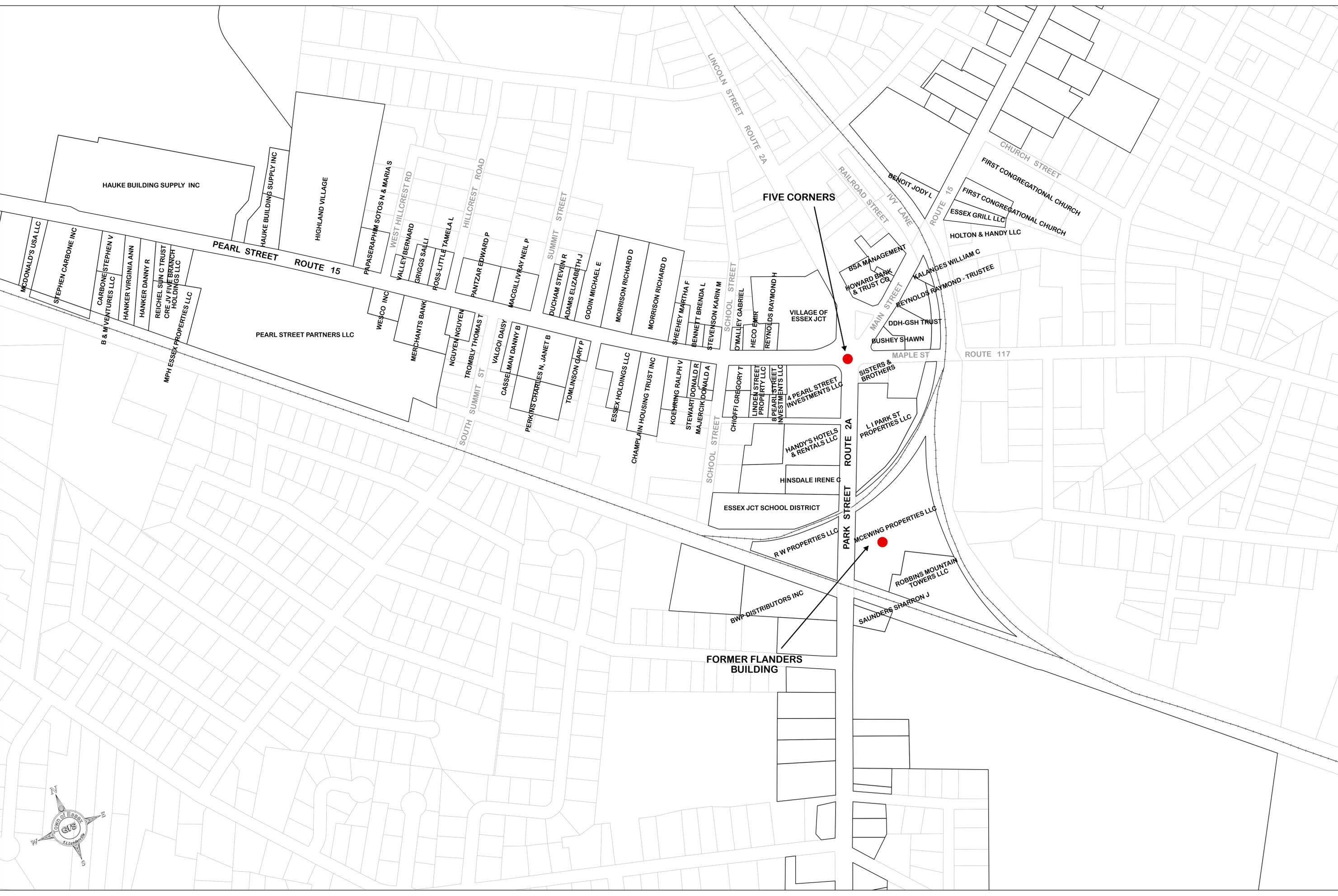
PEARL STREET PARTNERS LLC

WESCO INC

MERCHANTS

WEST STREET





**FIVE CORNERS**

PEARL STREET ROUTE 15

SCHOOL STREET

PARK STREET ROUTE 2A

ROUTE 117

CHURCH STREET

IVY LANE

RAILROAD STREET

MAIN STREET

MAPLE ST

LINCOLN STREET ROUTE 2A

HIGHLAND VILLAGE

HAUKE BUILDING SUPPLY INC

PEARL STREET PARTNERS LLC

MPH ESSEX PROPERTIES LLC

WESCO INC

MERCHANTS BANK

NGUYEN NGUYEN

TROMBLY THOMAS T

VALGOI DAISY

CASSELLMAN DANNY B

PERKINS CHARLES N, JANET B

TOMLINSON GARY P

ESSEX HOLDINGS LLC

CHAMPLAIN HOUSING TRUST INC

KOEHRING RALPH V

STEWART DONALD R

MAJERICIK DONALD A

CHIOPFI GREGORY T

LINDEN STREET PROPERTY LLC

8 PEARL STREET INVESTMENTS LLC

4 PEARL STREET INVESTMENTS LLC

PEARL STREET INVESTMENTS LLC

HANDY'S HOTELS & RENTALS LLC

HINSDALE IRENE C

ESSEX JCT SCHOOL DISTRICT

R W PROPERTIES LLC

BWP-DISTRIBUTORS INC

FORMER FLANDERS BUILDING

MCEWING PROPERTIES LLC

ROBBINS MOUNTAIN TOWERS LLC

SAUNDERS SHARRON J

REYNOLDS RAYMOND - TRUSTEE

DDH-GSH TRUST

BUSHEY SHAWN

KALANGES WILLIAM C

HOLTON & HANDY LLC

ESSEX GRILL LLC

FIRST CONGREGATIONAL CHURCH

FIRST CONGREGATIONAL CHURCH

BSA MANAGEMENT

HOWARD BANK & TRUST CO

BENOIT JODY L

REYNOLDS RAYMOND - TRUSTEE

KALANGES WILLIAM C

HOLTON & HANDY LLC

ESSEX GRILL LLC

FIRST CONGREGATIONAL CHURCH

SISTERS & BROTHERS

L J PARK ST PROPERTIES LLC

PEARL STREET INVESTMENTS LLC



## St. Albans Trip 12/18/15 George Tyler's notes

- 1) With four successive phases the City of St. Albans defined the problem (stop the bleeding) and the overall approach they would take to redeveloping their downtown.
- 2) They gained the public's trust and support with a consistent, coordinated communications program (which included a collaborative effort from the local daily newspaper).
- 3) They used a strategic redevelopment plan written several decades earlier as guiding vision for redevelopment and created a new strategic plan from it. After that, they embraced the belief that enough studies had been done. It was time for action – not more planning and studies.
- 4) The manager, mayor, council, and staff shared the same long and short term redevelopment goals and worked as a team to achieve those goals. Each party played to their strength; they maintained a high degree of flexibility in how they approached and resolved problems. Always the ultimate goals were to improve the economic vitality and aesthetic appeal of the downtown and to find the “win” in every negotiation.
- 5) In addition to having a planning commission and design review board, they created and enabled a **Design Advisory Board** to provide “special opinions on the look and feel of proposed development in the City's Design Review Districts,” and a **Downtown Board** which “advises the development and revitalization efforts of the City's Downtown Program and acts as the Board of Directors for *St. Albans for the Future*, the nonprofit downtown organization.”
- 6) The City did not hesitate to acquire property or take the lead role in negotiating real estate transactions to help achieve its goals. Examples: They became a partner in the LLC involved in building the parking garage. Construction of the parking garage provided part of the incentive for a major business expansion (guaranteed parking spaces for new State Office, new hotel, and downtown parking). They took the lead in arranging deals in which a developer would purchase a property, rebuild the property, and rent space to a client. They sold city property and used the proceeds to help achieve other development goals including other property purchases.
- 7) They organized a downtown facade program in which they paid an architect/designer to provide renderings of facade improvements for individual storefronts and then provided financial assistance to individual businesses to make those improvements.
- 8) They were aware that a local business was considering a significant expansion. So the city used the state's TIF program to help that business expand (financial incentives, enabled accommodating real estate transactions, reconfigured traffic – blocked a street). They also used the TIF money for other property improvement projects. The value of their grand list grew by 40% within three years.
- 9) They have an ordinance prohibiting neglect of property as a fire and public safety hazard, and a fine structure for those who violate the ordinance. They do not hesitate to pursue legal action to either collect accumulated fines or confiscate property if fines cannot be paid.
- 10) They have a full time building safety/code enforcement officer.
- 11) They have a rental registry and require a permit and fee (\$100/for four years) per apartment for property owners. This is done under the fire safety code.

- February 16, 2016 @ 7 PM – Joint Meeting with Selectboard, Prudential Committee, and Trustees at EJRP Maple Street
- April 6, 2016 @ 6 PM – Annual Community Supper
- April 6, 2016 @ 7 PM – Annual Meeting
- April 12, 2016 – Australian Ballot Voting, 7 AM – 7 PM

## 2. Ad Hoc Committee

The purpose and mission of the ad hoc governance committee are decided so the interviews for members can be held. Elaine Sopchak mentioned the commitment of the committee members will be closer to a year, not two months.

## 3. Housing Code

Winooski Fire Chief offered to discuss the Winooski housing code with the Trustees. The Trustees will add the topic to a future agenda.

## 3. Town Budget & Meeting

Essex Selectboard held a public hearing and approved the proposed town budget of \$13,182,890 (4.73% increase). The highway tax was decreased by one cent due to the \$200,000 transfer of funds from the village into the Highway Budget for paving work. He “Public to be Heard” article will continue at annual meeting. The 2016 Town Plan will be on the ballot. There are two incumbents seeking re-election to the Selectboard and two individuals running for the two year unexpired term. The annual town dinner before town meeting will begin at 6:30 PM. Free childcare and bus service to the meeting will be provided.

## 7. TRUSTEES COMMENTS/CONCERNS & READING FILE

### 1. Board Member Comments

- Elaine Sopchak suggested the Trustees discuss the Rutland Town resolution on renewable energy projects. The village needs to have a voice in these matters and may want to adopt a similar resolution. Following further discussion there was agreement to invite the state legislators to the next meeting to discuss the matter.
- Lori Houghton announced the village received an Orton Foundation grant for \$11,800 for public engagement, community report card, and co-working space. An additional \$2,500 will be received with a progress report.
- George Tyler reported on the Vermont Neighborhood Designation received by the village that exempts some development in the village from Act 250 review.
- George Tyler explained the letter to Vermont Energy Investment Corporation in support of the “Smart Growth” grant. There is no commitment by the village.

### 2. Reading File

- Minutes
  - Capital Program Review Committee 1/5/16
  - Bike/Walk Advisory Committee 1/11/16
  - Tree Advisory Committee 1/5/16
- Grant Award Letter from VTrans for Brickyard Road Storm Water Improvement Project
- Grant Award Letter from Hoehl Family Foundation for Senior Center

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Chapter 10

HOUSING\*

Sections:

10-0A	<b>ARTICLE I. IN GENERAL</b>
10-1	<b>Short Title.</b>
10-2	<b>Definitions.</b>
10-3	<b>Secs. 10-3 to 10-14</b>
10-14	<b>ARTICLE II. ADMINISTRATION AND ENFORCEMENT</b>
10-14D	<b>DIVISION 1. GENERALLY</b>
10-15	<b>Administration of Code; Authority of Building Inspector</b>
10-16	<b>Penalty for Violating Chapter.</b>
10-17	<b>Conflicts</b>
10-18	<b>Inspection of Dwellings, Dwelling Units, Rooming Units and Premises.</b>
10-19	<b>Service of Notice of Violations.</b>
10-20	<b>Refusal to Obey Inspection Order; Survey.</b>
10-21	<b>Order.</b>
10-22	<b>Certificate of Compliance and Maximum Occupancy Load</b>
10-23	<b>Recording of Orders.</b>
10-24	<b>Declaring Dwellings Unfit for Human Habitation.</b>
10-25	<b>Copy of Order to be Furnished to Grantee.</b>
10-26	<b>Relocation.</b>
10-27	<b>Permit to Create Certain Dwelling and Rooming Units.</b>
10-28	<b>Secs. 10-28--10-33. Reserved.</b>
10-33D	<b>DIVISION 2. APPEALS*</b>
10-34	<b>Housing Appeal Board--Established, Appointment and Organization.</b>
10-35	<b>Same--Powers and Duties.</b>
10-36	<b>Appeal of Orders of Officers.</b>
10-37	<b>Stay of Proceedings.</b>
10-38	<b>Hearing and Notice.</b>
10-39	<b>Authority for Board to Reverse, Affirm or Modify Orders Appealed From.</b>
10-40	<b>Appeal of Decision of Housing Appeal Board.</b>
10-41	<b>Secs. 10-41--10-51. Reserved.</b>
10-51A	<b>ARTICLE III. MINIMUM STANDARDS AND REQUIREMENTS</b>
10-52	<b>Conformance to Standards Required.</b>
10-53	<b>Minimum Standards for Basic Equipment and Facilities.</b>
10-54	<b>Minimum Standards for Light, Ventilation and Heating</b>
10-55	<b>General Requirements Relating to the Safe, and Sanitary Maintenance of Parts of Dwellings and Dwelling Units.</b>
10-56	<b>Minimum Space, Use and Location Requirements.</b>
10-57	<b>Responsibilities of Owners and Occupants.</b>
10-58	<b>Authority to Raze Building/Structure.</b>
10-59	<b>Secs. 10-59--10-68. Reserved.</b>
10-68A	<b>ARTICLE IV. ROOMING HOUSES</b>
10-69	<b>Conformance to Standards Required; Exceptions.</b>
10-70	<b>Article Applicable to Hotels and Motels.</b>

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- 10-71 **Rooming House Rental License Required.**
- 10-72 **Bathroom Facilities.**
- 10-73 **Supplies, Bed Linens and Towels to be Changed Regularly.**
- 10-74 **Minimum Floor Area for Sleeping Rooms.**
- 10-75 **Means of Egress to be Provided.**
- 10-76 **Responsibility for Sanitary Maintenance.**
- 10-77 **Preparation of Meals Restricted.**
- 10-78 **Standards for Communal Kitchens.**

\*Cross Reference--Buildings and building regulations, Ch. 5; electricity, Ch. 6; fire protection and prevention, Ch. 7; plumbing, Ch. 15; sewers and sewage disposal, Ch. 16; subdivisions, App. A; zoning, App. B.

State Law Reference--Municipal housing code generally, 24 V.S.A. s 5001 et seq.

### **Section 10-0A ARTICLE I. IN GENERAL**

#### **Section 10-1 Short Title.**

This chapter may be referred to as the "Winooski Minimum Housing Code." (Ord. No. 72-9-G, s 15.0100, 7-6-72; Ord. No. 73-4-G, s 15.0100, 3-19-73)

#### **Section 10-2 Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter:

Whenever the term "dwelling," "dwelling unit," "rooming unit," "house" or "premises," is used in this chapter, it shall be construed as though followed by the words "or any part thereof."

Whenever the masculine pronoun is used, it shall also mean the feminine pronoun.

**BASEMENT** shall mean a portion of a building located partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

**BUILDING INSPECTOR** shall mean the legally designated building inspector of the city or his designated assistant.

**CELLAR** shall mean a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

**CERTIFICATE OF Fitness** shall mean the written approval, signed by the Code Enforcement Officer or, setting forth that the building, structure and premises comply with the Municipal & State Codes, this Certificate of Fitness is required prior to a dwelling unit, and or a public building, to be occupied.

**CERTIFICATE OF OCCUPANCY** shall mean the written approval of the Zoning Administrator certifying that a newly constructed structure, addition and or alterations to an existing structure, or an

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existing structure undergoing a change in use is in full compliance with the zoning provisions of Municipal By-laws, Ordinances and Codes adopted under the authority of the City Charter. Conditions required for the issuance of a "Certificate of Occupancy" are, but not limited to:

- (a) Use of structure or land conforms to the zoning requirements [24 V.S.A. Section 4449]
- (b) Municipal Land Use Permit approved as completed [24 V.S.A. Section 4454]
- (c) Compliance with all regulations, codes, and ordinances adopted by Charter and Codification, i.e., no notice of violation or land use violations exist [9 V.S.A. Chapter 137, & 24 V.S.A. Sec 4454]
- (d) Approved Certificate of Compliance for residential dwelling units and all public buildings [24 V.S.A., Sec. 4303 (24)].

DWELLING shall mean any building which is used or intended to be used in whole or in part for living or sleeping by human occupants; provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.

DWELLING UNIT shall mean one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit with cooking, living, sanitary and sleeping facilities.

EXTERMINATION shall mean the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the building inspector and the state department of health.

FIRE CHIEF shall mean the legally designated fire chief of the city or his designated assistant.

GARBAGE shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HABITABLE ROOM shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes excluding bathrooms, water closet compartments, laundries, pantries, foyers or hallways, closets, recreation rooms (but not excluding living rooms), private workshops or hobby rooms and storage spaces.

INFESTATION shall mean the presence, within or around a dwelling, of any insects, rodents or other pests.

MULTIPLE DWELLING shall mean any dwelling containing more than two (2) dwelling units.

OCCUPANT shall mean any person living, sleeping, cooking or eating in or having the actual possession of a dwelling unit or rooming unit.

OPERATOR shall mean any person who has the charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

OWNER shall mean the owner or owners of the freehold of the premises or lessor estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building or any duly authorized agent thereof.

PERSON INTERESTED shall mean and include any individual firm, corporation, association,

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partnership, company or organization of any type.

PLUMBING shall mean and include all the following supplied facilities and equipment: Gas pipes, gas-burning equipment, water pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and other similar supplied fixtures, together with all connections to water, sewer or gas lines.

REGISTERED MAIL shall mean registered mail or certified mail.

ROOMING HOUSE shall mean any dwelling, or that part of any dwelling, containing one (1) or more rooming units, in which space is let by the owner or operator to more than two (2) persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator; provided that hospitals, homes for the aged and other institutions licensed by the state department of health shall not be regarded as rooming houses or as subject to the provisions of this chapter.

ROOMING UNIT shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

RUBBISH shall mean combustible and noncombustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral, glass, crockery and dust or other items as specified by the building inspector.

SUPPLIED shall mean installed, furnished or provided by the owner or operator at his expense.

TEMPORARY HOUSING shall mean any tent, trailer or similar structure which is used for human shelter.

TOWN ENGINEER shall mean the legally designated town engineer of the city or his designated assistant. (Ord. No. 72-9-G, s 15.0101, 7-6-72; Ord. No. 73-4-G, s 15.0101, 3-19-73)  
(10-2, Amended, 07/21/2005, cert of comp)

### Section 10-3 Secs. 10-3 to 10-14

#### Sec. 10-3 Landlord Registry Required

Fire Safety and Prevention defines buildings in which people rent accommodations, whether overnight or for a longer period of time, as a public building. The City of Winooski Fire Marshal, the Health Officer, and the Building and Zoning Administrator are responsible for ensuring that all public buildings in the City of Winooski are maintained at established and adopted standards to protect the health, safety, and welfare of the occupants. The Winooski Minimum Housing Standards requires that a Certificate of Compliance be issued prior to the occupancy of any residential rental dwelling unit within the city. **All rental property owners shall file a yearly Landlord Registry Application** identifying their rental residential dwelling units for each building in the City of Winooski (see Sec. 10-5). Additionally, all property owners will ensure **each rental residential dwelling unit is inspected and that Certificates of Fitness are issued a minimum of every 4 years.**

#### Sec. 10-4 Administration

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Administration and enforcement is the responsibility of the Winooski Building Code Enforcement Office. Enforcement will be provided by the Winooski Building Inspector, the Winooski Health Officer, the Winooski Deputy Health Officer, the Winooski Fire Marshal and other individuals authorized to perform inspections by the Winooski City Council. Same shall hereby be known as the code official, the enforcement officer and the code enforcement department.

- (a) All records, including inspection reports, records of complaints received and investigated, and plans for inspections of rental units shall be available for public inspection.

### Sec. 10-5 Registry Information Required

- (a) Rental Property owners must provide the following information to the department:
  - (1) The address of the property.
  - (2) The number of rental units at that address.
  - (3) The mailing address of each dwelling unit.
  - (4) The number of bedrooms.
  - (5) The name, address and phone number of the property owner, corporation, or registered corporate agent.
  - (6) The name, address and phone number of any managing agent.
  - (7) The name, address and phone number of a local emergency contact located in Chittenden County and/or a designated person within the state responsible for services on the property.
- (b) Upon purchase or transfer of each property containing one or more rental units, the purchaser shall file a new landlord registration application.
- (c) Prior to occupancy of any newly constructed rental unit or any conversion of the use to a rental unit, the owner shall file an application for landlord registration with the enforcement department.
- (d) It shall be a violation of the City Minimum Housing Code for an owner of any rental dwelling unit within the city to fail to register as required by this section.
- (e) Property owners shall have a continuing obligation to notify the enforcement department of any changes in the information required above during the periods between filings of the landlord registration application.

### Sec. 10-6 Inspection Cycle

For the purposes of planning and scheduling, the owners of all rental dwelling units are subject to inspection pursuant Section 10-22 and to the schedule described as follows. The Landlord Registry Application and fee is required yearly for each building. **Every four (4) years a Minimum Housing Standards / Safety Inspection for each rental dwelling unit is required.** A Certificate of Fitness will be issued based on the results of the inspection, as appropriate (see Section 10-9).

### Sec. 10-6 Inspection Cycle

- A. Program adopted in 2003, Quadrant 1, initiates program effective due date for registration April 1, 2004, with a one year inspection cycle that expires on March 31, 2005 of the following year. The quadrant schedule shall follow henceforth based on initial start-up date.

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- (1) Quadrant 1 (Property located west of Malletts Bay Ave from Colchester Boundary to lower Weaver Street).
  - (2) Quadrant 2 (Property located west of Weaver Street to Malletts Bay Ave).
  - (3) Quadrant 3 (Property located west of Franklin St. and Barlow Street north of East Allen St. to Weaver Street).
  - (4) Quadrant 4 (Property located from Florida Ave and Roland Court to Franklin St. to everything south of East Spring St to Weaver Street).
- B.** The Building and Zoning Department will make boundary, to include individual rental unit complex, adjustments as rental unit distributions change to ensure a balanced scheduling load for inspections is maintained. The department will inform the owners of any property affected by a boundary adjustment will be notified by mail.

### **Sec. 10-7 Inspection Requirements**

The enforcement officer or his/her delegate shall make scheduled, periodic inspections of all rental units within the city, motel rooms, or any other accommodation for overnight stay, which are regularly let to the same tenant(s) for a period in excess of thirty -(30) days, which includes condominiums and any other Public Building as defined under 20 V.S.A. Section 2730. A certified Fire Inspector 1, approved by the National Fire Protection Association and the Vermont Department of Labor & Industry per State Regulations, will conduct the inspection of public buildings and all rental dwelling units (see other).

Excluded from periodic inspection:

- (a) Public Buildings owned by a government agency that conducts annual inspections under the HUD Program.
- (b) Buildings owned by nonprofit organizations under housing requirements and inspected by another government authority.
- (c) Buildings owned by individuals, corporations, partnerships or organizations that are subject to inspections by another government authority.

**Note:** All buildings that are nonprofit organizations that are excluded from this program shall provide an inspection report, which has been performed by a Certified Fire Inspector I or equivalent to The Winooski Code Enforcement Officer for approval. The issuance of a "Certificate of Compliance" for these structures and such documents shall be recorded in the City Land Records.

### **Sec. 10-8 Scheduling Inspection**

- (a) The department shall schedule with the property owner or his / her agent the date and time of the Minimum Housing Inspection per Sec 10-15 Authority to Inspect. The owner or the agent shall arrange for the inspection within sixty days of the initial request, and shall provide the occupant(s) with notice of an inspection not less than forty-eight (48) hours prior to the actual inspections as provided in 9 V.S.A. Section 4460. During the inspection the owner shall provide access to the rental units and all common areas to include basements and other spaces.
- (b) For inspection or attempts to inspect which do not result in an inspection within the two months of the first (1<sup>st</sup>) request, it shall constitute a violation of this ordinance subject to forfeiture and / or withdrawal of any Certificate of Fitness.

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- (c) If the enforcement officer has reason to believe that an emergency situation exists tending to create an immediate danger to the health, welfare or safety of the occupants of any dwelling unit or the general public, he/she may enter, examine and inspect the dwelling unit at any time.
- (d) Persons requesting inspections for buildings lacking the proper Certificates recorded in the land records in order to refinance or to transfer ownership of the property will do so in writing. These out-of-cycle inspections will be scheduled as soon as possible and no later than sixty (60) days from receipt of a written request.
- (e) **Obtaining a Zoning Certificate of Occupancy is the final requirement of the City of Winooski.** The Certificate of Occupancy verifies that the entire property meets all codes, zoning conditions, ordinances, and permit requirements. No building shall be occupied or used, in whole or in part, for any purpose whatever, until a Certificate of Occupancy has been issued by the Zoning Administrator and a copy is filed in the City of Winooski Land Records. (Winooski Zoning Ordinance Sec. 11.300 and Municipal Code Section 10-2).
- (f) A building certificate of occupancy issued by any Division of Inspection Services other than the City of Winooski shall not constitute a Zoning Certificate of Occupancy unless specifically authorized in writing by the Zoning Administrator.

### Sec. 10-9 Certificate of Fitness

It shall be a violation of the Winooski Minimum Housing Standards Program for an owner of a rental dwelling unit within the city that is subject to inspections pursuant to Section 10-22 of this chapter to rent or allow any person to occupy any dwelling or dwelling unit without a Certificate of Compliance.

**Note:** Certificates of Occupancy, as defined in Section 10-2, will not be issued by the Zoning Administrator for public buildings without current Landlord Registry Applications and a current Certificate of Compliance on file in the land records.

### Sec. 10-10 Issuance of Certificates and Terms of Inspections

- (a) Upon completion of the initial inspection pursuant to section 10-22 of a rental property, if the property is found to be in compliance with the Winooski Minimum Housing Standards and all other adopted applicable Federal, State, and Municipal Codes, the enforcement officer shall issue a Certificate of Fitness, which shall expire four (4) years from the date of issuance.
- (b) Upon completion of the initial inspection of a rental property, if an individual unit is cited for **five (5) or less minor non life-threatening violations** of the Minimum Housing Standards, and if violations have been corrected within the time set for compliance, the enforcing officer shall issue a Certificate of Fitness which shall expire four (4) years from the date of issuance.
- (c) Upon completion of the initial inspection of the rental property, if any individual unit is cited **for more than five (5) minor non life-threatening violations** of the Minimum Housing Standards, the department shall issue a Conditional Certificate of Fitness for that rental property, which shall expire within, and no more than one (1) year from the date of issuance.
- (d) Follow-up inspections for verification by the code official that the corrective actions have been completed on the initial inspection shall not require a fee; noncompliance to the follow-up inspection resulting in more re-inspections shall be assessed additional fees for each additional inspection (refer to sec. 10-13 (c)).
- (e) Upon completion of the initial or any subsequent inspection of the rental property, if any individual unit is cited for any of the following conditions the enforcement officer **shall declare the dwelling unit uninhabitable** and deny the issuance of a Certificate of Fitness:

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- (1) The physical condition or use of any dwelling constitutes a public nuisance;
  - (2) Any physical condition, use or occupancy of any dwelling or its appurtenances that is considered an attractive nuisance to children, including, but not limited to, abandoned vehicles, appliances, basements and unsafe fences and structures;
  - (3) Any dwelling that has unsanitary sewage or plumbing facilities;
  - (4) Any dwelling that is designated as unsafe for human habitation or use;
  - (5) Any dwelling that is manifestly capable of being a fire hazard or is manifestly unsafe or unsecured so as to endanger life, limb or property;
  - (6) Any dwelling from which the plumbing, heating, fire protection systems, fire detection systems, or other facilities required by law have been removed, or from which utilities have been disconnected, destroyed, removed, or rendered ineffective, or the required precautions against trespassers have not been provided;
  - (7) Any dwelling that is unsanitary or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds, or which has nests or exhibits insects, pests, or rodents;
  - (8) Any dwelling that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent of not providing shelter; in danger of collapse or failure and dangerous to anyone on or near the dwelling.
  - (9) Any dwelling that is determined to be a health hazard, i.e., high carbon monoxide levels, unmitigated lead paint hazard, poisons present, and improper storage of flammables.
- 
- (f) The department shall issue a Certificate of Fitness for a term of four (4) years for a newly constructed rental property upon final inspection of the Fire Marshal.
  - (g) Nothing in this section shall preclude the inspection of said dwelling more frequently than the term of the Certificate of Fitness.
  - (h) A Certificate of Fitness may be revoked if a subsequent inspection finds that any rental unit at a rental property is no longer in compliance with the provisions of the Minimum Housing Standards.
  - (i) Prior to the issuance of a Certificate of Fitness, all registration and additional inspection fees shall be paid to the department.
  - (j) The issuance of a Certificate of Compliance by the department for a term of less than four (4) years shall be an order that is subject to appeal as provided in Section 10-36.
  - (k) Availability of Certificates: Upon the request of an existing or prospective tenant, the owner or the owner's agent shall produce the Certificate of Fitness. All rental properties located in the City of Winooski are required to have a Certificate of Fitness on file, and recorded in the City Land Records, without which is a violation of the Municipal Codes.
  - (l) The enforcement officer shall have the discretion to place a rental property or dwelling unit on a more frequent inspection cycle for repeat violations and noncompliance.

### Sec. 10-11 Issuance of a Conditional Certificate

The department may issue a **Conditional Certificate of Fitness** whenever the enforcement officer is unable to inspect a rental dwelling unit after the expiration of an existing certificate, or more time is required to remedy a minor code violation cited on an inspection report, when the inability to inspect is not due to obstruction by the property owner or agent.

### Sec. 10-12 Fees

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### As prescribed in Winooski City Ordinance, Chapter 20-2; Code Enforcement Department

#### Sec 10-13 Fines and Penalties

- A. A rental dwelling unit for which a registration fee is required in this section has not been paid shall be in violation of the City Minimum Housing Codes and subject to the penalties set forth in Section 1-11 (Civil Penalties).
- B. In addition, if the code enforcement department determines that a person has failed to pay the registration fee due under this section, the ~~code enforcement department~~ City of Winooski shall mail to such person a statement showing the balance due and shall add thereto a twenty-five (\$25.00) late payment fee plus interest at a rate of twelve (12%) percent per year. The unpaid balance and penalty shall be subject to interest at a rate of twelve (12%) percent per year from the due date until the date of payment. The charges levied in this chapter shall constitute a lien upon the property on which the rental unit is situated and may be enforced within the time and manner provided for collection of taxes on property.

(10-3 - 10-13, Amended, 03/10/2004; 10-3 to 10-14, Amended, 08/12/2003, Adopted 4-9-03)

#### Section 10-14 ARTICLE II. ADMINISTRATION AND ENFORCEMENT

##### Section 10-14D DIVISION 1. GENERALLY

##### Section 10-15 Administration of Code; Authority of Building Inspector

It shall be the city of the building inspector to administer the housing code. Said officer is authorized to inspect all dwelling structures and to order any repairs or additional facilities necessary to meet code standards. He is authorized to condemn dwellings that are unfit for human habitation, and in that situation, the owner of the condemned building must comply with the minimum standards, or cease using the building for dwelling purposes. (Ord. No. 72-9-G, s 15.0102, 7-6-72; Ord. No. 73-4-G, s 15.0102, 3-19-73)

Cross Reference--Building inspector generally, s 5-19 et seq.

##### Section 10-16 Penalties for Violating Chapter.

Except as otherwise provided, any person who violates any provision of this chapter shall be subject to a civil penalty as prescribed for in Chapter, section 11 of the Winooski City Code.

##### Section 10-17 Conflicts

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In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety, health or other ordinance or code of the city, the provision which established the higher standard for the promotion and protection of the health and safety of the people shall prevail. (Ord. No. 72-9-G, s 15.0202, 7-6-72; Ord. No. 73-4-G, s 15.0202, 3-19-73)

### **Section 10-18 Inspection of Dwellings, Dwelling Units, Rooming Units and Premises.**

The building inspector is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the city, in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections the building inspector is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. (Ord. No. 72-9-G, s 15.0103, 7-6-72; Ord. No. 73-4-G, s 15.0103, 3-19-73)

### **Section 10-19 Service of Notice of Violations.**

Whenever the building inspector determines that there has been a violation of any provision of this chapter, he shall give notice of such violation to the owner and occupants of said building by letter sent by registered mail to the last known address of said owner and occupants, and any holder of any recorded interest in said property, listing the defects, the necessary repairs which are to be made and giving the owner a stated period of time to make these repairs. Said notice shall also notify the occupants of the building that it will be necessary for them to vacate the building if the necessary repairs are not made. Each occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit or its premises at all reasonable times for the purpose of making such repairs and/or alterations as are necessary to effect compliance with the provisions of this chapter or any lawful order issued pursuant to the provisions of this chapter. (Ord. No. 72-9-G, s 15.0104, 7-6-72; Ord. No. 73-4-G, 15.0104, 3-19-73)

### **Section 10-20 Refusal to Obey Inspection Order; Survey.**

When an owner, agent or other person interested in property deemed unfit by an inspection as set forth in section 10-19, and notified as provided therein, fails, refuses or neglects to comply with the requirements of such order within the time limited, a careful survey of the premises shall be made by a board consisting of the chief of the fire department, the city medical inspector and one (1) disinterested person to be chosen by the other two (2) board members and who shall be a person knowledgeable in at least one (1) area in which the property is deficient. A report of such survey shall be made by each member of the board to the building inspector and copies of such reports shall be forwarded to the owner and occupants of the building, by registered mail. (Ord. No. 72-9-G, s 15.0105, 7-6-72; Ord. No. 73-4-G, s 15.0105, 3-19-73)

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Upon completion of the survey and sending of the reports, as set forth in section 10-20, the building inspector shall, if such action is indicated as necessary by the survey, order the occupants of said building to vacate the building, revoke the rental and rooming license required under section 10.71 and take such other actions as are necessary to bring about compliance with said order. For each days; continuance of such refusal or neglect, the owner, occupant or person interested shall be fined not more than fifty dollars (\$50.00) nor less than ten dollars (\$10.00). Each days' refusal constitutes a separate offense. (Ord. No. 72-9-G, s 15.0106, 7-6-72; Ord. No. 73-4-G, s 15.0106, 3-19-73)

### **Section 10-22 Certificate of Fitness and Maximum Occupancy Load**

- (a) All existing rental properties and public buildings as defined under Vermont State Statues will be required to have a "Certificate of Compliance" filed in the land records before it can be occupied once it has become vacant, changed occupants, use and/or ownership.
- (b) No new structure or addition can be occupied without first obtaining a "Certificate of Fitness" from the code enforcement officer, or successor, and a "Certificate of Occupancy" from the City Zoning Administrator.
- (c) All existing rental properties and public buildings not having a "Certificate of Fitness" on file in the city land records shall be inspected upon the request of the code enforcement department, upon a vacancy, change of use or ownership, and/or a complaint concerning health and safety issues, but not limited to, from the occupant, neighbors, landlord or property owner.
- (d) A property owner or his agent shall notify, during normal working hours the city code enforcement department or its successor that a rental dwelling unit and/or a public building vacancy exists and shall schedule an inspection with the city code enforcement department.
- (e) The city code enforcement department, or its successor, shall aspect for compliance under the adopted Winooski Municipal Codes, the specified rental dwelling unit, and/or a public building including the premises and common areas of said dwelling unit, and/or place of business upon an agreed scheduled time during the normal working hours of the city code enforcement department, or its successor, unless such agreement and arrangement causes undue hardship upon the property owner or his agent, in which case the agreement and arrangement for the inspection may be mutually agreed upon. Failure to mutually agree upon and arrange for the inspection shall be construed that the property owner or his agent has failed to comply with the requirements of the chapter and will be in violation of Winooski Municipal Codes and Ordinances.
- (f) Upon completion of the inspection, the building inspector or code enforcement officer shall either:
- (1) Issue a certificate of compliance and maximum occupancy load, or
  - (2) Cause an inspection report citing specific violations of this chapter and any other city ordinance to be sent to the last known address of the property owner or his agent.
- (g) If an inspection report citing a violation is issued for health, safety, inhabitability or immanent

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danger, occupancy of the dwelling shall not be permitted until such time as to the issuance of a certificate of compliance and maximum occupancy load is issued by the city code enforcement department or its successor. Upon verification by the city code enforcement officer that all cited violations have been corrected.

(h) Any aggrieved person, including the enforcement officer or his superiors, shall follow the appeal procedure as outlined elsewhere in this chapter.

(10-22, Amended, 07/21/2005; 10-22, Amended, 07/21/2005, adopted 5/6/02)

### **Section 10-23 Recording of Orders.**

Any order provided for in this chapter shall be recorded in the office of the city clerk and indexed as a part of the land records. The order shall thereby be effective against any purchaser, mortgagee, attaching creditor, lienholder or other person whose claim or interest in the property arises subsequent to the recording of the order. The building inspector upon finding that any order issued under this chapter has been complied with shall issue forthwith a cancellation of the order. The cancellation shall be seconded in the office of the city clerk and indexed as a part of the land records. (Ord. No. 72-9-G, s 15.0116, 7-6-72; Ord. No. 73-4-G, s 15.0116, 3-19-73)

### **Section 10-24 Declaring Dwellings Unfit for Human Habitation.**

Whenever any dwellings or dwelling premises are found by the building inspector to be unfit for human habitation because of defects which constitute a serious hazard or immediate peril to the health, safety or welfare of the occupants of the dwelling or the public, the building inspector may:

1. Order the dwelling or dwelling premises to be vacated and secured until such time as he determines that the dwelling is again fit for human habitation;

2. Order the repair, alteration or improvement of the dwelling or dwelling premises except that the owner shall have the right to vacate and secure the dwelling or dwelling premises within seven (7) days after receipt of the order by the owner or the owner's agent;

3. Initiate demolition proceedings pursuant to sections 3111, 3112, 3113, and 3114 or Title 24 of the Vermont Statutes Annotated. (Ord. No. 72-9-G, s 15.0117, 7-6-72; Ord. No. 73-4-G, s 15.0117, 3-19-73)

### **Section 10-25 Copy of Order to be Furnished to Grantee.**

The owner of any dwelling which has been found by the building inspector to be unfit for human habitation shall not sell, transfer, mortgage, lease or otherwise dispose thereof until the owner has furnished the intended grantee, mortgagee or lessee a true copy of the order and has notified the building inspector, in writing, of his intent to sell, transfer, mortgage, lease or otherwise dispose of the dwelling, or until the building inspector has found that the conditions causing the dwelling to be unfit for human habitation have been corrected. A transferee, mortgagee or lessee who has received actual notice or constructive notice shall be bound by the order on the date of the transfer, mortgage or lease without

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service of further notice upon him by the building inspector. (Ord. No. 72-9-G, s 15.0118, 7-6-72; Ord. No 73-4-G, s 15.0118, 3-19-73)

### **Section 10-26 Relocation.**

The building inspector shall provide those persons displaced by any action taken pursuant to subsection (c) of section 5003, Chapter 97, Title 24 Vermont Statutes Annotated or any ordinance adopted pursuant thereto with assistance in relocation. He shall establish a relocation program for the city that will make available to the displaced person all federal funded programs available in the city and shall make maximum use of public housing facilities and coordinate the placing of relatives with the Winooski Housing Authority. (Ord. No. 72-9-G, s 15.0119, 7-6-72; Ord. No. 73-4-G, s 15.0119, 3-19-73)

### **Section 10-27 Permit to Create Certain Dwelling and Rooming Units.**

No dwelling unit or rooming unit shall be created within an existing structure or converted, remodeled or altered so as to create an additional dwelling unit or rooming unit, unless the building inspector has issued a written permit certifying that the plans and specifications for such work indicate that the provisions of this chapter will be complied with. (Ord. No. 72-9-G, s 15.0200, 7-6-72; Ord. No. 73-4-G, s 15.0200, 3-19-73)

### **Section 10-28 Secs. 10-28--10-33. Reserved.**

### **Section 10-33D DIVISION 2. APPEALS\***

\*Cross Reference--Appeal of decisions by building inspector, s 5-24; wiring inspector, s 6-10.

### **Section 10-34 Housing Appeal Board--Established, Appointment and Organization.**

A housing appeal board is hereby established which shall consist of five (5) persons appointed by the city council from such fields as financial, builders, labor, the clergy, doctors and social agencies. City officials responsible for code enforcement may be appointed by the council to act as ex officio members of the board. (Ord. No. 72-9-G, s 15.0107(1), 7-6-72; Ord. No. 73-4-G, s 15.0107(1), 3-19-73)

### **Section 10-35 Same--Powers and Duties.**

The housing appeal board shall have all the powers and duties prescribed by law and by this division including, but not limited to, the following:

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(1) Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this chapter, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

(2) To issue special permits for any purpose for which this chapter requires a permit in such cases as the board deems advisable; and

(3) To make available specific advice and assistance to individuals who do not fully understand the requirements of this chapter. (Ord. No 72-9-G, s 15.0107(5), 7-6-72; Ord. No. 73-4-G, s 15.0107(5), 3-19-73)

### **Section 10-36 Appeal of Orders of Officers.**

An owner, occupant or person interested who is aggrieved by any order made under this chapter, may appeal to the housing appeal board set up in this division. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the office of the housing inspector and the housing appeal board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken. (Ord. No. 72-9-G, s 15.0107(2), 7-6-72; Ord. No. 73-4-G, s 15.0107(2), 3-19-73)

### **Section 10-37 Stay of Proceedings.**

An appeal shall stay all proceedings under such action appealed from unless the officer from whom the appeal is taken certifies to the housing appeal board, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate of stay would, in his opinion, cause imminent peril to person or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board, the county court or by a superior judge on notice to the office from whom the appeal is taken and for cause unknown. (Ord. No. 72-9-G, s 15.0107(3), 7-6-72; Ord. No. 73-4-G, s 15.0107(3), 3-19-73)

### **Section 10-38 Hearing and Notice.**

The housing appeal board shall fix a reasonable time for the hearing of the appeal, give at least six (6) days' notice thereof to the appellant by publication thereof in a newspaper of general circulation in the city, and decide the same within a reasonable time. Upon hearing, any party or taxpayer may appear in person or by agent or attorney. The appellant shall indicate when filing his appeal if he desires a private or public hearing. (Ord. No. 72-9-G, s 15.0107(4), 7-6-72; Ord. No. 73-4-G, s 15.0107(4), 3-19-72)

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### **Section 10-39 Authority for Board to Reverse, Affirm or Modify Orders Appealed From.**

In exercising the powers in conformity with the provisions hereof, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order or decision as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a majority of the board shall be necessary to reverse any action of such administrative official, or to decide in favor the applicant on any matter upon which it is required to pass under any ordinance or to affect any variation in an ordinance. (Ord. No. 72-9-G, s 15.0107(6), 7-6-72; Ord. No. 73-4-G, s 15.0107(6), 3-19-73)

### **Section 10-40 Appeal of Decision of Housing Appeal Board.**

A person aggrieved by a decision of the housing appeal board may apply to the county court within twenty (20) days after the action complained of has been recorded, by a sworn petition, setting forth that such decision is illegal or unreasonable, in whole or in part, specifying the grounds upon which the same is derived to be illegal or unreasonable. (Ord. No. 72-9-G, s 15.0107(7), 7-6-72; Ord. No. 73-4-G, s 15.0107(7), 3-19-73).

### **Section 10-41 Secs. 10-41--10-51. Reserved.**

## HOUSING

### **Section 10-51A ARTICLE III. MINIMUM STANDARDS AND REQUIREMENTS**

#### **Section 10-52 Conformance to Standards Required.**

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements of this article. (Ord. No. 72-9-G, s 15.0110, 7-6-72; Ord. No. 73-4-G, s 15.0110, 3-19-73)

#### **Section 10-53 Minimum Standards for Basic Equipment and Facilities.**

(a) **COOKING FACILITIES; SINK.** Every dwelling unit shall contain a room or space for a stove or other cooking facilities, space for dry food storage and space for refrigerated food storage, and shall include a kitchen sink installed. The sink shall be in good working condition and properly connected to a hot and cold running water system under pressure and a sewer system, which sink and systems shall be installed and maintained in a manner prescribed by ordinances, rules and regulations of the city.

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(b) **BATHROOM FIXTURES.** Every dwelling unit shall be equipped with a complete bathroom fixture group consisting of a flush water closet, lavatory basin and bathtub or shower in one (1) room in good working condition, and installed and maintained in a manner prescribed by ordinances, rules and regulations of the city. Said fixture group shall be properly connected to an approved sewer system and to an approved hot and cold running water system under pressure, except that the flush water closet shall be connected to an approved sewer system and to an approved cold running water system under pressure. The flush water closet, lavatory basin and bathtub or shower need not be installed in the same room, but said room shall afford privacy to a person within said room.

(c) **RUBBISH, STORAGE AND DISPOSAL FACILITIES.** Every dwelling unit shall be supplied with adequate rubbish storage facilities and with adequate garbage disposal facilities or garbage storage containers. The type and location of said containers and storage facilities are subject to approval by the building inspector. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a multiple dwelling. In all other cases it shall be the responsibility of the occupants to furnish such facilities or containers.

(d) **WATER HEATERS.** The water-heating facilities necessary to provide the hot water required under this section and sections 10-72 and 10-78(a) shall be properly installed and connected to the hot waterlines required under these subsections; shall be maintained in safe and good working conditions; and shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory, basin, bathtub or shower at a temperature of not less than one hundred twenty (120) degrees Fahrenheit. Such supplied water-heating facilities shall be capable of meeting the requirements of this subsection when the dwelling, dwelling unit, rooming house or rooming unit heating facilities required under the provisions of section 10-54(e) are not in operation.

(e) **MEANS OF EGRESS.** Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level as required by the statutes, ordinances and regulations of the state and the city.

(f) **EXIT STAIRWAYS.** In two-family and multiple-family dwellings, the exit stairway shall not be less than three (3) feet in width and continuous walls, guards or handrails projecting not more than three and one-half (3 1/2) inches into the stair width.

(g) **MEANS OF ESCAPE IN SLEEPING ROOMS.** Every sleeping room in two-family and multiple-family dwellings, unless it has two (2) doors providing separate ways of escape, or has a door leading directly to the outside of the building, shall have at least one (1) outside window which can be opened from the inside without the use of tools of such design that it may serve as an emergency exit if the normal avenues of escape are blocked. The sill of the window shall not be more than three and one-half (3 1/2) feet above the floor. (Ord. No. 72-9-G, s 15.0108(1)-(7), 7-6-72; Ord. No. 73-4-G, s 15.0108(1)-(7), 3-19-73)

### **Section 10-54 Minimum Standards for Light, Ventilation and Heating**

(a) **LIGHTING.** Every habitable room shall have at least one (1) window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be ten (10) per cent of the floor area of such except in kitchens where artificial light may be provided in accordance with the provisions of the basic building code.

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(b) VENTILATION. Every habitable room shall have at least one (1) window which can easily be opened, or such other device as will adequately ventilate the room. The total of the openable window area in every habitable room shall be equal to at least forty-five (45) per cent of the minimum aggregate glass area of the window as required in this section, except where there is supplied some other device affording adequate ventilation and approved by the building inspector.

(c) BATHROOM LIGHTING AND VENTILATION. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in this section, except where the bathroom of the water closet compartment is adequately ventilated by a ventilation system which is kept in continuous or automatic operation and approved by the building inspector.

(d) ELECTRICAL OUTLETS. Every dwelling unit and all public and common areas shall be supplied with electric service, outlets and fixtures which shall be properly installed, shall be maintained in a good and safe working condition and shall be connected to the source of electric power in a manner prescribed by the ordinances, rules and regulations of the city. The capacity of such services and the number of outlets and fixtures shall be:

(1) Every habitable room shall have an electric service and outlets and/or fixtures capable of providing at least three (3) watts per square foot of floor area.

(2) Every habitable room shall have at least one (1) floor-or wall-type electric convenience outlet for each sixty (60) square feet or fraction thereof of floor area, and in no case less than two (2) such outlets.

(3) Every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one (1) supplied ceiling- or wall-type electric light fixture.

(4) In kitchens, three (3) separate and remote wall-type electric convenience outlets or two (2) such convenience outlets and one (1) ceiling- or wall-type electric light fixture shall be provided.

(e) HEATERS. Every dwelling or dwelling unit shall be supplied with heating facilities which are properly installed, are maintained in a safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments located therein to a temperature of at least seventy (70) degrees Fahrenheit at a distance of three (3) feet above floor level, when the outdoor temperature is zero (0) degrees Fahrenheit. Either central- or space-heating facilities may be used, but must meet the following requirements:

(1) Every central heating unit and/or central hot water heating unit shall:

(a) Have every heat duct, steam pipe and/or hot water pipe free of leaks and functioning properly to provide an adequate amount of heat and/or hot water to the intended place of delivery;

(b) Be provided with seals between sections of hot air furnaces to prevent the escape of noxious gases into heat ducts;

(c) If employing electricity, be connected to an electric circuit of adequate capacity in an approved manner; and

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(d) Be provided with automatic or safety devices and be installed and operated in the manner required by the statutes, ordinances and regulations of the state and the city.

(2) Every space heating unit and/or unit hot water facility shall:

(a) Not use gasoline as fuel;

(b) Not be of the portable type if using solid, liquid or gaseous fuel;

(c) If employing a flame, be connected to a flue or vent in the manner required by the statutes, ordinances and regulations of the city and the state;

(d) If employing solid or liquid fuels, have a fire-resistant panel beneath it;

(e) Be located at least two (2) feet away from any wall or be equipped in an approved manner, with insulation sufficient to prevent the overheating of any wall;

(f) If employing gaseous fuel, be equipped with other than rubber tube or armored rubber tube connector;

(g) If employing electricity, be connected to an electric circuit of adequate capacity in an approved manner;

(h) Be installed and operated in the manner required by the statutes, ordinances and regulations of the state and the city.

(f) HALLWAYS AND STAIRWAYS. Every common hallway and stairway in every multiple dwelling shall be adequately lighted with lighting facilities sufficient to provide a light intensity of at least one (1) lumen at the floor or stair tread level at all times. Every common hallway and stairway in structures devoted solely to dwelling occupancy and containing not more than four (4) dwelling units may be supplied with conveniently located switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

(g) SCREENING. During that portion of each year when the building inspector deems it necessary for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied screens and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens; provided that such screens shall not be required during such period in rooms deemed by the building inspector to be located high enough in the upper stories of buildings as to be free from such insects, and in rooms located in areas of the city which are deemed by the building inspector to have so few insects as to render screens unnecessary.

(h) SCREENING OF BASEMENT OR CELLAR WINDOWS. Every basement or cellar window used or interested to be used for ventilation, and every other opening to a basement which might provide entry for rodents or other pests, shall be supplied with a screen or such other device as will effectively prevent their entrance. (Ord. No. 72-9-G, s 15.0109(1)-(8), 7-6-72; Ord. No. 73-4-G, s 15.0109(1)-(8), 3-19-73)

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### **Section 10-55 General Requirements Relating to the Safe, and Sanitary Maintenance of Parts of Dwellings and Dwelling Units.**

(a) FOUNDATIONS, WALLS, ETC. Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight, watertight and rodentproof, shall be capable of affording privacy and shall be kept in good repair.

(b) WINDOWS, DOORS, ETC. Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodentproof, and shall be kept in sound working condition and good repair.

(c) GENERAL MAINTENANCE REQUIREMENTS. Every dwelling unit, auxiliary building and every appurtenance to said dwelling unit or auxiliary building shall be maintained and kept in sound condition and good repair.

(d) PLUMBING FIXTURES AND PIPES. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in a good sanitary working condition, free from defects, leaks and obstructions.

(e) BATHROOM FLOORS. Every water closet compartment, floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(f) DRAINAGE OF RAINWATER. All rainwater shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceilings or floors of any habitable room, bathroom or water closet compartment.

(g) EQUIPMENT TO BE MAINTAINED. Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed or installed that it will function safely and effectively, and shall be maintained in a satisfactory working condition.

(h) SERVICES NOT TO BE CUT OFF. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this chapter to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the building inspector.

(i) LETTING, UNCLEAN, UNSANITARY PLACES PROHIBITED. No owner shall occupy or let to any other occupant, any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy. (Ord. No. 72-9-G, s 15.0110(1)-(9), 7-6-72; Ord. No. 73-4-G, s 15.0110(1)-(9), 3 -19-73)

### **Section 10-56 Minimum Space, Use and Location Requirements.**

(a) FLOOR SPACE IN SLEEPING AREAS. Every room occupied for sleeping purposes shall contain the following usable floor space:

First occupant, 70 square feet

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Each additional occupant over age 12, 40 square feet

Each additional occupant under age 12, 20 square feet

Maximum occupancy is 4 persons, depending on room size.

(b) CEILING HEIGHT. The ceiling height in any room shall not be less than seven and one-half (7 1/2) feet.

(c) USE OF CELLAR SPACE. No cellar space shall be used as a habitable room or dwelling unit.

(d) REQUIREMENTS FOR USE OF BASEMENT SPACE FOR DWELLING. No basement space shall be used as a habitable room or dwelling unit unless, in addition to the other provisions of this chapter:

(1) The floor and walls are impervious to leakage of underground surface runoff water and insulated against dampness; and

(2) The minimum aggregate glass area of windows as required under section 1-54 is located entirely above the grade of the ground adjoining such window area.

(e) FLOOR SPACE. Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor area for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of the total habitable room area. (Ord. No. 72-9-G, s 15.0111(1)-(5), 7-6-72; Ord. No. 73-4-G, s 15.0111(1)-(5), 3-19-73)

### **Section 10-57 Responsibilities of Owners and Occupants.**

The following responsibilities of owners and occupants are in addition to those specified elsewhere throughout this chapter:

A violation of this section is a civil violation enforceable in the Traffic and Municipal Ordinance Bureau.

(1) Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or common area of the dwelling and premises thereof.

(2) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.

(3) Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by section 10-53(c).

(4) Every occupant of a dwelling or dwelling unit shall dispose of all his garbage, and any other organic waste which might be food for rodents, in a clean and sanitary manner, by placing it in the

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garbage disposal facilities or garbage containers required by section 10-53.

(5) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only dwelling unit within the dwelling that is infested. However, the foregoing provisions which require the owner to maintain a dwelling in a rodent-free or reasonably insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling, or in the shared or common parts of any dwelling containing two (2) or more units extermination thereof shall be the responsibility of the owner.

(6) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(7) Every owner of a rental dwelling or a dwelling containing two (2) or more dwelling units shall be ultimately responsible for the removal or disposal of accumulated rubbish, garbage or organic wastes left or accumulated on the premises after reasonable notice to the owner that the condition exists by the building inspector. In the event of an owner's failure to comply with the order of the building inspector, to remove or dispose of accumulated rubbish, garbage or organic wastes, the city may abate or remove the accumulation and charge the costs of said removal to the owner of the premises. Nothing in this section is to prohibit tenants from making their own arrangements to provide rubbish and garbage removal nor to prohibit the landlord from charging tenants for the removal of such materials if that arrangement is made between the parties. (Ord. No. 72-9-G, s 15.0112(1)-(7), 7-6-72; Ord. No. 73-4-G, s 15.0112(1)-(7), 3-19-73; Ord. No. 74-8-G, 12-2-74)

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. §

1974A and § 1977 et seq. A civil penalty of seventy-five dollars (\$75.00) may be imposed for the initial violation of this civil ordinance. The penalty for a second offense within a six month shall be one hundred twenty-five dollars (\$125.00). The penalty for an subsequent offense within a six month period shall be three hundred dollars (\$300.00). the waiver fee shall be set at fifty dollars (\$50.00) for the first offense, one hundred dollars (\$100.00) for a second offense within a six month period, and two hundred fifty dollars (\$250.00) fro all subsequent offenses within a six month period. Each day that the violation continues shall constitute a separate violation of this ordinance.

(061598, Amended, 06/15/1998)

### **Section 10-58 Authority to Raze Building/Structure.**

Any building left in an extended state of gross disrepair and abandonment (more than ninety days) shall be torn down by the City at a cost to the owner. In the event of a fire or other natural catastrophe, this ordinance may be waived for a period of up to one hundred eighty days.

(4/07/1997, Added, 04/07/1997)

### **Section 10-59 Secs. 10-59--10-68. Reserved.**

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### Section 10-68A ARTICLE IV. ROOMING HOUSES

#### Section 10-69 Conformance to Standards Required; Exceptions.

No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every section of this chapter except the provisions of sections 10-53 and 10-57. (Ord. No. 72-9-G, s 15.0113, 7-6-72; Ord. No. 73-4-G, s 15.0112, 3-19-73)

#### Section 10-70 Article Applicable to Hotels and Motels.

Every provision of this article which applies to rooming houses shall also apply to hotels and motels, except as provided in section 10-77 and except to the extent that any such provision may be found in conflict with the laws of the state or with the lawful regulations of any state board or agency. (Ord. No. 72-9-G, s 15.0113(6), 7-6-72; Ord. No. 73-4-G, s 15.0113(6), 3-19-73)

#### Section 10-71 Rooming House Rental License Required.

(a) Every person having a rooming unit or operating a rooming house shall obtain a license for the operation of the same from the building inspector.

(b) The license shall be in a form prescribed by the building inspector and shall be issued only upon inspection by the building inspector and his satisfaction that the requirements of this chapter have been complied with.

(c) The license prescribed by this section shall first become necessary one (1) year after adoption of this chapter.\*

(d) Upon failure to comply with the terms of this chapter, the building inspector is authorized to commence condemnation proceedings as provided by the condemnation regulations of the city. (Ord. No. 72-9-G, s 15.0114(1)-(3), 7-6-72; Ord. No. 73-4-G, s 15.0114(1)-(3), 3-19-73)

#### Section 10-72 Bathroom Facilities.

(a) At least one (1) flush water closet, lavatory basin, bathtub or shower, properly connected to a sewer system approved by the building inspector and in a good working condition, shall be supplied for each five (5) persons or fraction thereof residing within a rooming house, including members of the operator's family whenever they share the use of said facilities; provided that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half (1/2) the required number of water closets.

Amended: 5/2/2011

Effective: 6/2/2011

## Winooski

(b) All such facilities shall be located within the dwellings as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times in accordance with the provisions of section 10-53(d). Such required facilities shall not be located in a cellar and shall not be more than one (1) story removed from any of the persons sharing such facilities. (Ord. No. 72-9-G, s 15.0113(1), 7-6-72; Ord. No. 73-4-G, s 15.0113(1), 3-19-73)

\*Editor's Note--This chapter was adopted July 6, 1972.

### **Section 10-73 Supplies, Bed Linens and Towels to be Changed Regularly.**

The operator of every rooming house shall change supplies, bed linens and towels therein at least once a week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner. (Ord. No. 72-9-G, s 15.0114(2), 7-6-72; Ord. No. 73-4-G, s 15.0114(2), 3-19-73)

### **Section 10-74 Minimum Floor Area for Sleeping Rooms.**

Every room occupied for sleeping purposes by one (1) person shall contain at least seventy (70) square feet of usable floor area and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of usable floor area for each additional occupant thereof. (Ord. No. 72-9-G, s 15.0114(3), 7-6-72; Ord. No. 73-4-G, s 15.0114(3), 3-19-73)

### **Section 10-75 Means of Egress to be Provided.**

Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the statutes, ordinances and regulations of the state and the city. (Ord. No. 72-9-G, s 15.0114(4), 7-6-72; Ord. No. 73-4-G, s 15.0114(4), 3-19-73)

### **Section 10-76 Responsibility for Sanitary Maintenance.**

The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for maintenance of a sanitary condition in every other part of the rooming house; and he shall be further responsible for the sanitary maintenance of the entire premises where the structure or building is leased or occupied by the operator. (Ord. No. 72-9-G, s 15.0114(5), 7-6-72; Ord. No. 73-4-G, s 15.0114(5), 3-19-73)

### **Section 10-77 Preparation of Meals Restricted.**

Amended: 5/2/2011

Effective: 6/2/2011

## Winooski

(a) No meals may be prepared or eaten in a rooming house, other than in a dwelling unit contained therein, unless such meals are prepared and eaten in communal kitchens and dining rooms conforming to the standards of section 10-78 and except that this section shall not apply to the eating of meals in establishments which are operating a valid restaurant business and which have the rooming house and restaurant operations integrated as a single business enterprise.

(b) The operator of any rooming house shall post in every rooming unit a sign on which shall be written or printed in letters not less than three-eighths ( $\frac{3}{8}$ ) of one (1) inch in height the following words: "No cooking permitted in this room," and such sign shall remain so posted at all times the room is occupied. (Ord. No. 72-9-G, s 15.0113(7), (10), 7-6-72; Ord. No. 73-4-G, s 15.0113(7), (10), 3-19-73)

### **Section 10-78 Standards for Communal Kitchens.**

(a) A communal kitchen shall comply with the following standards:

(1) It shall contain at least sixty (60) square feet of floor area in every case and at least one hundred (100) square feet if meals are both prepared and eaten therein;

(2) If occupants are permitted to eat meals therein, it shall be supplied with one (1) dining chair and two (2) lineal feet of dining table space, in addition to the surface area for food preparation required under paragraph (6), for each occupant of the rooming house permitted to eat in the kitchen, the surface of each dining table to be smooth and easily cleanable;

(3) It shall contain at least one (1) supplied kitchen sink of an approved type which shall be supplied with hot water at all times in accordance with the provisions of section 10-53(d);

(4) It shall contain at least one (1) supplied kitchen gas stove or electric stove, every such stove to have at least two (2) top burners and an over;

(5) It shall contain one (1) supplied electric or gas refrigerator with an adequate food storage capacity;

(6) It shall contain one (1) or more supplied tables or other facilities have a total surface area for food preparation of not less than six (6) square feet, the surface of each table or other facility to be suitable for the preparation of food, smooth and easily cleanable;

(7) It shall contain at least one (1) supplied cabinet of adequate size for and suitable for storage of food and eating and cooking utensils;

(8) It shall be supplied by the operator with the rubbish storage facilities and the garbage disposal or storage facilities specified by section 10-53(c); and

(9) It shall be located within a room accessible to the occupant of each rooming unit sharing the use of such kitchen without going outside of the dwelling and without going through a dwelling unit or rooming unit of another occupant.

Amended: 5/2/2011

Effective: 6/2/2011

## Winooski

(b) Where a communal kitchen does not conform to the provisions of subsection (a) relating to the eating of meals therein, meals shall be eaten in a communal dining room that complies with the following standards:

- (1) It shall contain at least seventy (70) square feet of floor area;
- (2) It shall be supplied with one (1) dining chair and two (2) lineal feet of dining table space for each occupant of the rooming house permitted to eat in the dining room, the surface of each dining table to be smooth and easily cleanable;
- (3) It shall be located on the same floor of the rooming house as the communal kitchen in which the meals are prepared and shall be as nearly adjacent to the communal kitchen as is practicable; and
- (4) It shall be located within a room accessible to the occupant of each rooming unit sharing such dining room without going outside of the dwelling and without going through a dwelling unit or rooming unit of another occupant. (Ord. No. 72-9-G, s 15.0113(8), (9), 7-6-72; Ord. No. 73-4-G, s 15.0113(8), (9), 3-19-73)



# REGISTRATION FORM

Property Use Declaration  
July 1, 2015 thru June 30, 2016

**Annual Landlord Registry Program for Public Safety, Fire Protection and Health authorized under the Winooski Municipal Codes, Chapter 10 Housing for Minimum Housing Standards.** The City of Winooski Code Enforcement Officer, the Health Officer, and Building Officials are responsible for ensuring that all public Buildings in the City of Winooski are maintained at established and adopted standards to protect the health, fire safety, and welfare of the occupants and owners.

«PropertyCode»  «Owner» «Address» «Town» «State_» «Zip»	Check mailing label If incorrect make Change of Address request below  ← Do not use Post Office Box #	
---	--	---

## LANDLORD INFORMATION

Check off appropriate boxes

- |  |   |
|--|---|
| <input type="checkbox"/> Owner Occupied-Single Family renting room   | <input type="checkbox"/> Rental of Single-Family Home                         |
| <input type="checkbox"/> Owner Occupied with Accessory Dwelling Unit | <input type="checkbox"/> Rental of Duplex <input type="checkbox"/> + business |
| <input type="checkbox"/> Owner Occupied Duplex                       | <input type="checkbox"/> Multi-Family (3 units + / commercial)                |
| <input type="checkbox"/> Owner Occupied Condo                        | <input type="checkbox"/> Owner Occupied Multi-Family                          |
| <input type="checkbox"/> Owner Occupied Daycare                      | <input type="checkbox"/> Claim as owner occupied Homestead                    |
| <input type="checkbox"/> Rent Condo                                  | <input type="checkbox"/> Day Care Facility                                    |

Owner Contact Name \_\_\_\_\_ Phone \_\_\_\_\_

Owner E-mail Address \_\_\_\_\_

Emergency Contact Name \_\_\_\_\_ Phone \_\_\_\_\_

Emergency Contact E-mail Address \_\_\_\_\_

Number of dwelling units \_\_\_\_\_ x \$100.00 = total due \_\_\_\_\_

Number of bedrooms per building \_\_\_\_\_

Complete above, sign & return form to: **Winooski Code Enforcement Office**  
**27 West Allen Street**  
**Winooski, Vermont 05404**

New Address \_\_\_\_\_ Town \_\_\_\_\_ ZIP \_\_\_\_\_

Phone \_\_\_\_\_ E-Mail Change \_\_\_\_\_

Sign \_\_\_\_\_ Date \_\_\_\_\_

## OFFICE USE ONLY

Lot # \_\_\_\_\_ Registration Fee \_\_\_\_\_  Cash  Check # \_\_\_\_\_ Date \_\_\_\_\_

Lead Paint Certificate  Quadrant 1  Quadrant 2  Quadrant 3 # LRP-I-MHS-FP-2015

## 2015 LRP Registration

**Registration Required:** All property owners are required by law to make an annual declaration of use of their properties in order to determine that the existing use has not been abandoned or changed; that the structure is either owner occupied or not is consistent with Code Classification.

Fill out the rental registration application for the Minimum Housing Standards Program and provide all the property information requested on this form (reverse side) for each building and dwelling unit located within the building that is used for any rental purposes. Winooski City Ordinances requires:

- A. Compliance:** Any property with a residential dwelling unit (i.e. rent or any other compensation & services to owner) including condos and the renting of rooms is subject to the Winooski Minimum Housing Standards Program. If you claim this property as your legal Homestead and rent any part of same building you must fill-out this form and return for Code Classification. All other non-owner occupied buildings you own in Winooski are deemed commercial and have to be declared on this form.
- B. Requirements:** The property owner of a rental property is required to:
1. File the Registration Application to retain existing use by **August 15, 2015**;
  2. Pay a fee to the City of Winooski for a sum of **\$100.00 for each rental dwelling unit located in each building**. This sum is due to the City of Winooski at the time of application. **Please submit this form with payment.**
- C. Exemptions:**
1. Owner occupied dwelling units within that structure may be exempt from paying a fee for the dwelling unit they occupy during the inspection year; common areas within owner occupied unit are subject to inspection in the inspection year.
  2. Protection of use on existing structures having separate dwelling units not being rented shall file an annual registration declaration of intent to protect grandfathered use. Fees may be at a lower rate and exempted from inspection until occupancy is required or at Time of Sale.

**Note:** All buildings that are nonprofit organizations shall provide an inspection report, which has been performed by a Certified Fire Inspector 1 or equivalent to the Winooski Code Enforcement Department for approval. The issuance of a "Certificate of Fitness" for these structures and such documents shall be recorded in the City Land Records upon approval by the Winooski Code Enforcement Officer. Fees are required for all Public Buildings.

- D. Penalties:** A rental unit for which a required registration fee and a FULLY COMPLETED application is not submitted shall be in violation of the Winooski Minimum Housing Standard Codes and be subject to a fine of up to \$800.00 per violation and civil action. In addition, late penalty fees and interest on the unpaid balance shall be assessed monthly after the **August 15, 2015** deadline. Municipal Code Violations under this chapter shall be recorded in the City Land Records and will constitute a lien on the property upon which the rental unit is situated.

We understand that the information attached may be new to you. Please feel free to contact Erika Bailey ext. 27 or John Audy Jr. ext. 17, with any questions or concerns regarding the program, its form, or requirements. Your cooperation is appreciated in helping to make Winooski a safer place to live!

**Complete the Reverse Side**  
**Please return this form with payment**



**CODE ENFORCEMENT OFFICE**

27 West Allen Street  
Winooski Vermont 05404  
(802)655-6410

**Minimum Housing Complaint Form**

Please use this form to record and report code violations or concerns you observe. **Mail or return this form in person at the address listed above.** Please include your name, address, daytime contact phone number. You may also include an email address. Please note: all complaint information is kept confidential by our office. We appreciate the effort you have put forth to maintain quality housing in the City of Winooski.

Property Location: \_\_\_\_\_

Date and Time: \_\_\_\_\_

**Exterior Property**

- Trash, garbage, furniture or accumulation in the yard
- Trash, garbage, furniture or accumulation on the greenbelt or sidewalk
- Overgrown weeds or vegetation encroaching on the right of way
- Parking on grass or in the greenbelt
- Unregistered, inoperable or dismantled vehicles
- Sign or other obstruction placed in greenbelt or right of way
- Dumpster location, maintenance
- Dilapidated fences, garages or outbuildings
- Other: \_\_\_\_\_

**Exterior Building**

- Defective stairs, porches, or roof
- Broken or otherwise defective windows or doors
- Excessive peeling paint or other dilapidated surfaces
- Furniture constructed for indoor use or other accumulations on porch or stairs
- Other: \_\_\_\_\_

**Interior Building**

- Defects to electrical, heating or plumbing systems
- Stairs, handrails, or other egress defects
- Smoke or CO detectors inoperative or missing
- Over-crowding, illegal living space in cellar or attic
- Problems with means of egress
- Excessive accumulations or storage
- Other unsafe or unsanitary conditions: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone /email: \_\_\_\_\_

Signature: \_\_\_\_\_

**FROM: Vermont Agency of Commerce and Community  
Development, Department of Housing and Community  
Development**

Community Planning + Revitalization

March 2015

**Village Center Designation Benefits**

The Vermont village center designation program supports local revitalization efforts across the state by providing technical assistance and state funding to help designated municipalities build strong communities. Once designated, the community will be eligible for the following benefits:

**10% Historic Tax Credits**

- Available as an add-on to approved Federal Historic Tax Credit projects.
- Eligible costs include interior and exterior improvements, code compliance, plumbing and electrical upgrades.

**25% Facade Improvement Tax Credits**

- Eligible facade work up to \$25,000.

**50% Code Improvement Tax Credits**

- Available for up to \$50,000 each for elevators and sprinkler systems and \$12,000 for lifts.
- Eligible code work includes ADA modifications, electrical or plumbing up to \$25,000.

**50% Technology Tax Credits**

- Available for up to \$30,000 for installation or improvements made to data and network installations, and HVAC (heating, cooling or ventilation systems) reasonably related to data or network improvements.

**Priority Consideration For State Grants**

- Priority consideration for Municipal Planning Grants, Vermont Agency of Transportation grants, Vermont Agency of Natural Resources grants and funding from Vermont's Community Development Program (CDBG).

**Priority Consideration By State Building And General Services (BGS)**

- Priority site consideration by the State Building and General Services (BGS) when leasing or constructing buildings.

RECEIVED

APR 25 2016

Village of Essex Junction

**Memorandum**

**To:** Essex Selectboard, Essex Junction Board of Trustees  
**Cc:** Patrick C. Scheidel, Municipal Manager  
**From:** Greg Duggan, Assistant Town Manager *GSD*  
**Re:** Pursuing TGIA recommendations  
**Date:** April 11, 2016

**Issue**

The issue is whether the Selectboard and Board of Trustees should act on the recommendations from the Thoughtful Growth in Action project.

**Discussion**

Thoughtful Growth in Action spent approximately six months studying the planning governance structures in Essex and Essex Junction and recommending ways to improve planning governance for the entire Essex community. The TGIA working group presented four recommendations in the project's report, dated March 15, 2016:

- 1) Move to create a Joint Planning Commission and two separate development review boards;
- 2) Use a phased approach to structural changes;
- 3) Empower boards to establish a timeframe and work with staff to make a plan for transition;
- 4) Continue to explore and implement ways to improve public participation in planning.

*5) BOT equal w/pt. Authority*

The TGIA working group met monthly from September 2015 to February 2016, but future work on planning governance will likely happen at a slower pace. The project consultants and steering committee have agreed that the legislative bodies should meet with their respective planning commissions, and the Trustees and Selectboard should also plan on a joint meeting in late May or early June. The legislative bodies should also seek input from the Zoning Boards of Adjustment and community development staff.

If the boards decide to pursue the TGIA recommendations, discussions will focus on timeframes, appointment processes, communication, and other considerations. Ultimately, changes to planning governance will require charter changes for the Village and quite possibly the Town.

**Cost**

None, other than staff and board time.

**Recommendation**

It is recommended that the Selectboard and Trustees pursue the TGIA recommendations to create a Joint Planning Commission for Essex, with separate Development Review Boards for the Village of Essex Junction and the Town outside the Village; and to include the TGIA recommendations on a list of potential charter changes for the municipalities.

# Thoughtful Growth in Action Final Report

Prepared by Delia Clark & Ariana McBride

March 1, 2016

On behalf of the Thoughtful Growth in Action Project

[www.essexgia.com](http://www.essexgia.com)



# ACKNOWLEDGMENTS

Thank you to the many residents, municipal staff and other stakeholders who contributed their time and insights to this effort. The authors would like to acknowledge:

**Working Group Members:** John Alden, Andrew Brown, Maura Collins, Sue Cook, Ned Daly, Paula DeMichele, Brad Dousevicz, Paula Duke, Mary Jo Engel, Greg Farkas, Theresa Fletcher, Matt Gibbs, Ben Gilliam, Dana Hanley, Sharon Kelley, Ron Lawrence, Mitch Lefevre, Greg Morgan, Robin Pierce, Sarah Salatino, Johnathan Schumacher, Thomas Weaver, Irene Wrenner, and Vanessa Zerillo.

**Steering Committee Members:** Max Levy (Town Selectboard), George Tyler (Village Trustees), Pat Scheidel (Town/Village Manager), Greg Duggan (Town Planner/Asst. Town Manager), Doug Fisher (Town Director of Admin Services).

Thank you to those interviewed about planning governance issues:

Charlie Baker & Regina Mahoney,  
Chittenden County Regional Planning Commission

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# EXECUTIVE SUMMARY

## Project Overview

Thoughtful Growth in Action (TGIA) has focused on exploring new approaches to planning governance structures in the Town of Essex and the Village of Essex Junction. The project stemmed from the belief, highlighted by the Heart & Soul of Essex project, that the community wants a shared vision that honors and builds on the unique characteristics of the Village and the Town outside the Village. Moving towards a shared vision, however, may be complicated by the current planning structure of two Planning Commissions and two Zoning Boards.

The project had three primary goals:

- To create a shared understanding about how planning works today;
- To engage in a conversation about how changes in planning governance could lead to more thoughtful growth in the Town and Village; and
- To explore possible paths to improve the current planning governance structure in Essex moving forward.

This report presents a summary of TGIA's process, findings and recommendations.

### SCENARIO PLANNING

TGIA used a method called Scenario Planning to present and evaluate different governance options. The benefit of this approach is that it provides a concrete framework for participants to think about trade-offs between choices. It also encourages people to articulate what they like or do not like about options, which often leads to the development of a better "preferred alternative" that may have characteristics of different options presented.

## Project Process

TGIA used a mix of research and community participation to develop a set of findings and recommendations. Over 300 Essex residents participated in the project through one of the following activities:



**Community Workshops:** TGIA held two community workshops to solicit input from the broader community. The first workshop focused on gathering participants' hopes and concerns about planning in Essex. The second workshop solicited input from participants on their reactions to the project's findings and recommendations.



**Community Survey:** TGIA conducted an online survey from September to October in order to complement the first Community Workshop and provide an additional input mechanism for early input into the process.



**Working Group Sessions:** Twenty-four Essex residents and key stakeholders participated in four intensive sessions in order to explore planning governance issues and develop a set of recommendations.



**Targeted Outreach:** TGIA used a project website and newsletter as well as a variety of other communication channels to share information about project progress. It also reached out to those most familiar with planning and development review to get their input.



**Issues Based Research:** TGIA used a variety of ways to gather information on key governance issues from other communities, regional entities and state resources.

Small group discussion at Community Workshop #2



## Key Findings

TGIA developed a set of findings related to long range planning, development review, board development, staffing, resources and community participation in planning. Top findings include:

**There is a desire for greater collaboration across the Town and Village.** While ad hoc collaboration around planning already occurs across the Town and Village, there was a clear interest in more collaboration.

**The differences between the Town and Village matter but so does the relationship between the two.** Many workshop and survey respondents spoke to ways in which the town and village were different yet also complementary.

**The current governance structure is not broken but there is potential for improvement.** While both Planning Commissions spend a significant portion of their time on long range planning, there was an expressed desire to dedicate more time to more proactive planning in addition to the state required updates to the municipal plans. There is also the potential to even out board work load and match up volunteers' skills better if board responsibilities were more distinct. However, it would be paramount to ensure the connection between long range plan and practical application of bylaws and development review.

Early on in the process some raised the question of whether the current structure made for an inefficient process (i.e. potential for applications to have to go to two different boards). Although there

is not as much of an efficiency problem as some people thought may be the case at the project's beginning, the perception of the process's simplicity could be improved.

**There is room to improve community participation efforts.** Many of the comments TGIA received about development review had to do with community members own experiences with a particular application review process. These comments often related to the feeling of a lack of transparency or a feeling of not being heard. It is likely that some of these experiences related to a mismatch between residents' expectations about how much influence they could have in the process and what is possible for boards to consider.

While structural changes will address some of the findings above, many of them will be better addressed through non-structural recommendations that could be adopted under any governance board structure.

## Recommendations

TGIA developed a set of four recommendations for the Town of Essex Selectboard and Village of Essex Junction Trustees to consider:

### **RECOMMENDATION #1: MOVE TO CREATE A JOINT PLANNING COMMISSION AND TWO SEPARATE DEVELOPMENT REVIEW BOARDS.**

This recommendation would create a formal Joint Planning Commission as enabled under State Statute. Planning Commissioners would be appointed by the Selectboard, as

required by State Statute, with the possibility of establishing a formal process by which Trustees could nominate members and /or make recommendations. It would create two separate Development Review Boards that would be appointed by their respective legislative bodies. Also, over time, Essex would move towards the adoption of a single Municipal Plan. There would be two sets of bylaws that would be adopted by their respective legislative bodies (i.e. Selectboard or Trustees).

**RECOMMENDATION #2: USE A PHASED APPROACH TO STRUCTURAL CHANGES.**

The transition to a different governance structure will require a thoughtful and deliberate approach. As appropriate, changes should be phased in order to evaluate whether they are producing a more effective planning governance structure.

**RECOMMENDATION #3: EMPOWER BOARDS TO ESTABLISH A TIMEFRAME AND WORK WITH STAFF TO MAKE A PLAN FOR TRANSITION.**

The Town Selectboard and Village Trustees are ultimately responsible for making decisions about what changes will occur. TGIA encourages both bodies to coordinate with their respective Planning Commissions, Zoning Boards of Adjustment and Community Development staffs to ensure any transition occurs smoothly. In addition, the broader community should be kept informed about transition plans and provided with opportunities to provide input when appropriate.

**RECOMMENDATION #4: CONTINUE TO EXPLORE AND IMPLEMENT WAYS TO IMPROVE PUBLIC PARTICIPATION IN PLANNING.**

There are several areas where improvements are possible including:

- **Communications 2.0:** Refine messaging and communication channels to better communicate planning issues.
- **Participation 2.0:** Improve current methods of participation and develop new ways for people to participate in planning.
- **Open Access:** Provide easier access to town related data such as developing a permit tracking system.
- **Human Resources:** Consider ways to support staff and volunteers in their efforts to encourage public participation.

## This Report

This report is the result of a participatory process that aimed to study and recommend possible changes to planning governance. The Town Selectboard and Village Trustees will determine what changes, if any, are made. The purpose of this report is to document how and why TGIA developed its specific recommendations to aid in the municipal decision-making process.

# PROJECT OVERVIEW

Thoughtful Growth in Action (TGIA) has focused on exploring new approaches to planning governance structure in the Town of Essex and the Village of Essex Junction. The project stemmed from the belief, highlighted by the Heart & Soul of Essex project, that the community wants a shared vision that honors and builds on the unique characteristics of the Village and the Town outside the Village. Moving towards a shared vision, however, may be complicated by the current planning structure of two Planning Commissions and two Zoning Boards.

The support for TGIA also comes from the interest of the Town of Essex Selectboard and the Village of Essex Junction Trustees in consolidating municipal services when it makes sense to do so. While the project was born out of this interest there was no directive to look at only consolidated options. TGIA explored a variety of choices for planning governance, which will be described in more detail later in this report.

## Goals

The project had three primary goals:

- To create a shared understanding about how planning works today;
- To engage in a conversation about how changes in planning governance could lead to more thoughtful growth in the Town and Village; and
- To explore possible paths to improve the current planning governance structure in Essex moving forward.

This report presents a summary of TGIA's process, findings and recommendations.

### What is Planning Governance?

TGIA developed the following definition of planning governance. The project was largely focused on governance structures, primarily the Planning Commissions and Zoning Boards of Adjustment.

**The values, rules, structures and people that guide what our community is and what it will become.**

VALUES		<ul style="list-style-type: none"> <li>• H&amp;S</li> <li>• "Urban"</li> <li>• "Rural"</li> </ul>	
RULES		<ul style="list-style-type: none"> <li>• Policies</li> <li>• Regulations</li> </ul>	
STRUCTURES		<ul style="list-style-type: none"> <li>• Selectboard &amp; Trustees</li> <li>• Planning Commissions</li> <li>• Zoning Boards</li> </ul>	<ul style="list-style-type: none"> <li>• Other Municipal Boards</li> <li>• Municipal Departments</li> </ul>
PEOPLE		<ul style="list-style-type: none"> <li>• Residents</li> <li>• Business owners</li> <li>• Land owners</li> </ul>	<ul style="list-style-type: none"> <li>• Developers</li> <li>• Municipal staff</li> </ul>

# PROJECT PROCESS

TGIA used a balance of issue-based research and community input to develop its findings and recommendations. This approach enables Essex to learn from the experiences of other communities and develop governance options that are feasible within the specific context of the community.

## Community Participation

Over 300 Essex residents participated in TGIA over the course of five months (see Project Timeline on next page). They were engaged in the project through a variety of activities; brief descriptions of those activities are included below. Full summaries of input from all activities can be found in this report's companion Appendix or online in the project's library:

<http://www.essextgia.com/library.html> (online library will be available through May 10, 2016).

### Small group discussions at Community Workshop #1



### COMMUNITY WORKSHOP #1

The first Community Workshop focused on gathering participants' hopes and concerns about planning in Essex. Discussion focused on issues including but not limited to leadership and staff resources, economic development, open space, historic preservation, housing, transportation, walkability, aesthetics and community engagement.

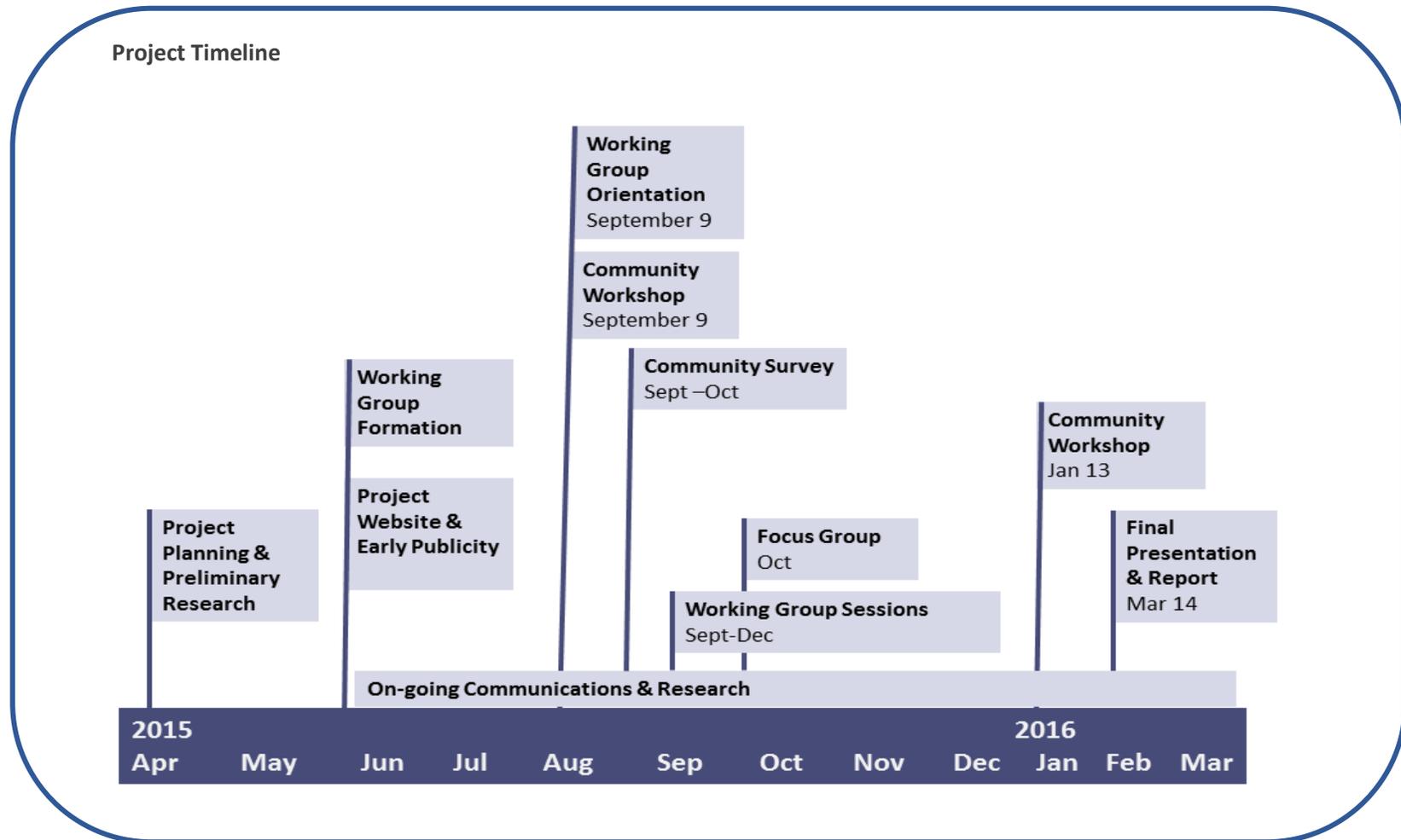
### COMMUNITY SURVEY

The Community Survey used the input from the Community Workshop to frame questions related to the similarities and differences between the Village and the Town outside the Village as well as gather information on people's perspectives and experiences with planning in the community.

In terms of understanding how planning works in Essex, over half the participants indicated "don't know" for most of the questions related to governance. In the survey comments, many respondents shared their dissatisfaction with recent projects in some way (e.g. process around the decisions, aesthetics of the projects, potential municipal costs, perception that Essex is a "developer's town").

In terms of similarities and differences between the parts of town, just about half of respondents believe there is a desire for a shared vision and/or that there is a synergistic relationship between the two parts of the community (vs. 30% who do not). Almost 80% of respondents agree that greater collaboration between the two parts of Essex would lead to more thoughtful growth.

However, there was more of a split on whether planning priorities are the same. On the specific issues of economic development and open space, the majority of respondents felt these opportunities look different between the two parts of the community. On other issues including housing and transportation, responses were more evenly divided between respondents thinking there are similar opportunities and those who think they are different.



## WORKING GROUP SESSIONS

The TGIA Working Group was charged with exploring governance issues in depth and coming up with recommendations for the Selectboard and Trustees. This 24-member body was intended to represent the diversity of experiences and perspectives in the community. It included a mix of men and women, residents from all parts of Essex, people with a variety of professions and experience with planning. Intentionally, it included members from the two Community Development staffs, both Planning Commissions, both Zoning Boards of Adjustment, the Town Selectboard, the Village Trustees, local developers, and many residents who do not have a formal role in planning in Essex. The Working Group process included:

**Onboarding Interviews:** After the Working Group was appointed, the consultants interviewed members to get their initial take on core issues related to the project. These findings were presented in a summary report and helped shape the project approach.

**Orientation:** TGIA hosted an orientation for Working Group members so that they could meet each other and ask questions about the project. The orientation also served as training for members so they could help facilitate small group discussions at community workshops.

**Session #1:** This session focused on developing agreements for how the group would work together, reviewing project goals and core questions, and developing a set of principles to help guide the development and evaluation of different governance options.

**Session #2:** This session aimed to develop a shared understanding of how planning works in Essex today, to explore different structural options for long range planning and land development review, to confirm a set of principles to help guide the development and evaluation of different planning governance options, and to take an initial temperature read on where members are with different structural options.

**Session #3:** This session focused on reviewing and discussing planning governance scenarios and presenting key public engagement challenges based on research to date.

**Session #4:** This session reviewed and discussed refined planning governance scenarios, reached agreement on a preferred governance alternative, and assessed different ideas to address key engagement challenges based on research to date.

In addition to these activities, TGIA used inter-session surveys to gather additional input from the group. Working Group members were highly committed and engaged in the project with 20 or more members at every session (minimum of an 83% participation rate).

### Working Group session



## TARGETED STAKEHOLDER ACTIVITIES

TGIA also conducted activities aimed at soliciting input from two key groups:

**Planning Focus Group:** This session raised a series of questions about the current governance structure as well as different options with members of the Planning Commissions, Zoning Boards of Adjustment and Community Development staffs. The Focus Group provided insights into how the boards spend their time now, the potential for more collaborative planning, and considerations for changes to board structures.

**Developer Inquiries:** Community development staff distributed an email inquiry to several members from the development community to get their take on questions related to planning and development review in Essex. Most respondents cited no major issues with current review processes but generally liked the idea of creating efficiencies where possible. Many noted that the approach/agendas of the actual board members has more weight in the issue of review than the board structure.

## COMMUNITY WORKSHOP #2

The second Community Workshop focused on sharing project findings and recommendations with participants and getting their reactions to the information. TGIA asked the following:

- What about the findings and recommendations resonated with you?
- What about the findings and recommendations concerned you?
- Was there anything missing from your perspective?

More detailed responses to this information are included on page 34 of this report in the context of the TGIA findings and recommendations.

### TGIA by the numbers

  
**300**  
Total  
Participants

  
**24**  
Working  
Group  
Members

  
**640**  
Website  
Unique  
Visitors

  
**20**  
Other  
Towns  
Researched

  
**\$13,450**  
Value of Time  
Contributed by  
WG Members

  
**90**  
Newsletter  
Subscribers

## Issues-based Research

TGIA used a variety of ways to gather information on issues related to planning governance:

### PRELIMINARY RESEARCH

Prior to the public engagement work, the consultant reviewed pertinent municipal, regional and state resources related to changes in planning governance. Also, she conducted six interviews with individuals who could offer insights into the unique Essex situation, provide experiences from other communities with different planning structures, or offer a regional/state perspective.

Preliminary research provided insight into key issues related to planning governance including Essex's past inquiries into this topic, informed the type of information that would be included in governance scenarios, and provided support to the case for recruiting a diversity of participants for the Working Group.

### ISSUE INQUIRIES

Throughout the project the consultant worked with Community Development staff to make inquiries to Vermont planners through the Vermont Planners Association Listerv. These inquiries were based on questions that came up in the research or issues raised as part of the community engagement sessions. Inquiries specific to the statutory issues of governance were also made to the Vermont League of Cities and Towns as well as the attorneys for the Town of Essex and Village of Essex Junction.

These inquiries allowed TGIA to vet different ideas and issues with a broader network of individuals with experience in planning governance in Vermont, which provided additional context and considerations on which to draw when developing recommendations.

### TOWN RESEARCH

The consultant conducted additional research and spoke with municipal staff from nine communities in Vermont that have gone through governance changes, lessons of which could have application in Essex. Those municipalities included: Enosburg Falls, Hyde Park, Johnson, Mad River Valley Planning District, Morristown, South Burlington, Rockingham, Waterbury, and Woodstock. As with the Issue Inquiries, this work was done in response to questions that came up during the project.

This research enabled TGIA to share several specific examples of how other communities have dealt with the kinds of issues that Essex would face in a governance transition.

# GUIDING PRINCIPLES

Based on the community input from the first Workshop and Survey, as well as Working Group discussion, five guiding principles were developed to help define what kind of planning Essex wants to see moving forward. This information guided the Working Group's deliberations and can be used to inform future discussions and decisions.

The principles are:



## Principle #1: Encourage long range planning that...

- Is guided by an understanding of the shared interests and interrelationship between the Town outside the Village and the Town inside the Village;
- Supports priorities that reflect the unique characteristics of both; and
- Receives on-going, focused attention by the Planning Commission(s).



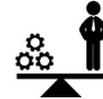
## Principle #2: Support a development review process that...

- Enables a consistent, transparent and efficient application review process;
- Balance rights of property owners and members of the community; and
- Reflects the vision and goals of Municipal Plan(s).



## Principle #3: Develop boards and staff that...

- Uphold the vision and goals of the Municipal Plan(s);
- Can maximize the use of their knowledge, skills and interests; and
- Communicate consistently and effectively among each other.



## Principle #4: Resource a planning governance structure that...

- Maintains or lowers the cost to the taxpayer,
- Ensures a high quality of service; and
- Supports manageable workloads for boards and staff.



## Principle #5: Encourage community participation that...

- Fosters a greater understanding of how planning works;
- Uses effective and intentional engagement opportunities; and
- Uses a varied range of communication channels.

# PROJECT FINDINGS

The information gathered across community participation and research activities informed a set of key findings that highlight challenges and opportunities facing planning in Essex today. The findings are organized by the guiding principles.



## LONG RANGE PLANNING

**Town/Village Differences:** There are differences between the character and approach to growth and conservation in the Town outside the Village and the Town inside the Village. For instance, while economic development and open space protection are important to both parts of the community, the shape of those opportunities looks different in the Village and in the Town outside the Village.

Consequently, there is a concern for some participants that a consolidated planning framework may lose sight of distinct issues and priorities of each part of Essex – or worse, have the agenda for one part of the community supersede the other. On the flip side, others feel there is the potential to recognize, build on and better balance these differences if planning were to be more consolidated because the overall plan for the community could be strengthened by looking across Essex as a whole.

For instance, conversations about where growth should be concentrated could consider the whole of Essex as opposed to considering places like Five Corners and the Town Center in isolation.

**Collaboration:** A number of project participants expressed a desire for greater collaboration across the two parts of town. While there are examples of coordinated planning these are generally ad hoc. There is potential for a more formalized structure to support greater collaboration.

**Long Range Planning:** There is a perceived need on the part of the community and a desire on the part of the boards to focus more on long range planning. Currently, while both Planning Commissions do long range planning it comes primarily in the form of plan updates required by Statute. At the Planning Focus Group, members from both Commissions expressed interest in doing more proactive and “visionary” planning.

In addition, long range planning has to take a back seat to development review requirements of the Planning Commissions (i.e. if there is a large number of applications to be reviewed then long term planning must be postponed). While the application work load is typically manageable there are crunch times or unique cases like Saxon Hill that take up a disproportionate amount of time on the part of Planning Commissioners and staff.

In the Town outside the Village, staff works to ensure focus on long range planning by dedicating every other Planning Commission meeting to long range planning projects. The Village has also spent significant time on long range planning through the Village Plan update and the Village Trustees have initiated special projects like Design Five Corners.

Long range planning could benefit from greater attention from the Planning Commissions but it could also be improved through other mechanisms as well, such as greater resources for more in-depth and participatory planning projects, and more opportunities from cross-community dialogue about shared issues.



## DEVELOPMENT REVIEW

**Resident Experience:** Numerous participants spoke to dissatisfaction with the development review process particularly about the level of influence (or lack thereof) residents have in the review of specific applications and the outcomes of those application reviews. While there may be validity to that criticism a broader issue appears to be that many residents do not understand how or when they can have the most influence in planning.

Often, residents’ planning experiences are limited to speaking at a hearing for a particular project. These hearings are one of the last steps in a longer process that moves from municipal plan development to bylaw development to the specifics of development

review. Residents are often entering the process when legally their opinion cannot influence a decision in significant ways.

**Review Efficiency:** There is a perception that development review would be more efficient if applications went to only one board as opposed to potentially two. Currently, only a handful of applications go to the Zoning Boards in any given year and even fewer are heard by both boards. While moving to a one-stop process (i.e. adopting a Development Review Board model) would improve the perception of the process and simplify it for some applications, it is likely that enabling more administrative review of

### Development Review Analysis

2014 development application data for the Town and Village suggest that very few applications are required to go before both the Planning Commission and Zoning Board in either part of the community. Community development staff noted that this one-year snapshot is consistent with past years of applications as well.

Applications in the Town	Applications in the Village
30	7
Number heard by Planning Commission	Number heard by Planning Commission
25	5
Number heard by Zoning Board	Number heard by Zoning Board
6	2
Number heard by both boards	Number heard by both boards
1	0

applications or simplifying the subdivision bylaws would do more to streamline review. In the future, it may make sense to consider simplifying bylaws around development review to streamline process while maintaining high review standards.

**Review Complexity:** Larger projects are getting more complex which require staff to work more with applicants to prepare applications for a board hearing. This complexity increases staff work load and can leave citizens with the sense that decisions have been made without public input.

**Balancing Interests:** There is a need to balance the desire of land owners or applicants for clarity around rules and process with the interests of other residents to ensure a development does not have a negative impact on the community or a neighborhood. It has been raised that the specifics of a development application review (e.g. in the nuance of the decision and requirements as opposed to outright acceptance or denial) may have more to do with the personalities and skills of particular board members as opposed to the bylaws or guiding municipal plans.

**Plan Connectivity:** The current system enables the Planning Commission to understand the realities of development review when updating the municipal plans or bylaws and for it to consider the intent behind those guiding documents when reviewing applications. There is a concern that shifting review powers to one board (like a Development Review Board) would create disconnect between long range planning and development review.



## BOARDS AND STAFF

**Staff Communications:** Community development staff communicate well across the Town and Village albeit mostly informally. They plan together as part of the Chittenden County Regional Planning Commission and have the opportunity to review each other's plans as part of that agency's municipal plan review process.

**Board Communication:** There is not regular communication between the Planning Commission and Zoning Board in either part of Essex nor is there regular board communication across the two parts of the community.

**Board Roles:** Zoning Board members meet only a few times a year whereas Planning Commissioners often meet twice monthly, which illustrates the greater work load of the Planning Commissions. It is possible for the Zoning Board to take on more responsibilities, or for a move to a Development Review Board, but these changes could make the Planning Commission appear less relevant to municipal decision making because they would not have a direct say over specific development applications.

**Skills and Interests:** There is the potential to better use the skills and interests of volunteer board members if long range planning and development review are separated. Anecdotally, some towns that have moved to a Planning Commission/Development Review

Board model have had an easier time filling board seats with this separation of tasks. However, if the Planning Commission becomes complacent in their long range planning efforts, it may become more difficult to fill those seats.



## RESOURCES

**Staffing:** Most input received indicated satisfaction with the current level of service although many noted that staff seems at capacity. This appears to be the case particularly in the Village where there are 1.8 Full Time Equivalent (FTE) positions dedicated to community development (compared to 4.1 FTEs in the Town). Some of the challenge for staff relates to the number of night meetings associated with supporting all the municipal boards. It could be helpful to consider ways to better coordinate night meetings so that staff workloads overall are more manageable (which would benefit volunteer board members as well).

**Resource Allocation:** While there is a desire to keep costs manageable there is also a desire to ensure that planning functions well and that Essex can allocate resources effectively to support planning priorities. Currently, about \$680,000 is allocated to the Community Development departments collectively. The majority of that money goes towards staff salaries and benefits. There is not much in the FY 2016 budgets to support additional planning initiatives (e.g. taking on specific long range planning projects).

**Outside Funding:** Both Community Development departments bring in outside funding. As long as the Town of Essex and the Village of Essex Junction remain separate municipalities, both remain eligible for key funding sources like regional transportation funds or statewide planning grants.



## COMMUNITY PARTICIPATION

**Community Understanding:** While project participants expressed concern with the development review process, even more noted a lack of understanding for how planning works in Essex. There is a need to develop resources so that residents can better understand planning and development review. Also, there is the potential to develop different methods and tools to use in planning or development review meetings to help participants understand the process and their role in it regardless of whether they have studied up beforehand.



**Communications:** While Essex goes above and beyond statutory requirements regarding public notice for planning activities there are still criticisms that more could be done or that the messaging around planning issues could be more effective. There are specific challenges that municipal staff will need to overcome to use existing channels better or to using new channels (e.g. current limits on monthly posts to Front Porch Forum or costs of advertising in local papers or using new digital platforms). Better communication will need a coordinated and focused effort.

**Participation Opportunities:** Top barriers to participation relate to how busy people are today and their desire for alternative ways to participate (i.e. beyond the typical evening meeting). There is a desire for more online options to participate as well as more “hyper local” opportunities, which activates smaller online networks or more neighborhood based structures. There are examples of Essex using different participatory methods such as the Heart & Soul Neighborhood Conversations, where trained volunteers facilitated a series of discussions of groups organized around specific geographies or affinity groups.

As with communications, additional engagement will require resources in the form of staff time, volunteer effort or outside expertise. While some may jump to the conclusion that Essex could just do what it’s currently doing differently it’s not quite that easy; many of the meeting structures in place today are required by law. While there is potential to modify current structures it may be necessary to adopt new approaches to engagement that complement existing structures.

#### **Top Barriers to Planning Participation**

TGIA’s Community Survey asked respondents to indicate what limits their participation in planning. Top responses (those receiving 35% or more responses) include:

- 45%** - Lack of online options
- 41%** - Time required to participate
- 37%** - Timing of most planning activities
- 37%** - I do not believe my input will matter

**Civic Culture:** Some residents expressed distrust of planning and/or a sense that their voices don’t matter. Some of this perception will likely improve as a result of efforts to improve planning education, communications, and engagement opportunities. However, changing civic culture is a long process. Improving community engagement requires sustained commitment; it may take years of effort to create a healthy culture of civic engagement (and unfortunately only one bad experience to set that progress back). The more done to build a sustainable infrastructure to support public participation the better.

## Findings in Sum

Looking across these findings a set of high level observations comes through:

**There is a desire for greater collaboration across the Town and Village.** While ad hoc collaboration around planning already occurs across the Town and Village, there was a clear interest in more collaboration.

**The differences between the Town and Village matter but so does the relationship between the two.** Many workshop and survey respondents spoke to ways in which the town and village were different yet complementary.

**The current governance structure is not broken but there is potential for improvement.** While both Planning Commissions spend a significant portion of their time on long range planning, there was an expressed desire to dedicate more time to more proactive planning in addition to the state required updates to the municipal plans. There is also the potential to even out board work load and match up volunteers' skills better if board responsibilities were more distinct. However, it would be paramount to ensure the connection between long range plan and practical application of bylaws and development review.

Early in the TGIA process some asked if the current structure made for an inefficient process (i.e. potential for applications to have to go to two different boards). Although there is not much of an efficiency problem as some people thought may be the case at the

project's beginning, the perception of the process's simplicity could be improved.

**There is room to improve community participation efforts.** Many of the comments TGIA received about development review had to do with community members own experiences with a particular application review process. These comments often related to the feeling of a lack of transparency or a feeling of not being heard. It is likely that some of these experiences related to a mismatch between that resident's expectations about how much influence they could have in the process and what is possible for boards to consider.

While structural changes will address some of the findings above, many of them will be better addressed through non-structural recommendations that could be adopted under any governance board structure.



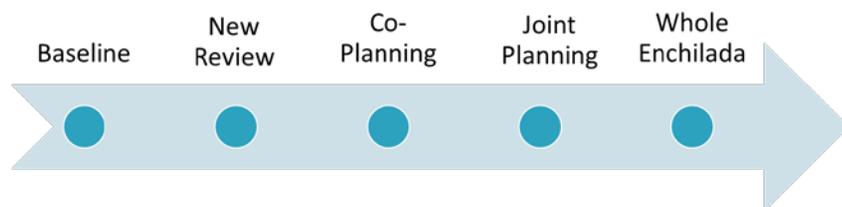
# GOVERNANCE SCENARIOS

In order to understand the rationale for TGIA’s recommendations, this section explains the five scenarios presented to the Working Group along with the Group’s assessment of the pros and cons of each one (developed in Working Group Session #3). Please note that these scenarios relate to the structural recommendations in the next section as opposed to the non-structural ones made related to community participation.

## Change Continuum

In its third session, the Working Group explored five scenarios that incorporated different structural options that seemed most feasible given input to date.

The five scenarios fell along a change continuum. The Baseline represented no structural changes from what we have today, whereas the Whole Enchilada on the opposite end represented a full consolidation of planning related boards.



**SCENARIO #1: BASELINE:** This scenario is the same as the structure that is in place today. There are a variety of non-structural options that could shift how planning happens even if the current structures remain.

### Working Group Comments:

#### Pros

- Requires no changes
- Works pretty well
- Easy to sell to the public and educate them about
- “If it ain’t broke, don’t fix it”
- Planning group connected to everyday decisions
- Currently receive few criticisms from development community
- Non-structural solutions could help solve current criticisms, eg: transparency
- No staffing changes
- Developers having to go to two boards adds a good level of scrutiny

#### Cons

- Village board members must be from the Village while Town members can be from the Village or Town outside the Village
- Some criticisms – lack of transparency
- Uneven work loads
- Limited opportunities to plan jointly, including big picture visioning, joint execution of big ideas, like: trees, bike paths, and planning related to one jurisdiction
- Twice as many seats on all boards
- Lack of collaboration between Village and Town outside the Village
- Hard to explain to the public
- Duplicative process for developers



**SCENARIO #2: NEW REVIEW:** This scenario maintains separate Planning Commissions but eliminates the Zoning Boards of Adjustment replacing them with Development Review Boards. All the development review functions of the current Planning Commissions would shift to the Development Review Boards. The Town and Village attorneys have advised that Municipal Charter changes would likely be necessary to create Development Review Boards.

## EXAMPLE

Hyde Park had a Joint Planning Commission and single Development Review Board from 2005 through 2015. In 2012, it adopted a unified Town/Village Plan and was in the process of unifying its bylaws when earlier this year the Village Trustees decided to split from the joint planning structure without prior discussion with the Town Selectboard or Joint Planning Commission in order "To implement our vision for Village growth..." The Village established a separate Planning Commission consisting of the 5 elected Trustees and a Development Review Board consisting of 2 elected Trustees and 3 appointed residents. The primary reason for the move was the desire to ensure that the new-Form Based Code would be strictly enforced.

### Working Group Comments:

#### Pros

- More equitable distribution of work load
- More time for long-range planning by planning commissions
- Change offers opportunity for increased public awareness
- Opportunity to layer design review with DRB
- Trend in communities around VT
- Might attract new interest for board members
- Fewer planning board meetings
- A simple change – easy to communicate
- Less potential for staff chaos
- Fewer staff reports

#### Cons

- Doesn't go far enough
- More work for DRB, than current ZBA
- Difficulties with transitions for current members
- Doesn't enhance collaboration between Village and Town outside the Village
- Planning Commissions might lose touch with regulations
- Still fuzzy to explain to the public



### 3

**SCENARIO #3: CO-PLANNING:** This scenario creates a new advisory co-planning committee that would include representatives from both Planning Commissions, Zoning Boards or Development Review Boards and possibly the Selectboard and Trustees. It would encourage collaboration but would have no statutory power.

Committee members would be jointly appointed by the Trustees and Selectboard. The Committee would meet a few to several times a year (likely bi-annually to quarterly). This scenario maintains separate Planning Commissions and Zoning Boards/Development Review Boards. There would be two municipal plans and two sets of bylaws, which would be adopted in the same manner they are today.

### EXAMPLE

To some degree it's like a "lite" version of the Mad River Valley Planning District Commission with a primary focus on creating a formal way for the boards to have dialogue and foster collaboration. The Mad River District supports a variety of long range planning efforts including serving as the primary planner for all three towns. All towns maintain separate Planning Commissions and Development Review Boards.

### Working Group Comments:

#### Pros

- Formalize communication among boards

#### Cons

- Another layer of government
- Increased burdens on staff to make it happen
- Off-putting to citizens
- We're already doing it, in a less formal way

### 4

**SCENARIO #4: JOINT PLANNING:** This scenario creates a formal Joint Planning Commission as enabled under State Statute. Planning Commissioners would be appointed by the Selectboard, as required by statute, with the possibility of establishing a formal process by which Trustees could nominate members and /or make recommendations. It maintains separate Development Review Boards that would be appointed by their respective legislative bodies.

The rationale for pairing a Joint Planning Commission with Development Review Boards (as opposed to Zoning Boards) relates to work load. Current board members and staff noted that a Joint Planning Commission would have a difficult time managing the demands of a unified planning effort along with the majority of development review across the two parts of town.

Under this model, Essex would move towards the adoption of a single Municipal Plan. There would be two sets of bylaws that would be updated by their respective legislative bodies. The Town and Village attorneys have advised that Municipal Charter changes would be necessary to create a Joint Planning Commission and Development Review Boards.

## EXAMPLE

Woodstock has one Planning Commission and separate Development Review Boards. It has one municipal plan and two sets of zoning regulations. Woodstock has had a single Planning Commission since the 1970s and never had to adopt a formal Joint Planning Commission structure. It moved from separate Zoning Boards of Adjustment to separate Development Review Boards around 2000. The Town Selectboard and Village Trustees jointly adopt Commissioners and each adopts members to their respective DRBs.

Every five years the Woodstock Planning Commission updates its municipal plan. The year after plan adoption it updates the Town bylaws and then the following year it updates the Village bylaws. The Plan is adopted jointly by the Selectboard and Trustees following public hearings, which are also jointly held. Bylaw changes are adopted by either the Town Selectboard or Village Trustees as necessary.

### Working Group Comments:

#### Pros

- Not so many plans to update
- Might be a way to get Village and Town outside the Village balance in communication, visioning, understanding of concerns
- Moves us towards recognizing that we are one town
- Mirrors economic development comm. Tells whole story
- Easy to understand, public is ready for it, palatable, streamlines government
- Balances out work load
- Increased opportunity for shared vision, more cohesive
- Efficient use of resources
- Greater focus, pulls more of community into long range planning
- Diminish line between Village and Town outside the Village
- The merging of visions
- Developers have one plan to work off of

#### Cons

- Would require one-time outside consulting to implement transition
- Public perception that this is part of a plot to merge Village and Town outside the Village
- Differences between Village and Town outside the Village bylaws, could be seen as favoring one or another
- Village vision for 5 Corners doesn't equal town vision for 5 Corners, maybe
- Ditto Town Center, would need resolving
- Possibly a rocky transition



### SCENARIO #5: THE WHOLE ENCHILADA

This scenario creates a formal Joint Planning Commission and Joint Development Review Board. Planning Commissioners and Development Review Board members would be appointed by the

Selectboard, as required by statute, with the possibility of establishing a formal process by which Trustees could nominate members and /or make recommendations. There would be one municipal plan and one set of bylaws. As with the appointment process it could be possible to establish a formal mechanism by which the Trustees could recommend changes to the municipal plan and/or bylaws. Updates to the municipal plan could be adopted at Town Meeting and bylaw changes would be adopted by the Town Selectboard. The Village could still adopt special plans and bylaws that would apply only in the Village. The Town and Village attorneys have advised that Municipal Charter changes would be necessary to create a Joint Planning Commission and a Joint Development Review Board.

### EXAMPLE

The Town and Village of Waterbury have had a Joint Planning Commission, combined Municipal Plan, and combined Zoning Regulations for over twenty years and made the switch from separate Zoning Boards of Adjustment to a Joint Development Review Board in 2012. Board appointments are made by the Town Selectboard with Village Trustees input. Both the Selectboard and Trustees vote to adopt the municipal plan and bylaw

amendments. In the case where a bylaw change only affects the Village then only the Trustees vote on the amendment.

### Working Group Comments:

#### Pros

- Not so many plans to update
- Might lend itself to staff located near each other
- Simple and straight-forward
- Long-range planning, balance of Village and Town outside the Village
- Goes with trends of consolidation in Essex (education, public works)
- Lends itself to 4-6 neighborhood planning groups that would actually review projects (like Burlington)
- A single group handling all applications streamlines workload
- Easier for developers
- Signals solidarity – a single community with joint interests

#### Cons

- Would require one-time outside consulting to implement transition
- Overwhelming workload for DRB
- Doesn't have DRBs that can focus on particular areas of the town, its bylaws, culture, and philosophy
- Increased workload for DRB
- Might be perceived as a conspiracy to merge Essex
- Residents might not feel they have personal attention
- Too fast, raises fears of merger

# RECOMMENDATIONS

This section lays out structural and non-structural recommendations for the Town of Essex Selectboard and Village of Essex Junction Trustees to consider.

## Structural Recommendations

The primary charge of TGIA was to come up with a recommendation on any structural changes to the current boards and commissions. The recommendations in this report are the result of an iterative process of exploring a variety of planning governance options as detailed in previous sections.

The Working Group made its decisions by consensus. The group's facilitators used a tool called the "orange line" to determine consensus on different choices during the project. The idea is that for key decisions, the group works to get above the orange line – to the place where participants could at least live with a choice.

During the final Working Group session members used a straw poll to indicate their preferences for three "end destinations"; the idea that over time Essex would move towards one of these end points for planning governance. The end destinations presented were:

### #1: Joint Planning

- Joint Planning Commission
- Separate Development Review Boards
- Joint Municipal Plan & Separate Bylaws

### #2: Whole Enchilada

- Joint Planning Commission
- Joint Development Review Board
- Joint Municipal Plan & Joint Bylaws

### #3: TBD, Wait and See

- Start with changing to separate Development Review Boards and see how that initial change goes before deciding on other changes.

Here are the results of the straw poll:



#### End Destination: Joint Planning

10 - It is my first choice

11 - I could live with it

---

0 - I need more info before deciding

0 - I am opposed to it



#### End Destination: Whole Enchilada

7 - It is my first choice

8 - I could live with it

---

2 - I need more info before deciding

4 - I am opposed to it



#### End Destination: TBD, Wait & See

2 - It is my first choice

10 - I could live with it

---

1 - I need more info before deciding

8 - I am opposed to it

The straw poll results indicated consensus on one end destination: Joint Planning.

**RECOMMENDATION #1:**

**MOVE TO CREATE A JOINT PLANNING COMMISSION AND TWO SEPARATE DEVELOPMENT REVIEW BOARDS.**

This recommendation would create a formal Joint Planning Commission as enabled under State Statute. Planning Commissioners would be appointed by the Selectboard with the possibility of establishing a formal process by which Trustees could nominate members and /or make recommendations. It would create two separate Development Review Boards that would be appointed by their respective legislative bodies. Essex would also move towards the adoption of a single Municipal Plan over time. There would be two sets of bylaws that would be adopted by their respective legislative bodies (i.e. Selectboard or Trustees).

**RECOMMENDATION #2:**

**USE A PHASED APPROACH TO STRUCTURAL CHANGES.**

The transition to a different governance structure will require a thoughtful and deliberate approach. As appropriate, changes should be phased in order to evaluate whether they are producing a more effective planning governance structure.

**RECOMMENDATION #3:**

**EMPOWER BOARDS TO ESTABLISH A TIMEFRAME AND WORK WITH STAFF TO MAKE A PLAN FOR TRANSITION.**

The Town Selectboard and Village Trustees are ultimately responsible for making decisions about what changes will occur. TGIA encourages both bodies to coordinate with their respective

Planning Commissions, Zoning Boards of Adjustment and Community Development staffs to ensure any transition occurs as smoothly as possible. In addition, the broader community should be kept informed about transition plans and provided with opportunities to provide input when appropriate.

**What Would Change?**

The Town and Village would go from a completely separate planning structure to planning together around a long range vision and policy while maintaining their own development review processes.



## KEY CONSIDERATIONS

While TGIA did not prescribe a transition pathway, project materials do lay out a conceptual timeline (see Scenarios 2.0 document from Working Group Session #4). The timeline was presented to show the types of activities that would occur. Those activities include:

**Changes to Municipal Charters:** Counsel for both the Town and Village have recommended charter changes in order to enable the creation of a Joint Planning Commission and Development Review Boards. Changes would need to be first approved at the annual Town and Village meetings and then passed by the State Legislature.



**Appointment processes for boards:** The Selectboard and Trustees would need to develop a process for making appointments to a Joint Planning Commission and their respective Development Review Boards. Also, they would need to determine how they would transition existing board members into new roles if desired.



**Adoption of new planning structures:** The Selectboard and Trustees would need to formally adopt a Joint Planning Commission and their respective Development Review Boards. These changes can be made by votes of the two legislative bodies. They would also need to think through how to ensure consistent communication among the boards.



**Updates to the Municipal Plan:** The Town and Village would need to work towards the development of a unified Municipal Plan. Currently, the State of Vermont requires updates every five years so a unified plan should be aligned with the next statutory deadline if the timing makes sense in the context of other changes. There is a move towards changing the five-year update requirement to ten years, which could affect this element of the transition plan.



**Updates to Bylaws:** Bylaw updates would be necessary to reflect the shift of review powers to the Development Review Board. Bylaw updates can be made by vote by the Selectboard and Trustees.



**Transition plan for projects under review:** Votes(s) creating the Development Review Boards must be timed so that all work of the existing Zoning Boards of Appeal would be completed and there could be a window of time to get the Development Review Board members appointed, addressing any changes necessary to Planning Commission membership and establishing rules of procedure. Ideally, this transition happens at a slower time of year for applications, likely in the later months of the year. Boards can adopt the new planning structure and note a future date at which point the change would go into effect thereby providing ample transition time.



**Consideration of the allocation of staff responsibilities:** The total level of work by staff does not change dramatically under the recommended governance structure. In the short term, the need for staff or outside support would increase to assist with any transition plan. Longer term, it's likely that staff responsibilities may shift particularly in terms of how a Joint Planning Commission would be supported.



**Development of a community education and input process:** Based on the community input into TGIA and discussion at Working Group sessions there is a clear need to think through how any changes would be communicated with the broader community and how, when appropriate, input would be sought on the specifics of those changes.



**Consideration of non-structural changes:** There are other changes that could complement any structural changes made (see next section). In some cases, these may be best time in advance, concurrently or after structural changes.



Each of these activities would require careful consideration and time on the parts of boards and staff.

## Non-Structural Recommendations

The secondary charge of TGIA was to come up with recommendations related to how to improve community engagement in planning. Much of the community input TGIA received could be addressed more effectively through changes related to community engagement.

While the Working Group did not get to a detailed set of recommendations, it developed and assessed general ideas that would address the project's findings related to community engagement. This section describes the ideas and then presents the results of an Impact Feasibility Assessment conducted by the Working Group.

### COMMUNICATIONS 2.0

The following ideas are aimed at improving planning communications efforts in Essex:

**Develop local partnerships.** Essex has a history of working with local organizations and groups to help spread the word about projects (e.g. asking to post event info in school newsletters or through community Facebook pages). Most of these arrangements are ad hoc but it is possible to formalize partnerships to more easily share information across a variety of projects. Potential partners include the schools, recreation departments and libraries.

**Research new ways to communicate.** Essex already communicates in many ways – local papers, Front Porch Forum, newsletters, etc. - and there is always room for improvement. Communications is about message and medium; it's about what you say *and* how you say it that matters in the community context. The first step is to determine how people want to receive information from their community (e.g., a short survey or interactive board at Town Meeting could be one way to collect this info). Then it's possible to figure out what tools will work best and in budget.

**Target communication.** Regardless of what channels are being used, messages today need to be targeted towards specific audiences. In addition, the type of planning issue or project being featured will influence how to structure communications.

**Use communications channels consistently.** Once it's known how best to communicate information, then those approaches must be used consistently. This consistency will help build clearer expectations about how information will be shared and where people can go to get news. The Town's Community Development staff noted that they are already creating a Communications Plan as a result of this effort, which is a great step towards institutionalizing best practices.

## **PARTICIPATION 2.0**

The following ideas are aimed at improving public participation in planning in Essex:

**Make planning easy to understand.** While planning deals with complex issues it is possible to develop resources that break down the basics for people. These resources will enable people to more easily and productively participate in planning discussions. There are a variety of resources already available on general planning topics through organizations like the [Vermont Planners Association](#), [Vermont League of Cities and Towns](#) and the [American Planning Association](#). However, resources tailored to Essex's specific situation will be more helpful to residents.

**Make meetings easy to understand.** Municipal meetings must follow certain protocols to stay in line with open meetings laws. While the structure of some meetings can feel formal and intimidating it is possible to take steps to make them more inviting

and understandable to people who are new to municipal processes. Examples include:

- Provide a meeting hand-out explaining the basic purpose of the meeting, guidelines on participation and where meetings agendas/summaries are posted.
- Board chairs could state upfront a meeting's purpose and how and when members of the public will be invited to share their questions or concerns.
- Show/share a roadmap of decision making at every meeting so participants know where they are in the process.

The Town's recent development of a [Public Participation Guide](#) is an example of this kind of approach.

**Research new participation methods and tools.** As with communications, it's important to first understand what general ways people would want to engage in planning issues. TGIA has identified some community interest in greater online options and neighborhood options but there could be others. Generally, communities are well served to provide a mix of group and individual opportunities to participate in addition to the required meetings and hearings.

**Explore potential of neighborhood planning structures.** TGIA and the Essex Governance Group identified the potential for neighborhood planning structures to add value to planning in Essex. There is some precedent to using neighborhoods in planning in Vermont. Some of these examples are detailed in materials developed for the fourth Working Group session.

**Develop a public participation ordinance.** Much of the law regarding public participation is outdated and does not match the variety of participatory tools available today. A public participation ordinance is one helpful tool to help empower local decision makers with more of a legal framework to support community engagement. A model ordinance, along with several other helpful tools, can be found in the 2013 [Making Participation Legal](#) published by Deliberative Democracy Consortium.

#### Assessing participation ideas



#### OPEN ACCESS

The following ideas are aimed at improving access to information in Essex:

**Develop a quarterly municipal boards newsletter.** This newsletter could be a resource for municipal boards, staff and residents alike. The Village Newsletter serves as a local example of a successful newsletter. A quarterly schedule may be a reasonable schedule for a newsletter that would cover both Town and Village boards and simple report forms could be developed for board chairs and staff to use to provide content for the newsletter.

**Develop an online system for tracking development applications.** Right now most people would find it difficult to know what developments are being proposed in their part of town. While this information is available if you go to the town offices for it, a more easier and transparent option could help residents be aware of what's happening in their own neighborhood. For instance, the City of Burlington has an [online system](#) where anyone can find out what development applications have been submitted and what stage of review they are in; applications are available in a sortable table (by address) or on a Google Map.

**Develop an open access data portal.** Many cities are providing greater access to municipal related data. This access creates greater transparency and can spur local citizen analysis and innovation. Burlington provides another local example of a city that has created an [open data portal](#). Types of information available include: public works permits, police logs, rental housing, property assessments, and city budget info.

## HUMAN RESOURCES

The following ideas are aimed at supporting the human capital of community engagement in Essex:

**Support board member training.** There are a variety of existing training programs available in VT, possibilities for developed tailored programs in partnership with other partners, and ways to help build skills locally. Some board members do take advantage of programs offered through state programs like the VT League of Cities and Towns, Vermont Planners Association or the State of VT and both the Town and Village cover these costs. However, most out of the box trainings are held at times and places that are not convenient for volunteer board members. A variety of ideas for addressing board training are detailed in materials developed for the fourth Working Group session.

**Consider co-location of Community Development Staff.** This idea has been raised through this process and is under consideration by the Town Manager. It could be convenient to residents to have both departments together and beneficial for staff to have more face-to-face time to enable opportunities for interaction and collaboration. However, department re-location is a facilities management question and would need to consider the value of co-locating other departments that residents frequently use together.

**Consider re-allocation of resources to support staffing dedicated to communications and public participation.** While a number of staff members currently undertake these activities as part of their work there could be benefit to a more focused approach where one staff person is dedicated to providing communications and engagement support across a variety of projects and possibly across

Town and Village departments. This person could be a go-to resource to town departments, develop relationships with a variety of local partners, and stay current on best practices in community engagement.

**Engage community member volunteers.** While municipal staff will always play a role in public participation it's also possible to build a volunteer corp to assist with aspects of the participation effort. This may be particularly useful in the case of any kind of neighborhood based engagement.

**Form a community engagement working group.** The TGIA Working Group made progress on issues of planning governance structure and produced thoughtful reflections on community engagement. However, these ideas will not be as fully discussed and vetted as the structural aspects of the project so one possibility is to form a new working group to carry the engagement ideas forward.

## ASSESSMENT

TGIA Working Group members used an impact feasibility assessment to rate each idea on the following scales:

**Impact** on community understanding and participation in planning – high, medium, low

**Feasibility** of idea to be implemented (e.g. funding, political will, legal, etc.) – high, medium, low

The results of the impact feasibility exercise are on the next page. The ideas along with their nicknames (used to illustrate how ideas

rated in the impact feasibility chart on next page) are provided here in summary form for reference:

### **Communications 2.0**

- Develop local partnerships. PARTNERSHIPS
- Research new ways to communicate. RESEARCH COMM
- Use/continue communications channels consistently. CONSISTENT COMM
- Target communication. TARGET COMM

### **Participation 2.0**

- Make planning easy to understand. EASY PLANNING
- Make meetings easy to understand. EASY MEETINGS
- Research new participation methods and tools. RESEARCH PART
- Explore potential of neighborhood planning structures. NEIGHBORHOOD PLANNING
- Develop a public participation ordinance. ORDINANCE

### **Open Access**

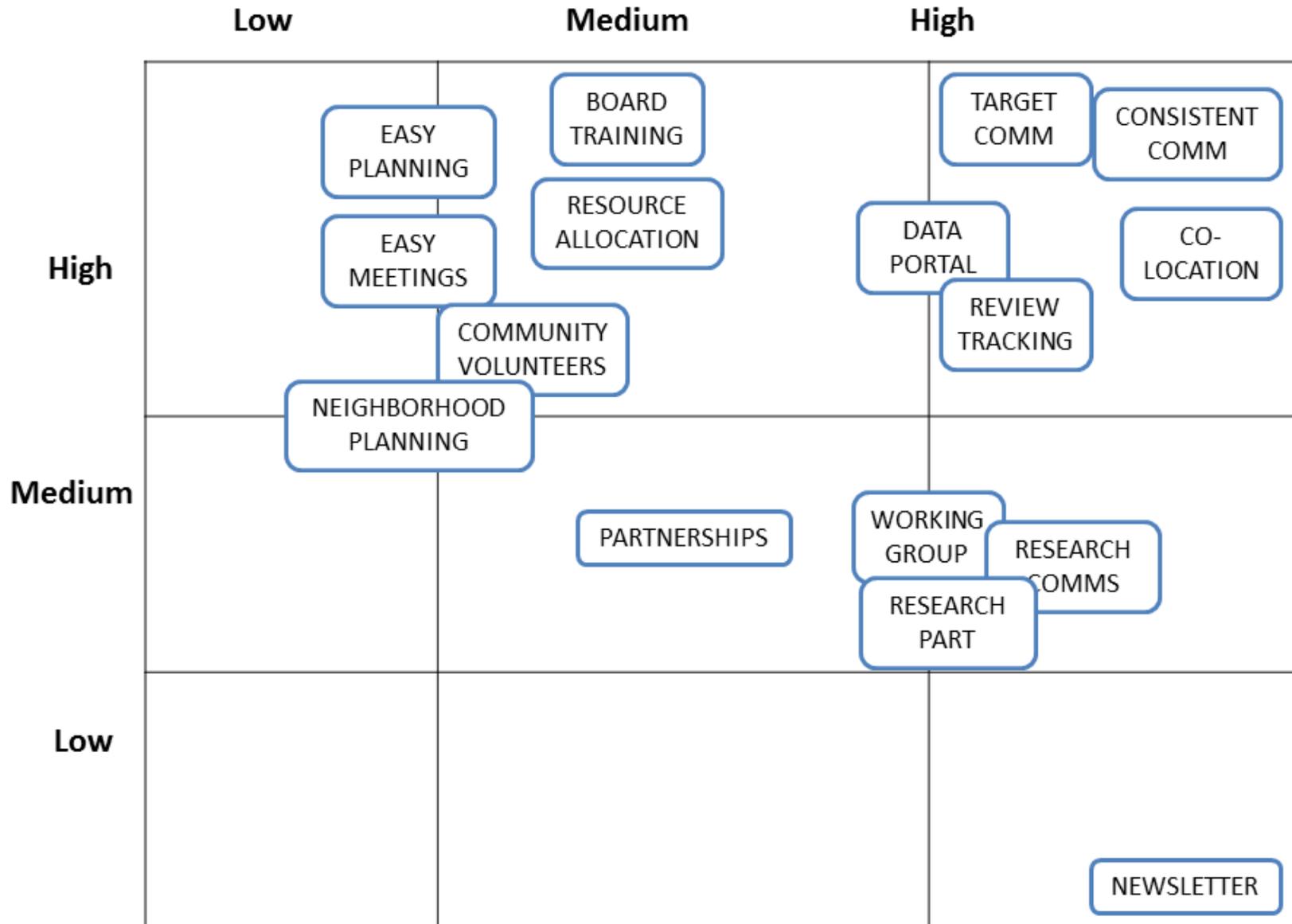
- Develop a quarterly municipal boards newsletter. NEWSLETTER
- Develop an online system for tracking development applications. REVIEW TRACKING
- Develop an open access data portal. DATA PORTAL

### **Human Resources**

- Support board member training. BOARD TRAINING
- Consider co-location of Community Development Staff. CO-LOCATION
- Consider re-allocation of resources to support staffing dedicated to communications and public participation. RESOURCE ALLOCATION
- Engage community member volunteers. COMMUNITY VOLUNTEERS
- Form a community engagement working group. WORKING GROUP



Impact Feasibility Matrix



Several themes emerged from the discussion around the Working Group's assessment of ideas:

- Improving messaging and communications around planning are of high importance.
- There is potential to increase transparency of planning through online tools but also a need to assess how existing models are working (e.g. Burlington or Colchester's data portals).
- There is interest in allocating resources to support engagement and ensuring board volunteers are trained.
- The desire to ensure that efforts focused on improving community participation continue.

The upcoming project in partnership with Essex Heart & Soul could offer a seamless way to carry forward the community participation findings and ideas found as part of the TGIA effort. Heart & Soul will be working with Matt Leighninger, Executive Director of the Deliberative Democracy Consortium, to incorporate public engagement skills and expectations into all job descriptions, hiring expectations, and performance reviews for municipal staff in the Town and Village. There will also be a one-day workshop for engagement leaders (inside and outside government) to help build their engagement skills.

## Community Reaction

At the second Community Workshop, participants had a chance to weigh in with their reactions to the project's findings and recommendations. Here is a summary of that input:

### 1. What resonated with you?

- Strong consensus in favor of the 1 Planning Commission, 2 Development Review Board model
  - One Planning Commission will be able to spend more time on long range planning
  - A good "first step" toward "big enchilada" (consolidated planning and development review)
  - Improves citizen "access" and civic engagement
- More efficient use of staff
  - Streamlining, better process
  - Redistribution and shared staffing will be good
  - Opportunity to co-locate staff
  - Better communication, shared info
- New model allows one Essex vision
  - Honors the urban/rural split
  - Keeps uniqueness of Town and Village
  - Increases chances of preserving open space, preserving/improving sidewalks

### 2. What concerned you?

- The risk of disconnection
  - [Citizen engagement] better if close to government, big government is less responsive
  - What are mechanisms for appeal: will citizens feel comfortable going to Development Review Board?

- Always risk of Development Review Board being disconnected from planning processes
- Too complex: more streamlining needed (1 board, 1 plan, 1 code, etc.)
- How do we develop and implement the municipal plan?
  - Certain district's priorities?
  - What about interim? Don't want to make development "mistakes"
  - Risk of Development Review Board affecting growth, economic development [negatively]
  - Aesthetics – a concern of many residents who have not attended meetings
- Staffing Resources, financial resources and board member selection
  - What happens to staff?
  - How would Planning Commission members be selected: need equal geographical split in representation to Planning Commission: Shared appointments would be best (SB and Trustees)
  - Only so many planning financial resources: need to ensure we can get at those.

- Structures for improved communication
  - Between Planning Commission and Development Review Board to stay strong and grounded
  - Have Planning Commission and two Development Review Boards meet jointly annually to stay in sync?
  - Staff should start meetings of Development Review Board by summing up where we are and how much input is welcomed.

A full summary of the workshop proceedings can be found in this report's Appendix.

### 3. Was there anything missing from your perspective?

- Some stakeholders are absent [need outreach?]
  - Opposing views from one or two municipal entities
  - Renters
  - "People not here tonight will not be in favor of consolidation"
- No plans in place for staffing changes
  - Co-locating staff?
  - Merging staff?
- Most board members don't have design review training



## MOVING FORWARD

Essex is undergoing a transformation in the way it thinks about the relationship between the Town and Village. Recent community efforts have pointed to the desire for greater collaboration that strengthens the physical character and social fabric of the community as a whole. Yet, there is also a desire to move ahead carefully to ensure that the unique aspects and priorities of each part of the community are not lost, and that potential changes consider financial and other resource implications.

TGIA focused on exploring different approaches to planning governance that could illuminate a new path forward that responds to the desire for greater collaboration while maintaining the Town and Village's distinctiveness. While TGIA puts forward a set of recommendations its utility is also in the analysis of different issues and ideas. The hope is that this "why" will be helpful to the Selectboard and Trustees as they consider potential planning governance changes.



# St. Albans City Planning and Development Boards

- 1) The **St. Albans City Design Advisory Board** provides special opinions on the look and feel of proposed development in the City's Design Review Districts.
- 2) The **St. Albans City Development Review Board** carries out our community's [Land Development Regulations](#) in the cases that appear before it.
- 3) The **St. Albans City Downtown Board** advises the development and revitalization efforts of the City's Downtown Program and acts as the Board of Directors for St. Albans for the Future, the nonprofit downtown organization.
- 4) The **St. Albans City Planning Commission** advises the City's planning program, discusses new initiatives for the management of growth and development in the City and drafts the [Municipal Plan and Land Development Regulations](#).

St Albans also generates a list of “**special projects**” on their website. These are large developments in the downtown area equivalent to our 4 Pearl Street project, Railroad Station upgrade, missing link project. They usually include a pdf/graphic and an explanation of the background and current status. I believe this serves to keep the public informed.

## **Governance Structure for Village of Bellows Falls and Town of Rockingham**

1. Bellows Falls is a village and has a board of trustees. Rockingham is a town and has a selectboard. They have each kept their charters.
2. The Town supports the Bellows Falls Area Development Corporation (BFADC) which is a non-profit. Since 1984, the Town has supported the Bellows focuses on industrial and commercial development, by providing that the Town's Development Director also serve as Executive Director of the BFADC.
3. The Town also supports the Bellows Falls Downtown Development Alliance (BFDDA), a non-profit devoted to downtown revitalization. BFDDA carries out activities in Bellows Falls' "designated downtown district" in collaboration with the Vermont Downtown Program. The designation permits property owners in the district to benefit from specific state tax credits, and grants when available.

From Their Website: "These agreements provide for a high level of collaboration between the municipality and two non-profit organizations that promote different but compatible types of economic and community development."

TOWN CLERK'S OFFICE  
Rockingham, VT 05101  
Received June 20 2007  
at 9:40 AM  
Recorded in Book 307 Page 23-23  
Attest: Pnenda Doherty Asst. Town Clerk

**AGREEMENT BETWEEN  
THE TOWN OF ROCKINGHAM AND  
THE BELLOWS FALLS DOWNTOWN DEVELOPMENT ALLIANCE**

WHEREAS, the Town of Rockingham's Office of Community Development carries out economic development; and

WHEREAS, the said office promotes industrial, commercial and residential development by providing research, staff, support, grant management, planning, design, marketing and other professional services for economic development; and

WHEREAS, the Bellows Falls Downtown Development Alliance (BFDDA) has been incorporated as a non-profit organization to promote the economic and cultural revitalization of downtown Bellows Falls, the largest commercial center in Town; and

WHEREAS, charitable activities carried out by the BFDDA complement those of the Town Development Office, and such activities may reduce the burden of government; and

THEREFORE, BE IT JOINTLY RESOLVED by the Town and BFDDA that the Town Development Director will serve as a non-voting adjunct board member to the BFDDA Board; and

BE IT ALSO JOINTLY RESOLVED, that Town will provide a workspace for the Executive Director of the BFDDA; and

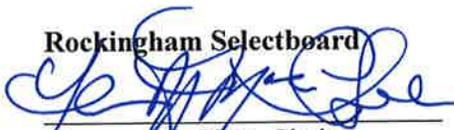
BE IT ALSO JOINTLY RESOLVED, that Town Development Office support staff will provide the BFDDA with clerical support in the areas of membership database management, photocopying of materials, mailing processing, etc.; and

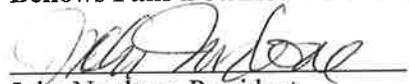
BE IT ALSO JOINTLY RESOLVED, that the Town will provide the BFDDA with \$5,000 in annual funding to support the ongoing operations of the BFDDA; and

BE IT ALSO JOINTLY RESOLVED, that the BFDDA will continue to assist the Town maintain formal designation in the Vermont Downtown Program by sustaining a comprehensive long-term downtown revitalization effort; and

BE IT ALSO JOINTLY RESOLVED, that this agreement may be amended by the agreement of both parties and/or dissolved by the action of either party; and

BE IT ALSO JOINTLY RESOLVED, that this agreement replaces any previous agreements regarding the relationship between the two parties.

**Rockingham Selectboard**  
  
Thomas MacPhee, Chair  
(Date) 6/19/07

**Bellows Falls Downtown Development Alliance**  
  
John Nardone, President  
(Date) 5/31/07

AN AGREEMENT BETWEEN THE TOWN OF ROCKINGHAM AND THE  
BELLOWS FALLS AREA DEVELOPMENT CORPORATION

WHEREAS, the Town of Rockingham Development Office is involved in various development related activities, and

WHEREAS, the said office is primarily involved in accommodating quality industrial, commercial, and residential development opportunities by providing research, staff support, grantsmanship, planning, design, marketing, and other professional support services to said projects; and

WHEREAS, the Bellows Falls Area Development Corporation has been incorporated as a non-profit development organization to perform similar activities; and

WHEREAS, the said Corporation has jointly developed the Rockingham Industrial Park with the Town of Rockingham; and

WHEREAS, the said Corporation lacks the fiscal strength to hire staff to manage its daily operation; and

WHEREAS, the said Corporation complements the activities of the Town Development Office by making certain resources available to the Town that would otherwise be unavailable due to its non-profit status;

THEREFORE, BE IT JOINTLY RESOLVED by both corporate organizations that the Rockingham Development Director serve as Executive Director of the Bellows Falls Area Development Corporation without compensation by the BFADC,

BE IT JOINTLY RESOLVED, by both corporate organizations that the duties affiliated with the position of Director of Development supercede those of BFADC Executive Director in the event of a conflict of scheduling,

BE IT ALSO JOINT RESOLVED, that if the duties and responsibilities of the Executive Director become excessive in nature, that an evaluation of the position be resolved at a joint meeting.

ROCKINGHAM BOARD OF SELECTMEN

s/ John Cook  
s/ Sandra Beaudry  
s/ Al White  
s/ Sean Campbell  
s/ Doug MacPhee

BELLOWS FALLS AREA DEVELOPMENT CORP.

s/ Roland Scott, President  
s/ Peter LaHaise, Secretary

DATE: February 8, 1984

Op-Ed Contributor

## The Death of the Fringe Suburb



Victor Kerlow

By CHRISTOPHER B. LEINBERGER

Published: November 25, 2011

DRIVE through any number of outer-ring suburbs in America, and you'll see boarded-up and vacant strip malls, surrounded by vast seas of empty parking spaces. These forlorn monuments to the real estate crash are not going to come back to life, even when the economy recovers. And that's because the demand for the housing that once supported commercial activity in many exurbs isn't coming back, either.

By now, nearly five years after the housing crash, most Americans understand that a mortgage meltdown was the catalyst for the Great Recession, facilitated by underregulation of finance and reckless risk-taking. Less understood is the divergence between center cities and inner-ring suburbs on one hand, and the suburban fringe on the other.

It was predominantly the collapse of the car-dependent suburban fringe that caused the mortgage collapse.

In the late 1990s, high-end outer suburbs contained most of the expensive housing in the United States, as measured by price per square foot, according to data I analyzed from the Zillow real estate database. Today, the most expensive housing is in the high-density,

pedestrian-friendly neighborhoods of the center city and inner suburbs. Some of the most expensive neighborhoods in their metropolitan areas are Capitol Hill in Seattle; Virginia Highland in Atlanta; German Village in Columbus, Ohio, and Logan Circle in Washington. Considered slums as recently as 30 years ago, they have been transformed by gentrification.

Simply put, there has been a profound structural shift — a reversal of what took place in the 1950s, when drivable suburbs boomed and flourished as center cities emptied and withered.

The shift is durable and lasting because of a major demographic event: the convergence of the two largest generations in American history, the baby boomers (born between 1946 and 1964) and the millennials (born between 1979 and 1996), which today represent half of the total population.

Many boomers are now empty nesters and approaching retirement. Generally this means that they will downsize their housing in the near future. Boomers want to live in a walkable urban downtown, a suburban town center or a small town, according to a recent survey by the National Association of Realtors.

The millennials are just now beginning to emerge from the nest — at least those who can afford to live on their own. This coming-of-age cohort also favors urban downtowns and suburban town centers — for lifestyle reasons and the convenience of not having to own cars.

Over all, only 12 percent of future homebuyers want the drivable suburban-fringe houses that are in such oversupply, according to the Realtors survey. This lack of demand all but guarantees continued price declines. Boomers selling their fringe housing will only add to the glut. Nothing the federal government can do will reverse this.

Many drivable-fringe house prices are now below replacement value, meaning the land under the house has no value and the sticks and bricks are worth less than they would cost to replace. This means there is no financial incentive to maintain the house; the next dollar invested will not be recouped upon resale. Many of these houses will be converted to rentals, which are rarely as well maintained as owner-occupied housing. Add the fact that the houses were built with cheap materials and methods to begin with, and you see why many fringe suburbs are turning into slums, with abandoned housing and rising crime.

The good news is that there is great pent-up demand for walkable, centrally located neighborhoods in cities like Portland, Denver, Philadelphia and Chattanooga, Tenn. The transformation of suburbia can be seen in places like Arlington County, Va., Bellevue, Wash., and Pasadena, Calif., where strip malls have been bulldozed and replaced by higher-density mixed-use developments with good transit connections.

Reinvesting in America's built environment — which makes up a third of the country's assets — and reviving the construction trades are vital for lifting our economic growth

rate. (Disclosure: I am the president of Locus, a coalition of real estate developers and investors and a project of Smart Growth America, which supports walkable neighborhoods and transit-oriented development.)

Some critics will say that investment in the built environment risks repeating the mistake that caused the recession in the first place. That reasoning is as faulty as saying that technology should have been neglected after the dot-com bust, which precipitated the 2001 recession.

The cities and inner-ring suburbs that will be the foundation of the recovery require significant investment at a time of government retrenchment. Bus and light-rail systems, bike lanes and pedestrian improvements — what traffic engineers dismissively call “alternative transportation” — are vital. So is the repair of infrastructure like roads and bridges. Places as diverse as Los Angeles, Phoenix, Salt Lake City, Dallas, Charlotte, Denver and Washington have recently voted to pay for “alternative transportation,” mindful of the dividends to be reaped. As Congress works to reauthorize highway and transit legislation, it must give metropolitan areas greater flexibility for financing transportation, rather than mandating that the vast bulk of the money can be used only for roads.

For too long, we over-invested in the wrong places. Those retail centers and subdivisions will never be worth what they cost to build. We have to stop throwing good money after bad. It is time to instead build what the market wants: mixed-income, walkable cities and suburbs that will support the knowledge economy, promote environmental sustainability and create jobs.

[Christopher B. Leinberger](#) is a senior fellow at the Brookings Institution and professor of practice in urban and regional planning at the University of Michigan

Town of Essex / Village of EJ Accounts Payable  
Check Warrant Report # 16041 Current Prior Next FY Invoices For Fund (GENERAL FUND)  
For Check Acct 01(GENERAL FUND) All check #s 04/28/16 To 04/28/16 & Fund 2

Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
21120	02/08/16	VF FIRE PHYSICALS 0001053200	210-42220.566 PHYSICAL EXAMS	888.00	5097	04/28/16
21120	02/08/16	VF FIRE PHYSICALS 0001053300	210-42220.566 PHYSICAL EXAMS	212.00	5097	04/28/16
06955	04/26/16	AD ELECTION WORK 162604	210-41320.820 ELECTIONS	20.00	5099	04/28/16
21275	04/26/16	AD ELECTION WORK 162604	210-41320.820 ELECTIONS	20.00	5100	04/28/16
V10657	04/22/16	BL CHILDRENS PROGRAMS 42216MKD	210-45551.837 CHILDRENS PROGRAMS	11.87	5101	04/28/16
14320	04/26/16	AD ELECTION WORK 162604	210-41320.820 ELECTIONS	372.50	5103	04/28/16
43415	04/26/16	AD ELECTION WORK 162604	210-41320.820 ELECTIONS	20.00	5106	04/28/16
33495	04/11/16	BL BOOKS 92633809	210-45551.640 ADULT COLLECTION-PRINT &	12.99	5111	04/28/16
V10347	04/22/16	LH SENIOR CENTER 129864	210-41940.434 MAINT. BUILDINGS/GROUNDS	125.00	5112	04/28/16
39965	04/26/16	AD ELECTION WORK 162604	210-41320.820 ELECTIONS	20.00	5118	04/28/16
14950	04/12/16	VF AED BATTERIES 116100953	210-42220.570 MAINTENANCE OTHER	576.97	5120	04/28/16
43320	04/12/16	ST DEPOSIT-WELCOME SIGN 3548DEPOSIT	210-43110.617 SIGNS AND POSTS	922.50	5123	04/28/16
43320	04/21/16	LH DEPOSIT LH SIGNS 3550DEPOSIT	210-41940.891 CAPITAL OUTLAY	562.50	5123	04/28/16
43320	04/25/16	AD BANNER UPDATES 5123	210-41320.835 HOLIDAY EXPENSE	32.50	5123	04/28/16
43320	04/25/16	AD BANNER UPDATES 5123	210-41335.835 BLOCK PARTY EXPENSE	32.50	5123	04/28/16
26925	04/09/16	BL SUPPLIES 3298887130	210-45551.610 SUPPLIES	58.84	5125	04/28/16
31275	04/18/16	VB/VW BRIAR WTR LN/RD WY BLPAYAPP1	253-46801.005 BRIAR LANE RD/SDWK/WTR LI	27935.37	5102	04/28/16
23435	03/31/16	VW MARCH WATER USAGE 033116D	254-43210.411 CWD WATER PURC - GF	187731.98	5098	04/28/16
23435	03/31/16	VW MARCH WATER USAGE 033116D	254-43210.412 STATE WATER TAX ~ GF	4745.50	5098	04/28/16
23435	03/31/16	VW MARCH WATER USAGE 033116D	254-43200.411 CWD WATER PURCHASE	33024.11	5098	04/28/16
23435	03/31/16	VW MARCH WATER USAGE 033116D	254-43200.412 STATE WATER TAX	634.79	5098	04/28/16
31275	04/18/16	VB/VW BRIAR WTR LN/RD WY BLPAYAPP1	254-43332.005 BRIAR LANE RD/SDWK/WTR LN	4453.47	5102	04/28/16
V1816	04/29/16	SA/VW MAIL W/S BILLS 042916D	254-43200.536 POSTAGE	337.73	5121	04/28/16
38680	04/13/16	WW ORDINANCE CAPACITY SEM 04132016D	255-43200.500 TRAINING, CONFERENCES, DU	64.00	5128	04/28/16
V1816	04/29/16	SA/VW MAIL W/S BILLS 042916D	256-43200.536 POSTAGE	675.47	5121	04/28/16

05/02/16

03:58 pm

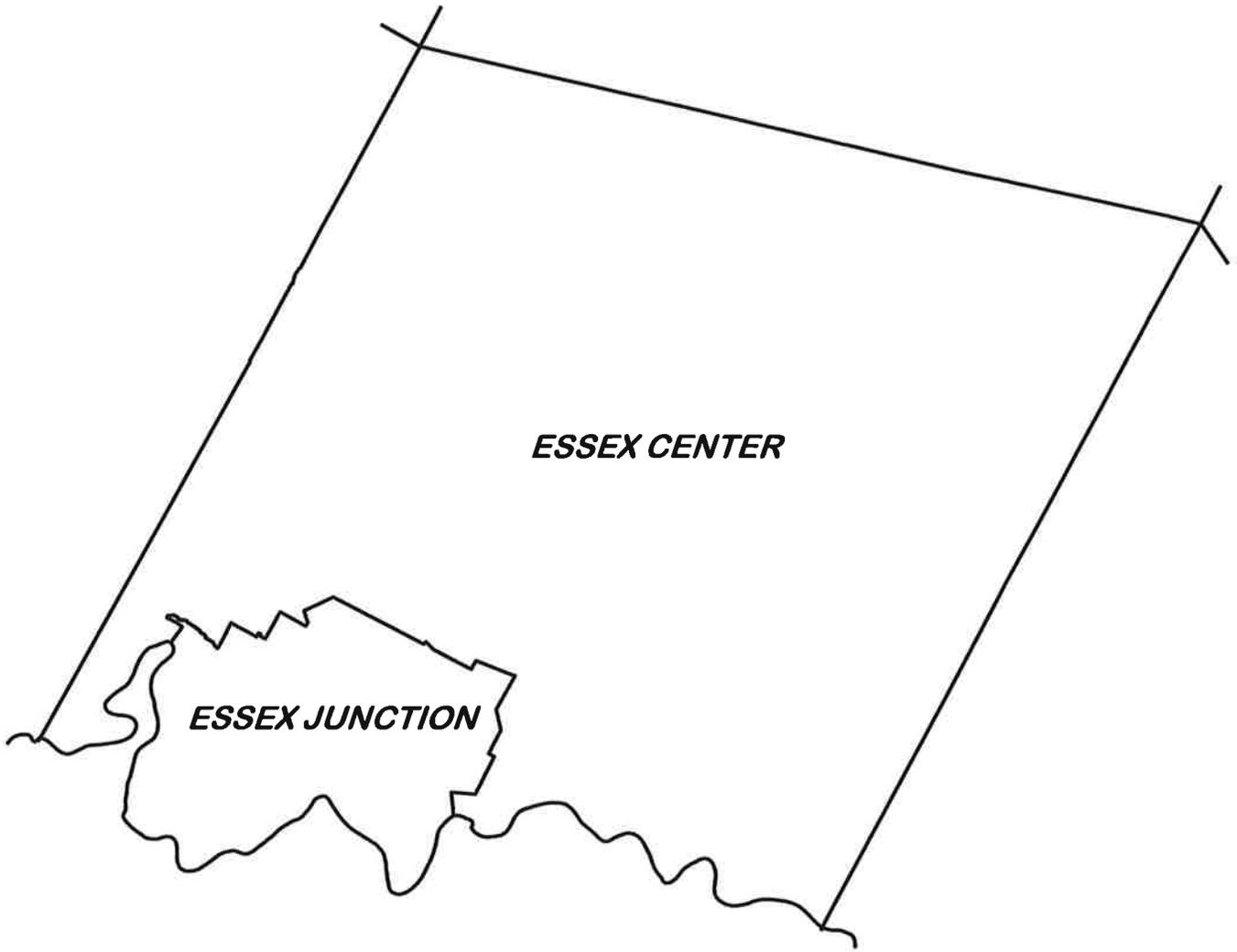
Town of Essex / Village of EJ Accounts Payable  
Check Warrant Report # 16041 Current Prior Next FY Invoices For Fund (GENERAL FUND)  
For Check Acct 01(GENERAL FUND) All check #s 04/28/16 To 04/28/16 & Fund 2

Page 2 of 2

LMorrisseau

Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
11555	04/06/16	RUSSELL RESOURCES INC SA ROSCOE CT IMPROVEMENT 162446	256-43200.434 PUMP STATION MAINTENANCE	410.65	5122	04/28/16
Report Total				264101.24		

# Town of Essex



STATE OF VERMONT

SUPERIOR COURT  
CHITTENDEN UNIT

CIVIL DIVISION  
Docket No. \_\_\_\_\_

TOWN OF ESSEX, )  
)  
Plaintiff, )  
)  
v. )  
)  
DEFENDANT, )  
)  
Defendant )

**SUMMONS**

**COMPLAINT FOR EJECTMENT**

NOW COMES, the Plaintiff, Town of Essex, Vermont by and through its attorneys, McNeil, Leddy & Sheahan, P.C., and hereby complains against the Defendant as follows:

1. Plaintiff is a municipality located in Chittenden County, State of Vermont.
2. Defendant resides in the Town of Essex, Chittenden County, State of Vermont.
3. Plaintiff is the owner of the public lands located on the northeast side of Route 15, commonly known as the "entrance to the Champlain Valley Exposition" in Essex, Vermont. See Proof of Ownership attached hereto as Exhibit A \_\_\_\_\_.
4. Defendant currently resides on the lands located on the northeast side of Route 15, commonly known as the "entrance to the Champlain Valley Exposition" in Essex, Vermont.
5. Defendant's erected premises on these public lands is for his own exclusive use and benefit and excludes use by the public.

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6. Plaintiff notified the Defendant of its intent to eject on \_\_\_\_\_, hand delivered by the Essex Police Department. See \_\_\_\_\_ Notice of Intent to Eject attached hereto as Exhibit B.

7. Despite notification, Defendant has failed to vacate the land and holds the same unlawfully and against the rights of the Plaintiff.

WHEREFORE, Plaintiff seeks to recover the quiet and peaceful possession of the premises, a reasonable attorney's fee, and other damages or relief that the Court deems appropriate.

Dated at Burlington Vermont this \_\_\_\_\_ of April, 2016.

**TOWN OF ESSEX**

By: \_\_\_\_\_

Andrew M. Bolduc, Esq.  
McNeil, Leddy & Sheahan, P.C.  
271 South Union Street  
Burlington, Vermont 05401  
(802) 863-4531  
Attorneys for Town of Essex

426000/00001

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# NOTICE OF INTENT TO EJECT

- Hand-Delivered via Essex Police Department -

April 26, 2016

**RE: The public lands located on the northeast side of Route 15, commonly known as the “entrance to the Champlain Valley Exposition”**

Dear Mr. \_\_\_\_\_:

On April \_\_\_\_, 2016, the Town of Essex Selectboard, at a duly warned meeting, determined that your permanent settlement on the public lands on the northeast side of Route 15, commonly known as the “entrance to the Champlain Valley Exposition” constitutes an unlawful possession of public land.

Given the Selectboard’s determination, please consider this letter as the Town of Essex’s Notice of Intent to Eject. To provide a reasonable period of time to remove your belongings, find alternative living arrangements, and vacate the property, the Town is willing to grant you until **12:00pm on May \_\_\_\_\_, 2016** (10 days from the date of the notice) to comply with this notice.

Thank you in advance for your compliance. If you have any questions or concerns, please contact me.

Sincerely,

Patrick Scheidel  
Essex Town Manager  
81 Main Street  
Essex Junction, VT 05452-3209

Joseph C. McNeil (1919-1978)  
Joseph E. McNeil  
John T. Leddy  
Nancy G. Sheahan  
William F. Ellis  
Susan Gilfillan  
Joseph A. Farnham  
Colin K. McNeil  
Kevin J. Coyle†  
Andrew M. Bolduc  
Michael J. Leddy

†Also licensed in New York



**McNEIL LEDDY & SHEAHAN PC**  
ATTORNEYS AT LAW

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Burlington, VT 05401

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April 26, 2016

**CONFIDENTIAL ATTORNEY/CLIENT COMMUNICATION**

**VIA E-MAIL**

Town of Essex  
Attn: Patrick Scheidel, Town Manager  
81 Main Street  
Essex Junction, VT 05452-3209

**Re: Common Law Ejectment in Response to Business Complaints**

Dear Patrick:

This letter is in response to your inquiry regarding actions that could be taken to satisfy the business complaints arising as a result of an individual who has taken up residence on municipally owned public property adjacent to the Champlain Fairgrounds by erecting a semi-permanent campsite. While the Town has considered many different options, this letter addresses only the process and difficulties that may arise from pursuing the specific legal remedy of a common law ejectment.

Common law ejectment differs from the more well-known statutory mechanism of ejectment or eviction in an action by a landlord against a tenant. Those actions are very common and make up a significant portion of the judiciary's docket. Common law ejectment differs in that there is no landlord-tenant relationship. It occurs when the lawful owner of land is wrongfully dispossessed of their land by another party. Ejection actions are often used as a way for private landowners to "quiet title" in order to avoid the loss of their land by adverse possessors. While municipalities are generally exempt from adverse possession claims, this does not stop them from asserting an ejectment claim when another party is wrongfully in possession of a portion of municipal land to their exclusive use and enjoyment.

Common law ejectment also differs from the concept/crime of unlawful trespass. Unlawful trespass enforcement may also be used by landowners to preserve land rights but applies only to the unlawful entry onto the land. A claim for unlawful trespass would likely not be successful in this instance because his entry and continued presence onto the land is lawful because the land is public. The unlawful act is his continual possession of the land to the exclusion of the public.

To be consistent with a generally accepted policy of notice prior to the commencement of an ejectment action, I have drafted up a sample Notice of Ejectment to be served upon the wrongful possessor of the Town property attached to this letter. It gives the possessor 10 days to vacate or the Town will commence an ejectment action. In the event the possessor does not vacate within 10 days, attached is a Summons and Complaint for the Town to serve upon the possessor. Because the Town is the plaintiff in this action, to avoid any conflict and service of process issues with the Court, it may make sense to have the sheriff serve the Summons and Complaint.

After service of the Summons and Complaint, the Town can file this action in Chittenden Superior Court – Civil Division. The current filing fee is \$295.00. Depending on whether or not the then Defendant obtains legal counsel, the ejectment process may last anywhere from 1-3 months. The end result is never certain but if successful would result in a writ of possession on behalf of the Town issued by the court and served by the sheriff. If the wrongful possessor does not vacate within 10 business days, the sheriff may then forcibly remove the possessor.

As stated in previous correspondence with Police Chief Brad LaRose, one drawback of pursuing legal action are the potential humanitarian and/or political drawbacks that may arise from public outcry to the concept of the Town suing a resident with limited means of support. Additionally, if an attorney gets involved and this goes to a full jury trial, the Town will be in a much better position if it at first makes a good faith effort to set this individual up with the appropriate local non-profit organizations and/or government services.

Please feel free to contact me with any questions or concerns or if we can otherwise be of any additional assistance in this matter.

Sincerely,

Andrew M. Bolduc  
McNeil, Leddy & Sheahan, P.C.  
271 South Union Street  
Burlington, Vermont 05401  
(802) 863-4531  
Attorneys for Town of Essex

AMB/  
Enclosures

c: Chief Bradley J. LaRose

STATE OF VERMONT

SUPERIOR COURT  
CHITTENDEN UNIT

CIVIL DIVISION  
Docket No. \_\_\_\_\_

TOWN OF ESSEX, )

Plaintiff, )

v. )

DEFENDANT, )

Defendant )

**SUMMONS**

**THIS SUMMONS IS DIRECTED TO: DEFENDANT, who resides at on the northeast side of Route 15, commonly known as the "entrance to the Champlain Valley Exposition" in Essex, Vermont with a mailing address of \_\_\_\_\_.**

**1. YOU ARE BEING SUED.** The plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this summons. Do not throw these papers away. They are official papers that affect your rights.

**2. YOU MUST REPLY WITHIN 20\* DAYS TO PROTECT YOUR RIGHTS.** You must give or mail the Plaintiff a written response called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the Plaintiff's attorney located at:

ANDREW M. BOLDUC, ESQ.  
McNEIL, LEDDY & SHEAHAN, P.C.  
271 South Union Street, Burlington, Vermont 05401

You must also give or mail your Answer to the Court located at:

CHITTENDEN SUPERIOR COURT  
PO Box 187  
175 Main St. Burlington, Vermont 05402

**3. YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

**4. YOU WILL LOSE YOUR CASE IF YOU DO NOT GIVE YOUR WRITTEN ANSWER TO THE COURT.** If you do not Answer within 20 days and file it with the Court, you will lose this case. You will not get to tell your side of

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the story, and the Court may decide against you and award the Plaintiff everything asked for in the complaint.

**5. YOU MUST MAKE ANY CLAIMS AGAINST THE PLAINTIFF IN YOUR REPLY.** Your Answer must state any related legal claims you have against the Plaintiff. Your claims against the Plaintiff are called Counterclaims. If you do not make your Counterclaims in writing in your Answer, you may not be able to bring them up at all. Even if you have insurance and the insurance company will defend you, you must still file and Counterclaims you may have.

**6. LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. If you cannot afford a lawyer, you should ask the court clerk for information about places where you can get free legal help. **Even if you cannot get legal help, you must still give the Court a written Answer to protect your rights or you may lose the case.**

DATED: Burlington, Vermont  
April \_\_\_\_, 2016

---

Andrew M. Bolduc, Esq.  
McNeil, Leddy & Sheahan, P.C.  
271 South Union Street  
Burlington, Vermont 05401  
(802) 863-4531

Attorneys Town of Essex

Served on \_\_\_\_\_  
Date

---

Sheriff

426000/1

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2 Lincoln Street  
Essex Junction, VT 05452-3154  
www.essexjunction.org



P: 802-878-6944  
F: 802-878-6946  
E: admin@essexjunction.org

## MEMORANDUM

To: Board of Directors, Essex Area Senior Center, Inc.  
From: Pat Scheidel, Municipal Manager *PCS*  
Date: May 4, 2016

Based upon our previous two meetings, the Village of Essex Junction offers to temporarily provide senior services in the following areas:

- Current programs and activities in current location;
- Pay for utilities and insurance;
- Enter into a joint effort with the Town of Essex, which will provide a part time Activities Director until January 1, 2017 when the position becomes full time;
- The Town's Recreation Director will supervise the Senior Center Activities Director.

The Village's lease with the private non-profit organization will expire on June 30, 2016 and will not be renewed. If a private non-profit organization is still the preferred option, the Village will have to renegotiate a new lease and the Town will not provide an Activities Director.

The Village will provide interim senior services effective July 1, 2016. The services will be provided until the next step is decided as a result of the Recreation Governance Study Committee's recommendation.

Under the municipality, the senior center may have an advisory board to work with the Activities Director regarding programs/activities and the needs of the center.

Any after-hours programs, activities and/or special events sponsored by the center must go through the facility request process and the rental fee will be waived. Any private and/or non-member organization interested in after-hours use will be charged the rental fee with necessary documentation. Fees received will be processed through the Village's accounting system.

Additional information is attached.

## Currently

**Name:** Essex Area Senior Center, Inc. - non-profit

**Location:** 2 Lincoln St. (until June 30)

**Hours of Operation:** 10 a.m. – 4 p.m. generally

### Membership

Open to Residents of Essex & other communities.

Dues \$12 yr. – (all members)

50 years of age or older

### Programs/ Activities:

Bingo, Bridge, Cards, Cribbage, Duplicate Bridge, Games, Genealogy, Jazzercise, Knitting & Crocheting, Mah Jongg, Puzzles, Scrabble, Seated Yoga, Perfect Blend Café, Monthly Soup & Sandwich, Guest Speakers, Trips, Special events.

Meal Site – Every week Sept/May-- Maple Street location (working with area churches to provide food and volunteers.)

### Financials:

Prepare annual budget for income and expenses

Center Site Accounts – checking/money market

Meal Site Accounts – checking/money market

(Currently pay all bills for expenses within each of the two separate sites – each site has their own treasurer.)

### Income:

After hour rental money \$200/month

3 major fund raisers –

2 bridge tournaments & Silent Auction \$1500-2000

Craft fair \$800-1100

Cribbage Tournaments - \$200+

Donations?

Meal site – in house and scheduled outings?

### Expenses Paid by EASC, Inc.:

Cleaning crew – weekly: \$50/week

Printer Rental –2/3 of \$79/month plus a per copy charge.

Supplies for meals - paper and groceries

Supplies for the center –  
bathroom/kitchen/cleaning/groceries

Programs expenses/supplies Insurance – raising to \$1200 year. May need more.

## Under Municipality

**Name?** Essex Area Senior Center

**Location:** 2 Lincoln St. (no Inc.)

**Hours of Operation:** same

### Membership

Open to:

Dues: same (all)

? years of age or older.

### Programs/ Activities:

Same or others as desired.  
After-hours conditions – see memo.

### Financials:

Will each site retain their own accounts/treasurer?

How would it work?

Municipal finance dept. as of 7/1/16.

### Income:

Municipal finance dept.\*

\*subject to laws governing non-profits.

### Expenses to be paid by Municipality:

Insurance

### Expenses to be paid by organization

Cleaning, supplies and groceries;  
copier lease.

## SENIOR CENTER

<b><u>In-kind Contributions by the Village:</u></b>	<b>FYE 14</b>	<b>FYE 15</b>
Rent - 2,500 square ft. @ \$9 per s.f. per annum	\$ 22,500.00	\$ 22,500.00
Utilities - one quarter of total utilities	\$ 4,117.00	\$ 4,029.00
Public Works personnel - maintenance repairs	<u>Not available</u>	<u>Not available</u>
Total for operating*	\$ 26,617.00	\$ 26,529.00

*\* Does not include electrical, plumbing and pest control contractors the Village has hired for the Senior Center.*

<b><u>Building Improvements - Interior and Exterior:</u></b>	<b>2004 - 2016</b>
Senior Center windows	\$ 9,900.00
Insulation blown in walls	\$ 2,565.00
Carpet	\$ 6,000.00
Roof	\$ 28,890.00
Siding	\$ 19,560.00
Exterior woodwork - Liszt Restoration	<u>Not available</u>
	\$ 66,915.00