

REGULAR COUNCIL MEETING Tuesday, August 27, 2024 6:00pm
<https://us06web.zoom.us/j/88982525535?pwd=VzIXOU5taldoYkgvSUdTcldqSUVGOT09>

Meeting ID: 889 8252 5535 Passcode: 675736

One tap mobile 929-205-6099

Page	Agenda Item
	1. Call to Order – 6:00PM
	2. Adjustments to the Agenda
	3. Visitors & Communications
	4. Consent Agenda
	A. Approval of Minutes i. Regular City Council Meeting of Monday August 26, 2024
6	B. Clerk’s Office Licenses & Permits C. Authorize the Manager to execute contract(s) D. Set Manager’s FY25 salary retroactive to July 1, 2024 E. Errors & Omissions: 531 N Main Street & 1 Third Street
	4-a. Approve City Warrants A. Approve warrants from Week of August 28, 2024
	5. City Clerk & Treasurer Report
	6. Liquor/Cannabis Control Boards
	7. City Manager’s Report
	8. New Business
20	A. Meet & greet new BUUSD Superintendent
22	B. RIVER program mitigation projects update
31	C. Authorize an expenditure of up to \$80,000 in ARPA funding for a hydrology study
31	D. Approve local hazard mitigation plan
31	E. Public Hearing Warned 7:00PM: Interim zoning revisions to revise density, parking, and housing requirements
43	F. 1 st Reading and Public Hearing Warned 7:10PM: Revisions to substantial damage threshold and underground tank requirements for the Flood Hazard Area Regulations
43	G. Review proposed changes to Minimum Housing Ordinance (Stockwell)
	9. Upcoming Business
	10. Round Table
	11. Executive Session – real estate, legal
	12. Adjourn

The next regular meeting of the City Council is scheduled for Tuesday, September 10, 2024.

Ground Rules for Interaction with each other, staff, and the general public

- Rules may be reviewed periodically
- Practice mutual respect
 - Assume good intent and explain impact
 - Ask clarifying questions
 - If off course, interrupt and redirect
- Think, then A.C.T.
 - Alternatives – Identify all choices
 - Consequences – Project outcomes
 - Tell your story – Prepare your defense
- Ethics checks
 - Is it legal?
 - Is it in scope (Charter, ordinance, policy)?
 - Is it balanced?
- “ELMO” – Enough, Let’s Move On
 - Honor time limits
 - Be attentive, not repetitive
- Be open-minded to different solutions or ideas
 - Remarks must be relevant and appropriate to the discussion; stay on subject
 - Don’t leave with “silent disagreement”
 - Decisions agreed on by consensus when possible, majority when necessary
 - All decisions of Council are final
- No blame
 - Articulate expectations of each other
 - We all deeply care about the City in our own way
 - Debate issues, not personalities
- Electronics
 - No texting, email, or videogames during the meeting



City of Barre, Vermont

6 N. Main St., Suite 2
Barre, VT 05641
www.barrecity.org

R. Nicolas Storellicastro
City Manager
(802) 476-0240
citymanager@barrecity.org

MEMO

TO: City Council
FROM: The Manager
DATE: 8/23/2024
SUBJECT: Packet Memo re: 8/27/2024 Council Meeting Agenda Items

Councilors:

The following notes apply to packet support materials for the Subject Council Meeting Agenda. Please note that following this memo are two documents related to the proposed demolition of the proposed demolition of the Smith Roundhouse Granite Shed that Representative Peter Anthony requested be included in the packet.

4-C Contract(s) for approval

There are no contracts for approval.

4-D Set Manager's FY25 salary retroactive to July 1, 2024

There is no memo in the packet for this agenda item. A memo will be available for Council at the meeting.

8-A Meet and green new BUUSD Superintendent

JoAn Canning, the newly appointed BUUSD Superintendent will be present to introduce herself to the City Council. She has been advised to keep her remarks to 5-10 minutes and allow for Q&A.

8-B RIVER program mitigation projects update

The RIVER program team will be back for the last visit before projects are submitted. City staff is conducting site visits on Friday morning with the RIVER team, so it is likely that the meeting materials will be delivered on Monday or Tuesday in order to capture information from those site visits.

8-C Authorize an expenditure of up to \$80,000 in ARPA funding for a hydrology study

At the request of the Mayor, and as discussed by the Council at its August 6, 2024 meeting, the Council will be asked to consider approving use of ARPA funding to support a hydrology study. If approved by the Council, the Manager will prepare an RFP for such a study to be conducted.

8-D Approve local hazard mitigation plan

The packet includes a memo and the draft plan for your consideration. Please note that we recommend that Council preemptively approve any changes to the plan that may be required by FEMA before the agency will grant approval.

8-E 1st Reading and Public Hearing Warned 7:00PM: Interim zoning revisions to revise density, parking, and housing requirements

Planning Director Janet Shatney will present proposed interim zoning revisions in order to come into compliance with laws recently enacted by the legislature to support housing development. These revisions have been reviewed and vetted by the Planning Commission.

8-F 1st Reading and Public Hearing Warned 7:10PM: Revisions to substantial damage threshold and underground tank requirements for the Flood Hazard Area Regulations

Planning Director Janet Shatney will also join us for this agenda item where Council will be asked to consider changes to Flood Hazard Area Regulations, including elimination of the \$50,000 threshold for substantial damage determinations. If adopted, that change would leave only the 50 percent assessed value threshold for such determinations.

8-G Review proposed changes to Minimum Housing Ordinance (Stockwell)

Councilor Stockwell has requested and drafted proposed amendments to strengthen the Minimum Housing Ordinance. City staff has reviewed Councilor Stockwell's draft and have flagged only a few instances of concern with the proposals. Both Councilor Stockwell and staff recommended changes are outlined in the memo.

August 20, 2024

Honorable Mayor
Council Members

FYI: Unique historical granite shed threatened by wrecking ball.

Dear Colleagues:

As if you do not have enough on your collective plate –now this.

Attached is an overview of why the Smith ‘round’ shed deserves special attention. At present, according to Ms C. Corkin, the division of historic preservation has no capacity to ‘save’, or intervene in the application process resulting in demolition.

I initiated a discussion with owner, applicant (Mr. Burns, pres. of) Capital Candy located on Burnham Meadows. In pursuit of an alternative to demolition Mr. Burns suggested I contact Messier’s (Sr.) house-movers. He and I visited the site, Friday, August 16. I have not heard back yet on challenges of dismantling, moving it. I remain hopeful a way forward can be found to save it.

Any assistance, thoughts are appreciated.

Respectfully, Rep. Peter Anthony, Granite Museum Bd. Member.



Cc: Sen. Watson; Rep. Williams; Mr. Burns; Caitlin Corkin, div. hist.pres.; Gina Akley, Pres., Vt. Gr. Mus.



State of Vermont
Division for Historic Preservation
Deane C. Davis Building, 6th Floor
One National Life Drive, Montpelier, VT 05620-0501
www.accd.vermont.gov/historic-preservation

*Agency of Commerce and
Community Development*

July 31, 2024

Development Review Board
Barre City Hall
6 N. Main Street
Barre, VT 05641

Dear Development Review Board:

On behalf of the Vermont Division for Historic Preservation I want to bring your attention to the significance of the E.L. Smith Roundhouse Granite Shed in Barre, Vermont, for which demolition is being considered. The roundhouse was listed in the National Register of Historic Places in 2011, recognized at the state level for its contribution to the granite history of Vermont. Notably, this is the only known example of a round granite shed in the United States.

The E.L. Smith Roundhouse Granite Shed was constructed in 1889 when the granite industry was the main employer in Barre, and the city became the major producer of granite in Vermont. The shed is named for Emery L. Smith, the first mayor of the city of Barre who was responsible for its construction. Smith was an innovator in the granite industry, being the first to install a permanent derrick to move large pieces of granite and the first to use compressed air drilling apparatus. The unusual design of the sixteen-sided roundhouse cutting shed was a result of the Smith-designed crane that was hand-powered on a large chain pulley that turned the center shaft.

Despite some industry-related alterations and fire damage, E.L. Smith Roundhouse Granite Shed remains Emery Smith's creation and is one of the last vestiges in Vermont to reflect this significant period in our history. The loss of this granite shed and the associated company office building would greatly impair our ability to tell the story of Vermont's granite history, the innovator and company owners, the innovations established in the Green Mountain State, and those who worked in the industry. Should the shed be demolished the State Historic Preservation Office would ask the National Park Service to delist the property from the National Register of Historic Places.

Respectfully,

DocuSigned by:
A handwritten signature in cursive script that reads "Laura Trieschmann".
E88B1289163F42E...

Laura V. Trieschmann
Vermont State Historic Preservation Officer
Laura.trieschmann@vermont.gov





City of Barre, Vermont

“Granite Center of the World”

CITY COUNCIL AGENDA: 8/27/2024

Agenda Item No. 4-E

AGENDA ITEM DESCRIPTION: Errors & Omissions – 531 N. Main St. & 1 Third St.

SUBJECT: Request correction to the taxes to this parcel; 1 Third Street was damaged by flooding in 2023

SUBMITTING DEPARTMENT or PERSON: Larry Martin (Assessor) & Carly Martin (Assistant Assessor)

STAFF RECOMMENDATION: Approve the requested E&O correction to the Grand list for this property

EXPENDITURE AND FUNDING SOURCE(S): None

LEGAL AUTHORITY/REQUIREMENTS: 32 VSA §4261

§4261. Correcting the Grand List

When real or personal estate is omitted from the grand list by mistake or obvious error is found, the listers, with the approval of the Selectboard, on or before December 31, may supply such omissions or correct such errors and make a certificate thereon of the fact; provided however, the listers may make a correction resulting from the filing or rescission of a homestead declaration without the approval of the Selectboard.

BACKGROUND/SUPPLEMENTAL INFORMATION: The parcel was re-assessed in 2024 due to flooding however, during the property inspection there was confusion about which building was 1 Third Street. At the time of the inspection many of the buildings on Third Street lacked street numbers and there are buildings that do not front on Third Street but are assigned Third Street addresses. The error was brought to the assessor’s attention when answering a permitting question. The value for this property needs to be lowered to reflect the flooded condition. The land value was also accidentally inputted incorrectly and needed to be corrected.

ATTACHMENTS: Copies of lister’s cards for before and after the change have been provided

RECOMMENDED ACTION/MOTION:

Move to approve the error and omission request for 531 N. Main Street and 1 Third Street, as requested by the Assessor.



Photo of 1 Third Street



Parcel

ADMINISTRATIVE INFORMATION

OWNERSHIP

Tax ID 036-011-11193

Printed 08/20/2024 Card No. 1 of 3

PARCEL NUMBER 1095-0531-0000
Parent Parcel Number
Property Address N MAIN ST 0531 & 1 THIRD ST
Neighborhood 23 Outlying commercial
Property Class 102 Two Family (<6ac)
TAXING DISTRICT INFORMATION
Jurisdiction 011
Area 036

FOIADELLI VERONICA
531 N MAIN ST
BARRE, VT 05641
2 SFR (2 BLDGS)-0.11AC
MAP 4-9
DELL ICE CREAM AT # 533 REMOVED 04 (911 SHOWS 531)
10/4/12 TRANSFERRED TITLE FOR 531 & 1 THIRD
CONTINUING LIFE ESTATE ON THE LAND & PREMISES
RETAINED BY HER

TRANSFER OF OWNERSHIP

Table with columns: Date, Transferor, Amount. Includes entries for 10/22/2012, 07/19/2006, and 04/17/1972.

RESIDENTIAL

VALUATION RECORD

Act 68 Value Allocations

Table with columns: Year, Date, Reason for Change, Valuation, Destroy, Destroy, Destroy, C of C, Housesite, Value. Includes rows for 2023 and 2006 Market.

Site Description

Public Utilities: Water, Sewer, Electric
Street or Road: Paved, Sidewalk
Zoning: UC-3 Zoning District
Flood Zone - Zone AE-SFHA

LAND DATA AND CALCULATIONS

Table with columns: Rating, Measured, Table, Prod. Factor, Soil ID, Acreage, Depth Factor, Base Rate, Adjusted Rate, Extended Value, Influence Factor, Value. Includes rows for Land Type and Legal Acres.

COMB: COMBO for tax billing
036-011-13709
G: GENERAL NOTES
2006 REAPPRAISAL
8/2006 GRIEVANCE CHANGE FROM 217,100 TO 199,560
4/1/2009 APPRAISAL REVIEWED & REVISED FOR KITCHENS, BATHS, QUALITY BUILD
4/1/2010 APPRAISAL REVIEWED & REVISED FOR INTERIOR FINISH, SEGMENT LABELS FOR 1 STY & BLDG TO SHED AREA
6/2013 GRIV; APPRAISAL REVIEWED & REVISED FOR CONDITION, PHYSICAL DEPRI, FUNCTIONAL OBSOLESCENCE
4/1/2018 PARCEL ID CHANGE FROM 1095-533-0000 TO 1095-0531-0000 N MAIN
4/1/22 HS FILING ACCEPTED AS FILED AT 0 % RENTAL OR BUSINESS
4/1/24 HS FILING ACCEPTED AS FILED AT 0 % BUSINESS OR RENTAL
4/3/24 - Exterior Inspection - Commercial area removed.

Supplemental Cards

TRUE TAX VALUE 36750

Supplemental Cards

TOTAL LAND VALUE 36750

IMPROVEMENT DATA

PHYSICAL CHARACTERISTICS

Style: New England Cape
 Occupancy: Single family
 Story Height: 1.75
 Finished Area: 1155
 Attic: None
 Basement: Full

ROOFING

Material: Asphalt Shingles
 Type: Gable
 Framing: Std for class
 Pitch: Not available

FLOORING

Slab B
 Sub and joists 1.0, 1.75
 Hardwood 1.0, 1.75

EXTERIOR COVER

Masonry B
 Wood Clapboards 1.0
 Wood shake 1.75

INTERIOR FINISH

Drywall 1.0, 1.75

ACCOMMODATIONS

Finished Rooms 7
 Bedrooms 4

HEATING AND AIR CONDITIONING

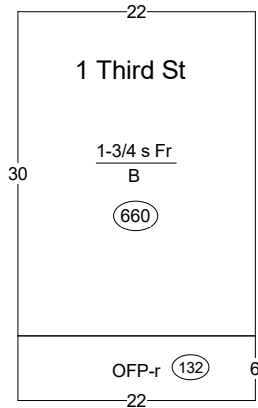
Primary Heat: Hot water - gas
 Lower Full Part
 /Bsmt 1 Upper Upper

PLUMBING

	#	
3 Fixt. Baths	1	3
2 Fixt. Baths	1	2
Kit Sink	1	1
Water Heat	1	1
Extra Fixt	1	
TOTAL		8

REMODELING AND MODERNIZATION

Amount Date



Construction	Base Area	Floor Area	Finished Area	Sq Ft	Value
1 Wood Frame	660	1.0	660		53820
1 Wood Frame	660	1.75	495		6650
4 Concrete Block	660	Bsmt	0		12210
		0 Crawl	----		0

TOTAL BASE				72680
Row Type	Adjustment			1.00%
SUB-TOTAL				72680
0 Interior Finish				16450
0 Ext Lvg Units				0
0 Basement Finish				0
Fireplace(s)				0
Heating				1720
Air Condition				0
Frame/Siding/Roof				4540
Plumbing Fixt: 8				3722
SUB-TOTAL ONE UNIT				99112
SUB-TOTAL 0 UNITS				99112
Exterior Features	Value			
Description	Value	Garages		
OFF-R	3220	0 Integral	0	
		0 Att Garage	0	
		0 Att Carports	0	
		0 Bsmt Garage	0	
		Ext Features	3220	
SUB-TOTAL				102332
Quality Class/Grade				Avg
GRADE ADJUSTED VALUE				112570

SPECIAL FEATURES

Description	Value
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SUMMARY OF IMPROVEMENTS

ID	Use	Stry Hgt	Const Type	Grade	Year Const	Eff Year	PR	Base Rate	Feat-ures	Adj Rate	Size or Area	Computed Value	Phys Depr	Obsol Depr	Market Adj	% Comp	Value
D	DWELL	0.00		Avg	1910	1910	PR	0.00	N	0.00	1980	112570	43	5	100	100	61020

Data Collector/Date

AL 01/28/2006

Appraiser/Date

CEL 04/01/2006

Neighborhood

Neigh 23 VG

Supplemental Cards

TOTAL IMPROVEMENT VALUE

61020

(LCM: 110.00)

ADMINISTRATIVE INFORMATION

OWNERSHIP

Tax ID 036-011-11193

Printed 08/20/2024 Card No. 2 of 3

TRANSFER OF OWNERSHIP

Date

VALUATION RECORD

2023

Reason for Change

VALUATION

Site Description

LAND DATA AND CALCULATIONS

Land Type	Rating	Measured	Table	Prod. Factor	Base	Adjusted	Extended	Influence	Value
	Soil ID	Acreage		-or-					
	-or-	-or-	Effective	-or-	Rate	Rate	Value	Factor	
	Actual	Effective	Depth	Square Feet					
Frontage	Frontage	Frontage	Depth	Square Feet	Rate	Rate	Value	Factor	Value

G: GENERAL NOTES
4/3/24 - Exterior Inspection - Commercial area removed.
Renovations ongoing and house was occupied. Owner did not allow interior access. FLOOD DAMAGE

IMPROVEMENT DATA

PHYSICAL CHARACTERISTICS

Style: 52 Multi Family - 2
 Occupancy: Duplex
 Story Height: 2.0
 Finished Area: 2160
 Attic: None
 Basement: Full

ROOFING

Material: Asphalt Shingles
 Type: Hip
 Framing: Std for class
 Pitch: Not available

FLOORING

Slab B
 Sub and joists 1.0, 2.0
 Vinyl tile 1.0
 Carpet 1.0, 2.0

EXTERIOR COVER

Vinyl B, 1.0, 2.0

INTERIOR FINISH

Plaster 1.0, 2.0

ACCOMMODATIONS

Finished Rooms 9
 Bedrooms 4
 Commercial Rooms 2

HEATING AND AIR CONDITIONING

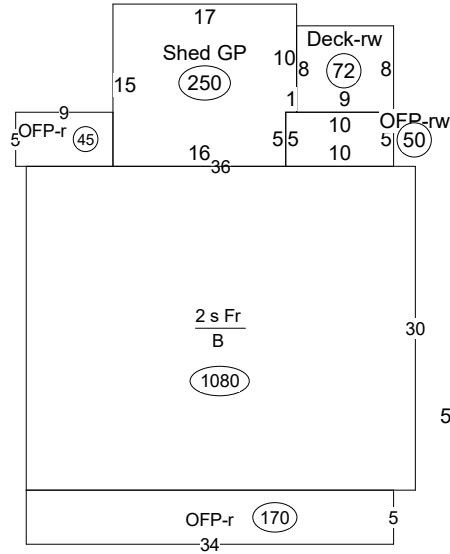
Primary Heat: Forced hot air-oil
 Lower Full Part
 /Bsmt 1 Upper Upper

PLUMBING

	#
3 Fixt. Baths	2 6
Kit Sink	1 1
Water Heat	1 1
Extra Fixt	2
TOTAL	10

REMODELING AND MODERNIZATION

Amount	Date
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533 NORTH MAIN ST



(LCM: 110.00)

SPECIAL FEATURES

SUMMARY OF IMPROVEMENTS

Description	Value	ID	Use	Stry Hgt	Const Type	Year	Eff Year	Const	Year	Cond	Base Rate	Feat-ures	Adj Rate	Size or Area	Computed Value	Phys Depr	Obsol Depr	Market Adj	% Comp	Value
01 :E	500	D	DWELL	0.00	Avg	1910	1910	PR	0.00	N	0.00	N	0.00	3240	179260	90	20	100	100	14340
01 SHEDGP		01	SHEDGP	0.00	1	Avg	1960	1960	FR	9.60	Y	10.08	15x 17	3050	53	20	100	100		1140

Data Collector/Date

Appraiser/Date

Neighborhood

Supplemental Cards

AL 01/28/2006

CEL 04/01/2006

Neigh 23 VG

TOTAL IMPROVEMENT VALUE

15480

ADMINISTRATIVE INFORMATION

OWNERSHIP

Tax ID 036-011-11193

Printed 08/20/2024 Card No. 3 of 3

TRANSFER OF OWNERSHIP

Date

VALUATION RECORD

2023
Reason for Change
VALUATION

Site Description

LAND DATA AND CALCULATIONS

Land Type	Rating	Measured	Table	Prod. Factor	Base	Adjusted	Extended	Influence	Value
	Soil ID	Acreage		-or-					
	-or-	-or-	Effective	-or-	Rate	Rate	Value	Factor	
	Actual	Effective	Depth	Square Feet					
Land Type	Frontage	Frontage	Depth	Square Feet	Rate	Rate	Value	Factor	Value

IMPROVEMENT DATA

PHYSICAL CHARACTERISTICS

SPECIAL FEATURES

SUMMARY OF IMPROVEMENTS

Description	Value	ID	Use	Stry Hgt	Const Type	Grade	Year Const	Eff Year	Cond	Base Rate	Feat-ures	Adj Rate	Size or Area	Computed Value	Phys Depr	Obsol Depr	Market Adj	% Comp	Value
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Data Collector/Date

Appraiser/Date

Neighborhood

Supplemental Cards

Neigh 23 VG

TOTAL IMPROVEMENT VALUE

ADMINISTRATIVE INFORMATION

PARCEL NUMBER 1095-0531-0000
Parent Parcel Number
Property Address N MAIN ST 0531 & 1 THIRD ST
Neighborhood 23 Outlying commercial
Property Class 102 Two Family (<6ac)
TAXING DISTRICT INFORMATION
Jurisdiction 011
Area 036

OWNERSHIP

FOIADELLI VERONICA
531 N MAIN ST
BARRE, VT 05641
2 SFR (2 BLDGS)-0.11AC
MAP 4-9
DELL ICE CREAM AT # 533 REMOVED 04 (911 SHOWS 531)
10/4/12 TRANSFERRED TITLE FOR 531 & 1 THIRD
CONTINUING LIFE ESTATE ON THE LAND & PREMISES
RETAINED BY HER

Tax ID 036-011-11193

TRANSFER OF OWNERSHIP

Table with columns: Date, Transferor, Amount. Includes entries for 10/22/2012, 07/19/2006, and 04/17/1972.

Printed 08/20/2024 Card No. 1 of 3

RESIDENTIAL

VALUATION RECORD

Table with columns: Year, Date, Reason for Change, Valuation, Destroy, Destroy, Destroy, C of C, Housesite. Includes rows for 2023 and 2006 Market.

Site Description

Public Utilities: Water, Sewer, Electric
Street or Road: Paved, Sidewalk
Zoning: UC-3 Zoning District
Flood Zone - Zone AE-SFHA

LAND DATA AND CALCULATIONS

Table with columns: Rating, Measured, Table, Prod. Factor, Soil ID, Acreage, Depth Factor, Base Rate, Adjusted Rate, Extended Value, Influence Factor, Value. Includes rows for Land Type and Legal Acres.

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8/2006 GRIEVANCE CHANGE FROM 217,100 TO 199,560
4/1/2009 APPRAISAL REVIEWED & REVISED FOR KITCHENS, BATHS, QUALITY BUILD
4/1/2010 APPRAISAL REVIEWED & REVISED FOR INTERIOR FINISH, SEGMENT LABELS FOR 1 STY & BLDG TO SHED AREA
6/2013 GRIV; APPRAISAL REVIEWED & REVISED FOR CONDITION, PHYSICAL DEPRI, FUNCTIONAL OBSOLESCENCE
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4/1/22 HS FILING ACCEPTED AS FILED AT 0 % RENTAL OR BUSINESS
4/1/24 HS FILING ACCEPTED AS FILED AT 0 % BUSINESS OR RENTAL
4/3/24 - Exterior Inspection - Commercial area removed.

Supplemental Cards

TRUE TAX VALUE 36750

Supplemental Cards
TOTAL LAND VALUE

36750

IMPROVEMENT DATA

PHYSICAL CHARACTERISTICS

Style: New England Cape
 Occupancy: Single family
 Story Height: 1.75
 Finished Area: 1155
 Attic: None
 Basement: Full

ROOFING

Material: Asphalt Shingles
 Type: Gable
 Framing: Std for class
 Pitch: Not available

FLOORING

Slab B
 Sub and joists 1.0, 1.75
 Hardwood 1.0, 1.75

EXTERIOR COVER

Masonry B
 Wood Clapboards 1.0
 Wood shake 1.75

INTERIOR FINISH

Drywall 1.0, 1.75

ACCOMMODATIONS

Finished Rooms 7
 Bedrooms 4

HEATING AND AIR CONDITIONING

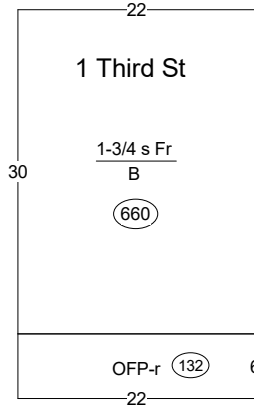
Primary Heat: Hot water - gas
 Lower Full Part
 /Bsmt 1 Upper Upper

PLUMBING

	#
3 Fixt. Baths	1 3
2 Fixt. Baths	1 2
Kit Sink	1 1
Water Heat	1 1
Extra Fixt	1
TOTAL	8

REMODELING AND MODERNIZATION

Amount Date



Construction	Base Area	Floor Area	Finished Area	Sq Ft	Value
1 Wood Frame	660	1.0	660	53820	
1 Wood Frame	660	1.75	495	6650	

4 Concrete Block	660	Bsmt	0	12210	
		0 Crawl	----	0	

TOTAL BASE 72680

Row Type	Adjustment	Value
SUB-TOTAL		72680

0 Interior Finish	16450
0 Ext Lvg Units	0
0 Basement Finish	0
Fireplace(s)	0
Heating	1720
Air Condition	0
Frame/Siding/Roof	4540
Plumbing Fixt: 8	3722

Sub-TOTAL ONE UNIT	Value
SUB-TOTAL ONE UNIT	99112
SUB-TOTAL 0 UNITS	99112

Description	Value	Garages	Value
OFF-R	3220	0 Integral	0
		0 Att Garage	0
		0 Att Carports	0
		0 Bsmt Garage	0
Ext Features			3220

Sub-TOTAL	Value
SUB-TOTAL	102332
Quality Class/Grade	Avg

GRADE ADJUSTED VALUE 112570

(LCM: 110.00)

SPECIAL FEATURES

SUMMARY OF IMPROVEMENTS

Description	Value	ID	Use	Stry Hgt	Const Type	Grade	Year Const	Eff Year	PR	Base Rate	Feat-ures	Adj Rate	Size or Area	Computed Value	Phys Depr	Obsol Depr	Market Adj	% Comp	Value
		D	DWELL	0.00		Avg	1910	1910	PR	0.00	N	0.00	1980	112570	90	20	100	100	9020

Data Collector/Date

AL 01/28/2006

Appraiser/Date

CEL 04/01/2006

Neighborhood

Neigh 23 VG

Supplemental Cards

TOTAL IMPROVEMENT VALUE

9020

ADMINISTRATIVE INFORMATION

OWNERSHIP

Tax ID 036-011-11193

Printed 08/20/2024 Card No. 2 of 3

TRANSFER OF OWNERSHIP

Date

VALUATION RECORD

2023

Reason for Change

VALUATION

Site Description

LAND DATA AND CALCULATIONS

Land Type	Rating	Measured	Table	Prod. Factor	Base	Adjusted	Extended	Influence	Value
	Soil ID	Acreage		-or-					
	-or-	-or-	Effective	-or-	Rate	Rate	Value	Factor	
	Actual	Effective	Depth	Square Feet					
Frontage	Frontage	Frontage	Depth	Square Feet	Rate	Rate	Value	Factor	Value

G: GENERAL NOTES
4/3/24 - Exterior Inspection - Commercial area removed.
Renovations ongoing and house was occupied. Owner did not allow interior access. FLOOD DAMAGE

ADMINISTRATIVE INFORMATION

OWNERSHIP

Tax ID 036-011-11193

Printed 08/20/2024 Card No. 3 of 3

TRANSFER OF OWNERSHIP

Date

VALUATION RECORD

2023

Reason for Change

VALUATION

Site Description

LAND DATA AND CALCULATIONS

Land Type	Rating	Measured	Table	Prod. Factor	Base	Adjusted	Extended	Influence	Value
	Soil ID	Acreage		-or-					
	-or-	-or-	Effective	-or-	Rate	Rate	Value	Factor	
	Actual	Effective	Depth	Square Feet					
Land Type	Frontage	Frontage	Depth	Square Feet	Rate	Rate	Value	Factor	Value

IMPROVEMENT DATA

PHYSICAL CHARACTERISTICS

SPECIAL FEATURES

SUMMARY OF IMPROVEMENTS

Description	Value	ID	Use	Stry Hgt	Const Type	Grade	Year Const	Eff Year	Cond	Base Rate	Feat-ures	Adj Rate	Size or Area	Computed Value	Phys Depr	Obsol Depr	Market Adj	% Comp	Value
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Data Collector/Date

Appraiser/Date

Neighborhood

Supplemental Cards

Neigh 23 VG

TOTAL IMPROVEMENT VALUE



City of Barre, Vermont

“Granite Center of the World”

CITY COUNCIL AGENDA: 8/27/2024

Agenda Item No. 8-C

AGENDA ITEM DESCRIPTION: Authorize an expenditure of up to \$80,000 in ARPA funding for a hydrology study

SUBMITTING DEPARTMENT/PERSON: Mayor Lauzon and the Manager

STAFF RECCOMENDATION: Authorize an expenditure of ARPA funds

BACKGROUND INFORMATION:

As the City has been going through the process of putting together hazard mitigation projects, it has become clear that a hydrology study is necessary to inform how water moves through our City and its infrastructure. Much of our understanding of our stormwater systems is out-of-date or non-existent. As a result, the City is at times operating with blind spots as we navigate more frequent and more powerful rain and flooding events.

A hydrology study has quickly escalated up the priority list of projects. It is expected that an effective study could cost between \$40,000 to \$80,000. While this project may be competitive under the hazard mitigation program, those funds are unlikely to be awarded for some time, and a hydrology study is needed on a more timely basis to better understand our City infrastructure, and to identify its weaknesses.

At its July 6, 2024 meeting, the Mayor recommended use of ARPA funding to support a hydrology study. This agenda item would authorize allocation of up to \$80,000 in ARPA funding for that purpose. With this approval, the Manager will prepare a request for proposals to fund such a study.

The Council has approved or committed to the following uses of ARPA funding:

- **Approved \$355,590 to re-line the sewer along N. Main Street from Brook Street to the siphon near Fifth Street.** This project will fortify a stretch of sewer that was inventoried after the July 2023 flood, and the re-lining will repair a line with high-use (including North Barre Manor) at a fraction of traditional replacement and without disrupting new pavement.
- **Approved \$250,000 to Downstreet for the Granite City Apartments project at the Ward 5 School.** This project requested funding through the letters of interest process. Funding was recommended because “Housing” was the highest ranked priority in the survey, and this project specifically received the greatest support among those who returned surveys.
- **Committed \$250,000 to create a revolving loan trust/fund.** This project was initiated by the City Council and the details of the program (which require formal Council approval) were delegated to the Housing Task Force. The Task Force and Downstreet will be presenting a proposed trust/fund at the July 2, 2024 Council meeting.
- **Committed \$200,000 as a placeholder for project management/grant capacity.** The Council has tentatively agreed to use ARPA funding to support expanded capacity in City Hall. The listed amount is a placeholder to guide conversations.

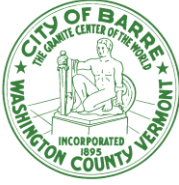
- **Approved \$55,557 to the Barre Opera House lighting project.** This project was part of a settlement to correct years where City Hall electrical use was charged to the Opera House.
- **Approved \$29,819 to Central Vermont Habitat for Humanity for a loan to demolish 22 Hill Street.** This project is to build a new, affordable housing unit on a tax sale property. As part of the purchase agreement, the City agreed to provide a no-interest loan to Habitat for the demolition of the existing property, and the City will be reimbursed based on a timeline established in the purchase and sale agreement.
- **In addition, \$52,947 in smaller expenditures have been approved under ARPA,** including
 - Police Department payroll and FICA
 - Warming shelter
 - ARPA community outreach for the community innovation fund
 - Bike share loan program (may be funded with other sources)

With all these expenditures and earmarks, approximately \$1.4 million of ARPA funds must be allocated by December 31, 2024 and expended by December 31, 2026. If Council approves this use of ARPA funds, approximately \$1.32 million would remain.

EXPENDITURE AND FUNDING SOURCE: Up to \$80,000 of ARPA funding

RECOMMENDED ACTION/MOTION:

Move to authorize up to \$80,000 in ARPA funding to commission a hydrology study.



City of Barre, Vermont

“Granite Center of the World”

**ACTION ITEM BRIEFING MEMO
CITY COUNCIL AGENDA ITEM
CITY COUNCIL AGENDA: 08-27-2024**

Consent Item No.: _____ **Discussion Item No.** _____ **Action Item No.** **8E**

AGENDA ITEM DESCRIPTION: *Public Hearing for revisions to the Unified Development Ordinance for density, parking and housing under Interim Zoning Adoption*

SUBJECT: *Revisions to the Unified Development Ordinance to adjust density requirements and parking to meet new state law; and a revision that allows for up to 6 units of housing per acre provided all other requirements are met*

SUBMITTING DEPARTMENT/PERSON: *Barre City Planning Commission; Janet Shatney, Planning Director*

STAFF RECOMMENDATION: *Approve the draft revisions made by the commission and staff under the provisions of Interim Adoption*

STRATEGIC OUTCOME/PRIOR ACTION: *clarifies that the only one parking space per dwelling unit is required under zoning and removes the odd calculation currently there; revises the density of our largest residential zoning district to meet state law that up to 5 dwelling units per acre is the new standard. The Commission also believes that adding in the draft language under residential density standards will assist with and make housing opportunities an immediate opportunity*

EXPENDITURE REQUIRED: *No expenses associated with these revisions*

FUNDING SOURCE(S): *Not applicable*

LEGAL AUTHORITY/REQUIREMENTS: *24 VSA § 4415*

BACKGROUND/SUPPLEMENTAL INFORMATION:

In order to achieve an Interim Bylaw revision, we must follow 24 V.S.A. §4415 of the Land Use Laws.

4415(a) states that the legislative body may adopt interim bylaws regulating land development in all or part of the municipality in order to protect the public health, safety, and general welfare and provide for orderly physical and economic growth.

An Interim Zoning Approval is a single public hearing at the City Council level, being held August 27, 2024. Should approval be gained by the Council, an Interim Zoning approval is effective for a period of two (2) years from the date of approval. The planning commission

would then go through the formal full process with any other revisions before the 2 years is done so that these interim changes would be fully incorporated.

4415(d) is important to note that, “The authorization by the legislative body shall be granted only upon a finding by the body that the proposed use is consistent with the health, safety, and welfare of the municipality and the standards contained in subsection (e) of this section. The applicant and all abutting property owners shall be notified in writing of the date of the hearing and of the legislative body’s final determination.”

(e) In making a determination, the legislative body shall consider the proposed use with respect to the following:

1. The capacity of existing or planned community facilities, services or lands.
2. The existing patterns and uses of development in the area.
3. Environmental limitations of the site or area and significant natural resource areas and sites.
4. Municipal plans and other municipal bylaws, ordinances, or regulations in effect.

We ask that due to this being a single public hearing, the Council ensure that anyone in the audience for this item, sign in on a sheet of paper at the front of the room as participation in the local proceeding is a prerequisite for the right to take any subsequent appeal (24 V.S.A. §4464(A)(C)). Anyone that has written in for this public hearing shall be recognized and any documents read as if they were physically present.

In summary, if the Council wishes to adopt this proposed interim zoning, there must be a finding that this proposed use is consistent with the health, safety, and general welfare and provide for orderly physical and economic growth of the municipality.

LINK(S): Not applicable; cited above

ATTACHMENTS: Copy of email from VLCT attorney outlining Interim Bylaw adoptions; Copy of the tear sheet for this public hearing in the Times Argus, and revised draft pages of the Unified Development Ordinance seeking revision

INTERESTED/AFFECTED PARTIES: Barre City taxpayers, landlords, future home buyers; Barre City Council

RECOMMENDED ACTION/MOTION: Approve the revisions as presented, that these revisions will provide for physical and economic growth in the City in a safe, orderly way and allow for the opportunity for immediate housing growth within the City.

Janet Shatney

From: Garrett Baxter <gbaxter@vlct.org>
Sent: Monday, May 6, 2024 11:31 AM
To: Janet Shatney
Subject: RE: Legal Stance on the use of Interim zoning

Good morning Janet,

Thank you for your email. I apologize for the issues you've been having with our MAP system. I've notified our tech people and hopefully they'll have them remedied soon.

Generally speaking, interim bylaws are adopted as an emergency measure in order to protect the public, health, safety and general welfare and to provide for the orderly growth of the community. Due to their nature, interim bylaws warrant an expedited adoption process. In contrast to a regular zoning proposal/amendment/repeal which requires both notice and hearings to be held by both the Planning Commission and Selectboard in accordance with 24 V.S.A. §§ 4441, 4442, interim bylaws may be adopted after only public notice and one hearing of the Selectboard. See 24 V.S.A. § 4415: <https://legislature.vermont.gov/statutes/section/24/117/04415>

I should note however that interim bylaws are also predicated on the town conducting or taking action to conduct studies, or having held or holding a hearing for the purpose of considering a bylaw or an addition to a bylaw. We would recommend that the selectboard be prepared to create a legislative record to demonstrate how such the interim bylaws would "protect the health, safety and general welfare" of the town's residents and/or how it would "provide for orderly physical and economic growth in the town." 24 V.S.A. 4415(a). Given the fact that an interim bylaw is adopted as an 'emergency measure' by the selectboard, the implication is that it will take effect immediately upon adoption. Interim bylaws are limited in duration to two years from their effective date and can only be extended for a one-year period thereafter.

Since an application vest under an existing regulation at the time it is filed [Smith v. Winhall Planning Commission, 140 Vt. 178 (1981)], an application received after the adoption of an interim bylaw would be reviewed under the interim bylaw.

To address your specific concerns, so long as the above conditions are satisfied, a town could always move to adopt interim bylaws and while at the same time pursuing the adoption of more permanent bylaws by adhering to the statutorily prescribed adoption/amendment/repeal process. That's likely a conversation you as Planning Director should have with the Selectboard and Planning Commission Chairs so as to coordinate their strategic approach to tackling this issue.

I hope this helps. All the best.

Sincerely,

Garrett A. Baxter



Garrett Baxter, Esq.
Senior Staff Attorney, Municipal Assistance Center
Vermont League of Cities & Towns
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(802) 229-9111
gbaxter@vlct.org
Pronouns: he, him, his
VLCT.ORG

2004.C **Materially Similar Uses.** The Zoning Administrator may make a written determination that a proposed use not listed on the use table (see [Section 2115](#)) as permitted or conditional in any district is materially similar to a use listed as permitted or conditional in the applicable zoning district and that it should be allowed to the same extent and subject to the same standards as that permitted or conditional use if it has:

- (1) Similar impacts on the neighborhood such as traffic, noise and lighting as that listed use; and
- (2) Similar characteristics such as building type, site arrangement, floor area, number of employees, customer traffic, equipment use, hours of operation, parking, vehicle trips and signage as that permitted or conditional use.

2004.D **Multiple and Mixed Uses.** A landowner may use a lot or structure for any combination of uses allowed in the applicable zoning district.

2004.E **Accessory Uses.** A landowner may establish accessory uses on a lot in accordance with the standards below:

- (1) The total area occupied by accessory uses must not exceed 40% of the total area occupied by the associated principal use. For principal uses conducted primarily indoors, this calculation will be based on total gross floor area. For principal uses conducted primarily outdoors, this calculation will be based on total lot area.
- (2) An accessory use must be a permitted or conditional use in the applicable zoning district, or it must be specifically authorized as an allowed accessory use to the applicable principal use in this ordinance (see [Section 3006](#)).
- (3) The standards of this subsection do not apply to accessory dwellings, home occupations, home businesses and family childcare homes.

2005 Dimensional Standards

2005.A **Applicability.** Development must conform to the dimensional standards for the applicable zoning district (see [Section 2116](#)) unless:

- (1) A subject lot or structure is a nonconformity and the proposed development is in conformance with the requirements of [Subpart 100](#);
- (2) The applicant receives a waiver ([Section 4404](#)) or variance ([Section 4405](#)) from the Development Review Board; or
- (3) The proposed development will be approved as a planned unit development in accordance with the provisions of this ordinance.

2005.B **Principal Buildings.** Landowners may locate more than one principal building on a lot in accordance with the standards below:

- (1) The total amount of development on the lot must not exceed the maximum

Revisions to
this section
begin on next
page

density allowed in the district;

- ~~(2) There must not be more than 2 detached single or 1 two family dwelling on any lot unless approved as part of a planned unit development in accordance with the provisions of this ordinance;~~
- (3) Each principal building must meet the applicable dimensional standards of the zoning district;
- (4) The distance between new principal buildings or between a new principal building and an existing principal building must not be less than twice the side setback required in the zoning district, unless they are attached; and
- (5) Approval of multiple principal buildings on a lot will not constitute a right to separately convey those structures unless:
 - (a) The subject lot will be lawfully subdivided in accordance with the provisions of this ordinance; or
 - (b) The building will be lawfully converted to condominium ownership, which may include the subdivision of footprint lots.

2005.C **Accessory Structures.** Landowners may locate accessory structures on a lot in accordance with the standards below:

- (1) Unless otherwise specified in this ordinance, accessory structures must meet the front setback requirements for the applicable zoning district (see [Section 2116](#));
- (2) Accessory structures must be located at least 8 feet from any other structure unless they are attached to that structure;
- (3) Unless otherwise specified in this ordinance, accessory structures must not exceed a maximum height of 36 feet or the height of the associated principal building, whichever is less; and
- (4) Unless otherwise specified in this ordinance, accessory structures:
 - (a) With a footprint of not more than 120 square feet and a height of not more than 10 feet must be set back at least 4 feet from rear and side property lines, or the minimum setback requirements for the district in which they are located, whichever is less; or
 - (b) With a footprint in excess of 120 square feet or a height in excess of 10 feet be set back at least 12 feet from rear and side property lines, or the minimum setback requirements for the district in which they are located, whichever is less.

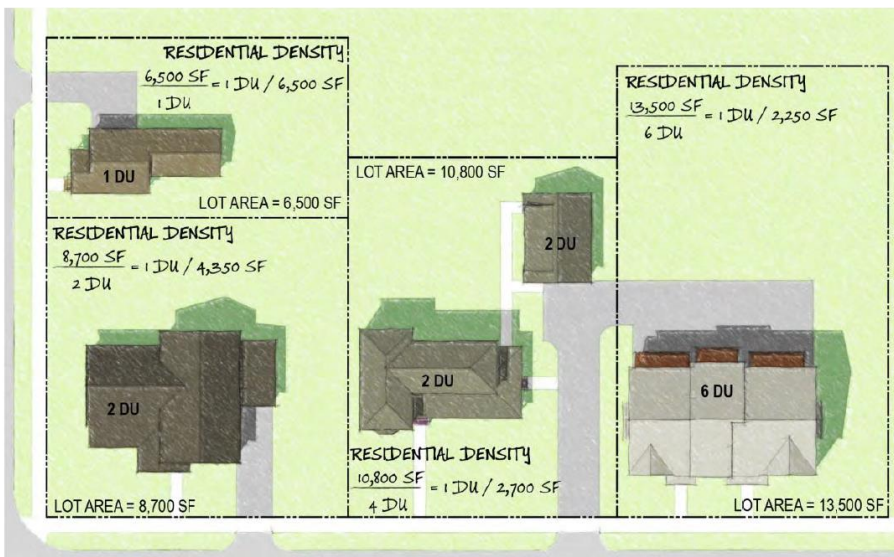
2005.D **Lot Size or Area.** Lot size will be regulated in accordance with the following:

2006 Residential Density Standards

2006.A The number of dwelling units on a lot must not exceed the maximum density specified in the applicable zoning district except:

- (1) Accessory dwellings approved under [Section 3202](#) will not count as a dwelling unit for the purposes of calculating density.
- (2) A pre-existing small lot may be developed in accordance with [Section 1303](#) irrespective of whether it will comply with the residential density standard for the applicable district.
- (3) Maximum residential density shall be based on a parcel's total acreage or square footage.
- (4) At a minimum, any parcel served by city water and sewer may be approved for up to ~~four~~ six (46) dwelling units irrespective of the district lot size provided that all other applicable standards of these regulations are met. And, any parcel served by water and sewer services may be subdivided such that up to six dwelling units are on a conforming parcel irrespective of the district density provided all other applicable standard of these regulations are met.
- (5) Calculating Lot size: each base zoning district establishes the minimum lot size required for a parcel. This standard shall be calculated in square feet of a parcel area where 1 acre equals 43,560 square feet as shown in Figure 2-3.

Figure 2- 3: Residential Density Calculation



2116 Dimensional Table

USE & DEFINITION	UC-1	UC-2	UC-3	MU-1	MU-2	MU-3	R-16	R-12	R-8	R-4	GB	IN	CIV	CON
LOTS														
Minimum lot size Inclusive of all land within the property boundaries, but excluding any land within a street right-of-way.	2,000 sf	3,000 sf	3,000 sf	4,000 sf	4,000 sf	40,800 8,712 sf	4,000 sf	4,000 sf	5,400 sf	40,800 8,712 sf	10,000 sf	20,000 sf	20,000 sf	40,000 sf
Minimum lot frontage On a maintained public or private street, excluding any frontage on limited access highways, or Class 4 roads or unimproved rights-of-way.	15 ft	30 ft	45 ft	30 ft	30 ft	60 ft	30 ft	30 ft	45 ft	60 ft	60 ft	90 ft	90 ft	180 ft
Maximum lot coverage Total amount of impervious surface as a percentage of total lot area.	100%	90%	80%	80%	80%	50%	80%	70%	60%	50%	80%	80%	40%	20%
SETBACKS														
Minimum front setback Measured from the edge of the street right-of-way, or if no right-of-way from the front lot line. For accessory structures, also see Section 3005 .	0 ft	0 ft	8 ft	8 ft	8 ft	12 ft	8 ft	12 ft	16 ft	16 ft	12 ft	16 ft	20 ft	40 ft
Minimum side setback Measured from the side lot lines. For accessory structures, also see Section 3005 .	0 ft	8 ft	8 ft	8 ft	8 ft	12 ft	8 ft	8 ft	12 ft	16 ft	12 ft	16 ft	20 ft	40 ft
Minimum rear setback Measured from the rear lot line. For accessory structures, also see Section 3005 .	0 ft	8 ft	8 ft	12 ft	12 ft	16 ft	12 ft	16 ft	16 ft	16 ft	12 ft	16 ft	20 ft	40 ft
BUILDINGS														
Build-to-line Measured as a line drawn the specified distance from and parallel to the street right-of-way.	8 ft	16 ft	24 ft	24 ft	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Minimum build-to-line coverage Percentage of the build-to-line that must be covered by a principal building.	80%	65%	50%	50%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Minimum principal building height Measured from the average finished grade at the base of a principal building to the eaves or the roof deck if roof is flat.	18 ft	18 ft	18 ft	18 ft	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Maximum structure height Measured from the average finished grade at the base of the structure to the highest point of the structure, excluding architectural and roof-top elements listed in Paragraph 2005.G(3). For accessory structures, also see Section 3005 .	72 ft	60 ft	48 ft	36 ft	36 ft	36 ft	36 ft	36 ft	36 ft	36 ft	48 ft	48 ft	36 ft	30 ft
DENSITY														
Maximum residential density Measured as number of dwelling units per square foot of total lot area, except that accessory dwellings in accordance with Section 3202 will not be included.	no maximum	1 du per 1,200 sf no maximum	1 du per 1,800 sf	1 du per 2,100 sf	1 du per 2,700 sf	1 du per 40,800 8,712 sf	1 du per 2,700 sf	1 du per 3,600 sf	1 du per 5,400 sf	1 du per 40,800 8,712 sf	1 du per 2,100 sf	n/a	n/a	n/a

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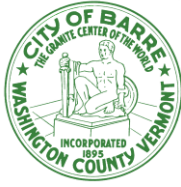
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use(s) in accordance with the following:

- (1) **Minimum Number of Spaces.** The minimum number of spaces will be as specified below unless the applicant submits a professionally prepared parking study establishing the amount of parking needed:
 - (a) **Residential Uses:** ~~2 per detached single family dwelling. For all other dwellings, 1 per unit plus 0.2 for each bedroom in excess of one (i.e., 1.2 for a two bedroom unit, 1.4 for a three bedroom unit, etc.).~~ 1 space per dwelling unit.
 - (b) **Lodging Uses:** 1.2 per guest room.
 - (c) **Commercial Uses:** 1 per 500 square feet of gross floor area (does not include outdoor use areas).
 - (d) **Industrial Uses:** 1 per 1,000 square feet of gross floor area (does not include outdoor use areas).
 - (e) **Arts, Entertainment, Recreation, Civic and Community Uses:** 1 per 5 seats or 1 per 500 square feet of gross floor area if no seats.
- (2) **Maximum Number of Spaces.** The maximum number of parking spaces will be twice the minimum number of spaces based on the applicable ratio in Paragraph (1), above, unless the applicant submits a professionally prepared parking study establishing the amount of parking needed.
- (3) **Calculation of Number of Spaces.** The Zoning Administrator will determine which ratio in Paragraph (1), above, applies to a proposed use. When calculating the total number of spaces, any decimal will be rounded up to the nearest whole number. On lots with multiple units or uses, the number of spaces for all units and/or uses may be added together before rounding up any decimal.
- (4) **Modification of Number of Spaces.** The Development Review Board may increase or decrease the amount of off-street parking required if:
 - (a) The applicant submits a parking study prepared by a qualified professional demonstrating the amount of parking that will be needed;
 - (b) The applicant meets the requirements for shared parking in Subsection (D) below; or
 - (c) The applicant demonstrates that there is adequate on-street or public parking available within 1,000 feet (as measured along the sidewalk) of the proposed development to meet all or a portion of the demand.

3104.D **Shared or Off-Site Parking.** The Development Review Board may approve a cooperative parking plan to allow parking to be shared by two or more uses and/or to be provided off-site in accordance with the following:



City of Barre, Vermont

“Granite Center of the World”

**ACTION ITEM BRIEFING MEMO
CITY COUNCIL AGENDA ITEM
CITY COUNCIL AGENDA: 08-27-2024**

Consent Item No.: _____ **Discussion Item No.** _____ **Action Item No.** **8F**

AGENDA ITEM DESCRIPTION: *1st Reading and Public Hearing for revisions to substantial damage threshold and underground tank requirements for the Flood Hazard Area Regulations*

SUBJECT: *Revisions to the Flood Hazard Area Regulations to meet State and Federal requirements*

SUBMITTING DEPARTMENT/PERSON: *Barre City Planning Commission; Janet Shatney, Planning Director*

STAFF RECOMMENDATION: *Approve the draft revisions made by the commission and staff and the state, and move to second reading and final hearing at the next regularly scheduled City Council meeting*

STRATEGIC OUTCOME/PRIOR ACTION: *Defines substantial damage to mirror the state definition, clarifies that an appraised value can be used to define the value of a structure, further clarifies that the value of the structure and not the land is used for calculations; rewrites the fuel tank requirements so that tanks in the flood zone need to be anchored and fill pipes above the design flood elevation; and adds a definition of substantial improvement to the definitions section of the regulations*

EXPENDITURE REQUIRED: *No expenses associated with these revisions*

FUNDING SOURCE(S): *Not applicable*

LEGAL AUTHORITY/REQUIREMENTS: *24 VSA Chapter 117*

BACKGROUND/SUPPLEMENTAL INFORMATION: *The Barre City Flood Hazard Regulations were last updated in 2010, and were more stringent than what is required today. They have now been revised to meet Vermont State Definitions for substantial damage and improvement; the revisions have been approved by the State Floodplain Manager Ned Swanberg and still meet the requirements of the NFIP (National Floodplain Insurance Program) of which the City is enrolled in. And, the Barre City Planning Commission approved these revisions with the addition of a definition at their July 25, 2024 hearing where they approved forwarding to the City Council for consideration*

LINK(S): *Not applicable*

ATTACHMENTS: *Copy of the tear sheet for this public hearing in the Times Argus, copy of email sent by Ned Swanberg advising of his review of our changes, and revised draft pages of the regulations*

INTERESTED/AFFECTED PARTIES: *Barre City taxpayers in the flood zone who may experience future flooding damage; those in the flood zone who try and improve their structures; Barre City Council*

RECOMMENDED ACTION/MOTION: *Approve the revisions as presented and move to a second reading and final public hearing on September 10, 2024*

Janet Shatney

From: Swanberg, Ned (he/ki) <Ned.Swanberg@vermont.gov>
Sent: Wednesday, June 26, 2024 9:48 AM
To: Janet Shatney
Subject: RE: Question on revising our flood hazard ordinance

Hello Janet, The changes proposed meet the requirements of the NFIP.

The state recommended model language has Substantial Improvement standards that calculate SI cumulatively over three years. bit.ly/model-regulations

“Substantial improvement” means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years or over the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an “historic structure.”

The value of a cumulative calculation is to inform building owners early and often regarding their flood risk, their opportunity to mitigate the risk, and the legal requirement to mitigate if/when damaged for any reason. After Substantial Damage the owner is typically least able to mitigate.

The cumulative calculation is important since sometimes investments through a common plan of improvement are phased to avoid compliance.

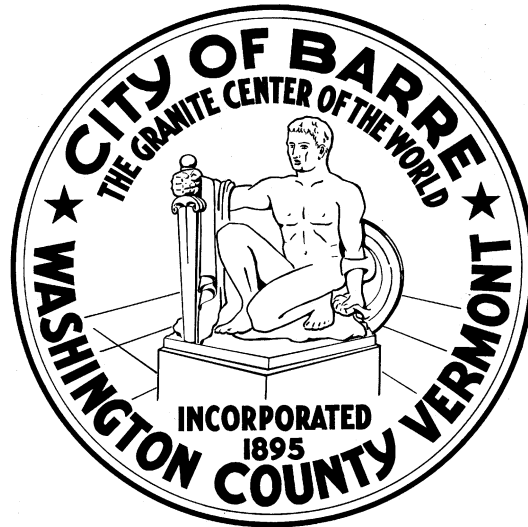
All said this change is not inconsistent with the minimum standards to maintain access to flood insurance through the NFIP.

Please send along a copy of the final text after adoption. Thank you.

Best wishes,
Ned

Resources for Municipal Officials dec.vermont.gov/after-a-flood#KeySD
Resources for the Public www.floodready.vt.gov/help-after-flooding

Ned Swanberg (he/ki) CFM
Vermont Flood Hazard Mapping Coordinator | Regional Floodplain Manager
Vermont Agency of Natural Resources | Department of Environmental Conservation
Watershed Management | Rivers
1 National Life Dr. | Davis 2 | Montpelier, VT 05620-3522
802-490-6160 ned.swanberg@vermont.gov
bit.ly/fema-map-update



CITY OF BARRE

FLOOD HAZARD AREA REGULATIONS

Version Date: August 27, 2010

DRAFT Amendments to City Council August 27, 2024

Department of Zoning Inspections, Permitting, & Planning, Permitting & Assessing

City of Barre
6 North Main Street
Barre, VT 05641

802-476-0245

HISTORY OF THE FLOOD HAZARD AREA REGULATIONS

AMENDED

August 3, 2010
August 5, 2003
April 24, 1990
August 7, 1987

EFFECTIVE

August 27, 2010
August 25, 2003
May 14, 1990
August 27, 1987

ADOPTED

February 25, 1985

EFFECTIVE

March 17, 1985

ENTERED NFIP BY RESOLUTION OF CITY COUNCIL

ADOPTED

January 22, 1974

EFFECTIVE

April 15, 1974

HISTORY OF MAP AMENDMENTS

ORIGINAL MAPS (FIRM & FBFM)

January 17, 1985

PREPARED BY:

City of Barre Planning Commission
Mike Miller, AICP CFM City of Barre Director of Planning & Zoning

Section 5. Substantial Improvement/Damage Determinations

5.01 Determining Substantial Improvements

- (A) Applicability. Where development constitutes a substantial improvement to an existing structure, the existing structure shall be improved to NFIP standards and to the standards of these regulations.
1. Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which either equals or exceeds \$50,000 or exceeds 50 percent of the market value of the structure, whichever is less, before the start of construction.
 2. -This term includes structures which have incurred "repetitive loss" or "substantial damage", regardless of actual work performed.
- (B) Calculating Substantial Improvements. The following shall apply when calculating substantial improvements:
1. Unless stricter rules are described in this section, FEMA NFIP guidance such as the *NFIP Flood Plain Management Requirements- Desk Reference* shall be used to guide calculation of market value of structure and costs.
 2. Where one building is attached to another through a covered breezeway or similar connection, the two buildings are considered separate and substantial improvement calculations shall be made for each structure independently.
 3. All improvements shall be counted cumulatively over 5 years to determine if a substantial improvement of a structure has occurred.
 - a. Any non-permitted improvements discovered after the fact shall be considered to have all occurred at the same time for purposes of determining substantial improvements.
 4. In general the City of Barre shall use the assessed value of the structure as the default value of the structure, and does not preclude an appraisal from being used. The value of the land should not be included in the valuation of the structure.
- (C) Substantial Improvements of Existing Structures. The following shall apply to govern structures that are substantially improved:
1. Where an application proposes to make a substantial improvement to an existing structure, that structure shall be brought into conformance with these regulations. For example a structure with the lowest floor below BFE may be required to elevate the structure.

2. Where one structure is attached to another through a covered breezeway or similar connection, it is a separate structure and not an addition. Therefore, substantial improvement of a structure would require the elevation of the structure and all additions but not separate structures.
 3. Regardless of substantial improvement determination, all additions (i.e. expansions of building footprint) shall meet NFIP requirements.
- (D) Non-Substantial Improvements of Existing Structures. The following shall apply to govern structures that are not substantially improved:
1. Where a proposal is determined to be a non-substantial improvement only the improvement will be reviewed for conformance with these regulations.
 2. Non-substantial improvements to existing structures apply to existing structures on their existing footprints. Additions to structures must be compliant with all relevant requirements of these regulations.
- (E) The term 'substantial improvement' does not include the following:
1. The cost of improvements of a structure to correct existing violations of state and local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
 2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure. The Administrative Officer may request from the applicant a Section 106 report, prepared by a qualified professional, to demonstrate compliance with this provision.
 - a. This exemption does not apply to additions (i.e. expansions of building footprint) to historic structures which must be built in compliance with these regulations.

5.02 Determining Substantial Damage

- (A) Applicability. Where a substantially damaged structure is proposed for redevelopment, the structure shall be redeveloped to the standards of these regulations.
- (B) Calculating substantial damage. The following shall apply when calculating substantial damages:
1. Unless stricter rules are described in this section, FEMA NFIP guidance such as the *NFIP Flood Plain Management Requirements- Desk Reference* shall be used to guide calculation of market value of structure and costs to repair.

2. In general the City of Barre shall use the assessed value of the structure as the default value of the structure. The value of the land should not be included in the valuation of the structure.
- (C) Substantial damage of existing structures. The following shall apply to govern structures that are substantially damaged:
1. Where a substantially damaged structure is proposed for redevelopment, that structure shall be brought into conformance with these regulations. For example a building with the lowest floor below BFE which has been substantially damaged may be required to elevate the building during reconstruction.
- (D) Non-Substantial damage of existing structures. The following shall apply to govern structures that are not substantially damaged:
1. Redevelopment of a structure which has sustained non-substantial damage shall have that development reviewed under the rules regarding substantial improvements above (Section 5.01).

6. Where an individual mobile home lot in an existing mobile home park is vacated, the lot shall not be considered discontinued or abandoned even if either the lot or park is non-conforming. Replacement mobile homes shall be regulated per section 8.14(B) of these regulations.

Subsection 8B Specific Uses & Structures Review Criteria

8.10 Alteration of a Watercourse

- (A) Alteration or relocation of watercourses. The alteration or relocation of a portion of a watercourse within the Flood Hazard Area is prohibited unless part of an overall plan (adopted by the municipality) involving river restoration, flood mitigation, or other public purpose. In these instances, the alteration or relocation may be permitted only if the flood carrying capacity within the altered or relocated portion of a watercourse is maintained or increased.

8.11 Filling and Other Earthwork

- (A) Requirements regarding filling in the Flood Hazard Area.
 1. In instances where these regulations allow fill, all fill must be properly compacted, graded, and, where appropriate, re-vegetated. All filling must be in compliance with Technical Bulletin 10-01 *Ensuring that structures built on fill in or near special flood hazard areas are reasonably safe from flooding.*
 2. Landfilling is not permitted within the stream or river setback, wetlands or wetland setback, nor in the floodway.
 3. The practice of removing unsuitable existing material (topsoil) and backfilling with structural material is not considered the placing of fill.
- (B) Where an applicant wishes to remove a property from the Flood Hazard Area by elevating the natural grade (adding fill in the flood hazard area) the applicant shall provide a CLOMR-F or LOMR-F, as appropriate to the project.

8.12 Fuel Tanks

- (A) All fuel storage tanks (e.g. liquid propane, diesel, home heating fuel, kerosene, etc.) in the Flood Hazard Area shall be placed at or above DFE (Design Flood Elevation) or a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground if securely anchored as certified by a qualified professional.
- (B) Fuel storage tanks located below the DFE must have all filler pipes and vents located at or

above the DFE.

8.13 Manufactured (Mobile) Homes

- (A) No provision of these regulations shall have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing from the municipality, except upon the same terms and conditions as conventional housing is excluded. [§4412(1)(B)]
- (B) Within these regulations, mobile homes and manufactured homes are synonymous.
- (C) In non-conforming manufactured home parks, manufactured homes shall be treated the same as conventional housing except that manufactured homes shall demonstrate that they are securely anchored to foundation system to resist flotation, collapse, and lateral movement.

8.14 Manufactured (Mobile) Home Parks

- (A) Manufactured home parks are prohibited in the Flood Hazard Area.
- (B) Any manufactured homes to be replaced or substantially improved that are located in an existing manufactured home park, where elevating a replacement home to or above the base flood elevation is not possible, the lowest floor shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and be securely anchored to resist flotation, collapse, or lateral movement.
- (C) An evacuation plan for any existing manufactured home parks and subdivisions indicating alternate vehicular access and escape routes shall be filed with the State Civil Defense Office. (See §1910.3(b)(8) of the Federal Register and the FEMA manual, "Manufactured Home Installation in Flood Hazard Areas" for anchoring standards.)

8.15 Public Infrastructure

- (A) Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or crossing are permitted in the Flood Hazard Area provided they are part of an overall plan (adopted by the municipality).

8.16 Recreational Vehicles

- (A) Storage or use of recreational vehicles is prohibited in the flood hazard area.

8.17 Subdivisions

- (A) The subdivision of land within the Flood Hazard Area is allowed only if it can be demonstrated by the applicant that each parcel created will have some permissible use. Each new parcel, for instance, shall have sufficient areas outside of the floodway which are suitable for

primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

45. Regulatory floodway in the City of Barre *See Floodway*
46. Repetitive loss means flood-related damage sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.
47. Special Flood Hazard Area *See Flood Hazard Area*
48. Structure means an assembly of materials for occupancy or use, including but not limited to, a walled and roofed building, a gas or liquid storage tank (either above or below the ground), other buildings, manufactured home, billboard, sign, wall, or fence.
49. Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred (See Section 5.02).
50. Substantial improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years or over the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure." *See section 5.01.*
51. Violation means the failure of any development to be fully compliant with these regulations including any failure to provide documentation of a required elevation certificate, certificate of compliance, or any other certificate or other evidence of compliance required under these regulations.
52. V.S.A. is abbreviation for Vermont Statutes Annotated.

11.02 Additional Definitions

- (A) As a result of NFIP requirements, these regulations must define certain words or phrases



City of Barre, Vermont

“Granite Center of the World”

CITY COUNCIL AGENDA: 8/27/2024

Agenda Item No.: 8-G

AGENDA ITEM DESCRIPTION: Review proposed changes to Minimum Housing Ordinance

SUBMITTING DEPARTMENT or PERSON: The Manager and Councilor Stockwell

STAFF RECOMMENDATION: Review draft changes and determine if changes suggested by Councilor Stockwell and staff have support to begin the formal ordinance adoption process

BACKGROUND INFORMATION:

The City’s Minimum Housing Ordinance sets safety and habitation standards for rental units within the City. The ordinance was last updated in May 2021.

Councilor Stockwell has shared her interest in strengthening the ordinance and submitted proposed changes to City staff for review. For the most part, City staff defers to Councilor Stockwell’s proposed changes with some minor modifications. However, there are two areas of note to highlight:

- **Pages 2 and 7-8:** Councilor Stockwell recommends amending the definition of “rental unit” in section 7-7 by striking language which requires that such units be occupied for longer than 30 days, and eliminating the exemption for such units in section 7-16. At its March 26, 2024 meeting, the City Council directed the City Attorney to draft a potential short-term rental ordinance. City staff is in receipt of a draft short-term rental ordinance from the City Attorney, and pending staff review, a draft will be presented to Council in September. We recommend that short-term rentals be adjudicated via that ordinance discussion rather than through the Minimum Housing Ordinance.
- **Page 14:** The ordinance requires relocation of tenants displaced by enforcement of the requirements. The City recommends that the Council consider some acknowledgement in the ordinance that relocation, even for the best intentioned property owners, may be near impossible due to lack of motel/hotel rooms in the region, and the general lack of housing options. Further, there may be value in clarifying that the intent of the provision is for relocations caused by negligent maintenance practices, not emergent issues.

This is not a formal hearing on the ordinance. The intent of this agenda item is to get a sense from the full Council if the proposed draft is headed in the right direction. If so, City staff will request a review by the City Attorney and will then schedule an official first reading and hearing.

EXPENDITURE REQUIRED AND FUNDING SOURCE(S): Not Applicable.

ATTACHMENTS: Proposed amendments to the Minimum Housing Ordinance

RECOMMENDED ACTION/MOTION:

Move to direct City staff to have the City Attorney review the proposed amendments to the minimum housing ordinance.

CHANGES PROPOSED BY COUNCILOR STOCKWELL

CHANGES/NOTES PROPOSED BY CITY STAFF

Chapter 7 –MINIMUM HOUSING STANDARDS

(Entire Chapter amended Ord. No. 1965-8, 11/16/65; 2002-04, 1/08/03; 2003-02, 9/16/03; 2005-01, 8/18/05; 2007-01, 8/03/07; 2013-06, 12/17/13; 2019-07, 09/10/19; 2021-02, 05/04/21)

ARTICLE I. GENERAL PROVISIONS Sec. 7-1.

Authority.

(a) The City Council has enacted this Ordinance under the authority granted to the City through its Charter (Section 501) and under the authority granted to all Vermont municipalities under Title 24 Vermont Statutes Annotated (V.S.A.), Chapter 123, and 9 V.S.A. Chapter 77, to regulate Municipal Housing Codes.

Sec. 7-2. Purpose.

(a) The purpose of this Ordinance is to protect, preserve and promote the health, safety, and welfare of all citizens of the City of Barre through establishment of enforceable minimum rental housing standards. The intent of this Ordinance is to establish a set of minimum standards and an inspection process that will ensure that rental units throughout the City meet the standards outlined. Additionally, this Ordinance establishes a complaint process that is equitable to both the landlord and tenant alike.

Sec. 7-3. Vermont Fire and Building Safety Code Adopted – permits required.

(a) The City hereby adopts the most recent edition of the Vermont Fire and Building Safety Code, as adopted by the Vermont Agency of Public Safety, for the purposes of establishing rules and regulations as the minimum fire safety requirements for all rental units. (Ord. No. 2021-02, 05/04/21)

(b) Projects within a Rental Property or Apartment Building having three or more units that includes: new construction, alterations, renovations or the installation of fixtures, requires a Barre City Building Permit, [AND] and a Barre City Electrical Permit. Electrical work must be performed by a Vermont Licensed Electrician. (Ord. No. 2021-02, 05/04/21)

(c) Projects within a Duplex (2-family) or a Rental single-family home that includes: new construction, alterations, renovations or the installation of fixtures requires a Barre City Building Permit, [AND] and a Barre City Electrical Permit. (Ord. No. 2021-02, 05/04/21).

Sec. 7-4. Severability.

(a) If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

Sec. 7-5. Effective Date of Ordinance.

(a) Amendments to this Ordinance shall be effective fourteen (14) calendar days after the adoption (by majority vote of City Council) and shall remain in effect until repealed or amended in accordance with the Barre City Charter (Sec. 107 and 108). (Ord. No. 2019-

Sec. 7-6. Designation of Effect.

(a) This Ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 123.

ARTICLE II. DEFINITIONS Sec. 7-7. Definitions.

(a) For the purposes of this chapter, definitions of the terms, phrases, words and their derivations shall be as defined in Chapter 1, Section 1-2 of the Code of Ordinances, the City of Barre, Vermont. Otherwise, the following listed words shall have the meanings indicated:

EGRESS: A secondary means of escape via an outside window, operable from the inside without the use ~~of~~ **of** tools or keys. For existing construction, this means a clear opening of not less than 5.0 square feet. For new construction, this means a clear opening of not less than 5.7 square feet. The bottom of the opening shall be no more than 44 inches above the floor. All means of egress must be approved ~~the~~ by the Code Enforcement Officer. (Ord. No. 2021-02, 05/04/21) **[CITY RECOMMENDS STRIKING THIS DEFINITION AS IT IS INCOMPLETE AND ADDRESSED BY ADOPTION OF STATE RULES.]**

OWNER OCCUPIED: A property in which the owner has established primary residency.

DWELLING UNIT: A building or a part of a building that is used as a home, residence, or sleeping area by one or more persons.

RENT: All considerations to be made to or for the benefit of the owner under the rental agreement, not including security deposits.

RENTAL AGREEMENT: All agreements, written or oral, embodying terms and conditions concerning the use and occupancy of a dwelling unit or premises.

RENTAL UNIT: A dwelling unit that is not owner occupied, ~~and is occupied for longer than thirty (30) consecutive days;~~ including but not limited to occupancies at hotels, motels, homeless shelters and other accommodations. **[CITY RECOMMENDS KEEPING LANGUAGE UNTIL COUNCIL ADOPTS A SHORT-TERM RENTAL ORDINANCE.]**

TENANT: Any person entitled under a rental agreement to occupy a residential dwelling unit to the exclusion of others, or any persons occupying a rental unit as a permanent residence.

FRIVOLOUS~~[-]~~: Not having any serious purpose of value; thoughtless, ill-considered, nonserious, insubstantial, trivial, pointless, valueless. (Ord. No. 2019-07, 09-10-19)

ARTICLE III. ADMINISTRATION, APPEALS & ENFORCEMENT

Sec. 7-8. Duties and Powers of the Chief Inspector.

(a) The Barre City Manager shall appoint the Fire Chief as the Chief Inspector who shall hereby be authorized and directed to administer and enforce the provisions of the adopted codes. The Chief Inspector shall have the authority to render interpretations of

the codes. Such interpretations, policies and procedures shall be in compliance with the intent of the adopted codes and 24 V.S.A. Chapter 123;

(b) The Chief Inspector may delegate this authority to any Code Enforcement Officer, or trained inspector. (Ord. No. 2019-07, 09-10-19)

Sec. 7-9. Duties and Powers of the Code Enforcement Officers.

(a) The Barre City Fire Department Inspection/Code Enforcement Officer(s) shall be responsible for the administration of this Ordinance. (Ord. No. 2019-07, 09-10-19)

(b) The Officer may enter, examine and survey all rental units that are subject to routine and emergency inspections of this Ordinance in accordance with Section 7-18. (Ord. No. 2019- 07, 09-10-19)

Sec. 7-10. Written Documentation and Issued Orders.

(a) Where an inspection indicates that a violation of this Ordinance exists, the Officer shall issue written documentation notifying the party responsible of the existence of the violation(s) and the measure(s) required to correct or eliminate it. At the direction of the Officer, the documentation may require the violations to be corrected, or significant action taken to begin corrections, within a defined number of business days or require that the premises be vacated and secured until the rental unit meets the standards of this chapter. The written documentation shall be based on a finding that the premises are a danger to the health, welfare or safety of the tenants of the general public and a violation of the Minimum Housing Standards. Written documentation may further direct: (Ord. No. 2019-07, 09-10- 19)

(1) That the rental unit be repaired so that ~~they meet~~ **it meets** the standards of this chapter;

(2) That the rental unit is unfit or unsafe for human habitation because it constitutes a serious danger to the health, welfare and safety of the tenants or the general public, and the rental unit be vacated and secured until the unit is repaired and inspected so that it meets the standards of this chapter; (Ord. No. 2019-07, 09-10-19)

(3) That the rental unit is unfit for human habitation because it constitutes a danger to the health, welfare, or safety of the tenants or the general public, and that the rental unit be demolished pursuant to the provision of § VSA 24-3114.

(b) When the responsible party has failed to take corrective action of any written documentation, an Order may be issued by the Officer. (Ord. No. 2019-07, 09-10-19)

(1) The written Order shall state:

(i) That a violation exists;

(ii) The measure(s) required to correct or eliminate the violation(s);

(iii) A compliance date for which such violation(s) shall be corrected;

(iv) Appeal rights;

(v) Penalties for non-compliance.

(c) When the Officer investigates and issues an Order, such Order shall be sent to the owner, and if applicable, the tenant of the rental unit; (Ord. No. 2019-07, 09-10-19)

(d) Orders shall be sent by one or more of the following means:

• (i) Email; or (Ord. No. 2021-02, 05/04/21)

• (ii) United States Postal Service (USPS) Certified Mail Return Receipt Requested; or

• (iii) USPS normal delivery; or

• (iv) Hand Delivery.

(e) If an Order cannot be delivered by the means listed above in Sec. 7-10(d), the Order shall be posted in a conspicuous place on the dwelling or in the building in which the rental unit is located;

(f) Orders become effective immediately unless mailed via USPS. If mailed, the Order will take effect three (3) business days from the date the Order is issued;

(g) An Order shall be recorded in the municipal land records and a fee assessed when the owner of record cannot be contacted for receipt thereof, and the Order shall thereby be effective against any purchaser, mortgagee, attaching creditor, lien holder or other person whose claim or interest in the property arises subsequent to the recording of the Order; (Ord. No. 2019-07, 09-10-19; Ord. No. 2021-02, 05/04/21)

(h) When an Order is cured and any related assessed penalties are paid in full, the Officer shall record an Order removal or cancellation in the municipal land records. (Ord. No. 2019-07, 09-10-19; Ord. No. 2021-02, 05/04/21)

Sec. 7-11. Appeals.

(a) Written notice of appeal shall be submitted to the Chief Inspector within ten (10) business days of the date of the Order(s);

(b) The Chief Inspector shall review the appeal and all related documentation and make a written determination within twenty (20) business days of receipt of an appeal;

(c) Any person aggrieved by any decision of the Chief Inspector may appeal a decision by instituting relief in Superior Court under V.R.C.P. 74; (Ord. No. 2019-07, 09-10-19)

(d) When an owner/tenant appeals an action of the Officer, the inspector shall not be prevented from completing the inspection of the rental unit and issuing any necessary Orders. When an appeal is filed, the Orders issued will be stayed pending resolution of the appeal, unless the Orders issued are to correct life threatening issues which will not be stayed. (Ord. No. 2019-07, 09-10-19)

Sec. 7-12. Enforcement and Penalties.

(a) The Chief Inspector and/or his delegates or any certified Vermont Law Enforcement Officer shall be the designated Enforcement Officer. They shall issue, or direct to have

issued, Municipal Complaints and pursue enforcement before the Judicial Bureau in accordance with the provisions of 24 VSA §1974a and §1977 with penalties as prescribed below:

(1) The Officer shall be required to issue an Order on the property owner for any violations of this Ordinance or the adopted codes. Where the property owner fails to remedy a violation to the satisfaction of the Officer, the Officer may bring appropriate action to enforce the provisions of this Ordinance. Enforcement may be by any means allowed under state law including, but not limited to: (Ord. No. 2019-07, 09-10-19)

(i) First offense. A first offense of this Ordinance shall be punishable by a fine of ~~one~~ **two** hundred ~~fifty~~ dollars ~~[(~~\$150.00~~)]~~ **(\$200.00)**; the waiver fine shall be one hundred dollars (\$100.00); **[CITY RECOMMENDS \$250 FIRST OFFENSE, \$150 WAIVER.]**

(ii) Second ~~and subsequent~~ offenses. Any second offense of the same provision of the bylaws within a ~~twelve-month~~ **twenty-four month** period shall be punishable by a fine of ~~two~~ **three** hundred dollars ~~[(~~\$200.00~~)]~~ **(\$300.00)**; the waiver fine shall be ~~one~~ **two** hundred ~~fifty~~ dollars ~~[(~~\$150~~)]~~ **200.00**).

(iii) Third offenses within a twenty-four-month period shall be punishable by a fine of five hundred dollars (\$500.00); the waiver fine shall be two hundred fifty dollars (\$250.00).

(iv) Fourth and subsequent offenses in a twenty-four-month period shall be punishable by a fine of eight hundred dollars (\$800.00) per offense; the waiver fine shall be four hundred dollars (\$400.00) per offense. [CITY RECOMMENDS \$1,000 FINE.]

(v) In the event of natural disasters with approval of the City Manager, the Officer may grant extensions for properties to become compliant only in the absence of serious safety and health concerns as determined by the Officer.

(2) The Officer may notify the City Attorney who shall bring suit in the name of the municipality to enforce such Order. Such suit may be brought in any court of competent jurisdiction appropriate. The City may seek a temporary injunction or Order in any such proceedings. The court may award costs of suit including reasonable attorney fees. (Ord. No. 2019-07, 09-10-19)

(b) Each day that a violation continues shall constitute a separate offense;

(c) Where the Officer finds that a violation(s) is to such a degree that a dwelling is declared unsafe, or that significant corrective action has not been taken within the timeframe provided, the Officer may suspend occupancy ("Order") of a unit(s) and require the relocation of the rental unit's occupants until such time as the rental units meet the Minimum Housing Standards as outlined in this Ordinance; (Ord. No. 2019-07, 09-10-19)

Sec. 7-13. Fees.

(a) The fee for any registration and re-inspection fee shall be designated by the City Council, and upon adoption of the rates, the Council shall publish in the local newspaper the rate change thirty (30) days prior to the effective date of the rate change;

(b) A rental unit for which a registration form, fee and inspection is required by this Chapter, but has not been paid, shall be in violation of the City's Minimum Housing Ordinance and subject the following penalties;

(1) If the unit has been previously issued a Certificate of Compliance, the landlord shall be subject a penalty of **eight ten** percent **[(8%)] (10%)** delinquency charge and a one percent (1%) additional charge per month until the fee has been paid in full;

(2) If a unit has not been previously issued a Certificate of Compliance, the landlord shall be subject to a penalty of **eight ten** percent **[(8%)] (10%)** delinquency charge for the first thirty (30) calendar days and then subject to the penalties as outline in Section 7- 12(a)(1) of this Ordinance. **[CITY ATTORNEY ADVICE NEEDED ON WHETHER CHARTER PREEMPTS THESE INCREASES.]**

Sec. 7-14. Records.

(a) Records, including inspection reports, records of complaints or other Orders shall be available for public inspection at the Planning, Permitting & Assessing Services Department in City Hall; (Ord. No. 2019-07, 09-10-19)

(1) Owners and/or designated managing agent shall receive a copy of the inspection report within ten (10) business days of the completion of the inspection. Inspection reports shall be emailed to the designated recipient unless paper copies are requested **[, or mailed should the recipient not utilize email];**

(2) To obtain copies of inspection reports, records of complaints or other Orders, requests must be made in writing to the Officer and the designated records fee paid in full. (Ord. No. 2019-07, 09-10-19)

ARTICLE IV. REGISTRATION AND INSPECTION PROCEDURES

Sec. 7-15. Registration Requirements.

(a) The owner of all rental units shall be required to have on file with the City, on or before July 1 of each year, an accurate and valid registration/invoice form; (Ord. No. 2019-07, 09- 10-19)

(b) All fees shall be paid annually and in full to the City of Barre for each rental unit;

(c) In the event the State of Vermont adopts a comparable program, only one fee will be charged;

(d) The owner must provide the following information to the City: (Ord. No. 2019-07, 09-10- 19)

- (1) The address of the rental unit;
 - (2) The number of rental units at that address;
 - (3) The name(s), address(es), **email address(es)**, and phone number(s) of the property owner;
 - (4) The name, address, **email address(es)**, and phone number of any managing agent;
 - (5) The name(s), address(es), **email address(es)**, and phone number(s) of any emergency contact(s) for this rental unit; and
 - (6) Any other information deemed appropriate to administer this Program.
- (e) The owner of a rental unit shall have a continuing obligation to notify the City of any changes in the information required above during the period between the required annual invoicing; (Ord. No. 2019-07, 09-10-19)
- (f) Upon purchase or transfer of property containing rental units, the purchaser(s) shall update the City file to ensure all information is correct; (Ord. No. 2019-07, 09-10-19)
- (g) Prior to occupancy of any newly constructed rental unit or conversion of use to a rental unit, the owner shall file the above referenced information in subsection (d) above;
- (h) All fees must be paid in full prior to occupancy being granted, and shall be due for the current year; (Ord. No. 2021-02, 05/04/21)
- (i) All motel and hotel manager units shall be registered with the City and pay the appropriate fees annually;
- (j) Units as defined under the Lodging Section of the Use Table as defined in the Barre City Unified Development Ordinance that may be occupied during the program year shall be registered with the City and pay the appropriate fees annually; (Ord. No. 2019-07, 09-10-19)
- (k) It shall be a violation of the City's Minimum Housing Standards for the owner of any rental unit within the City to fail to register a rental unit as required by this Ordinance.

Sec. 7-16. Exemptions.

- (a) The following properties shall be exempt from registration, fees and/or inspections:
- (1) The following are exempt from registration, fees and inspections:
 - (i) A unit that is currently maintained as part of a nursing, rest or convalescent home licensed and inspected by the state; **and**
 - (ii) Owner occupied single family home[;].
 - ~~(iii) A rental unit that is occupied for less than thirty (30) consecutive days; and~~
 - ~~(iv) A unit that is occupied less than thirty (30) days by the same tenant(s) in a hotel and motel room.] [CITY RECOMMENDS KEEPING~~

LANGUAGE UNTIL COUNCIL ADOPTS A SHORT-TERM RENTAL ORDINANCE.]

(b) The following are exempt from fees, but must still register and be inspected:

(1) Owner occupied unit of a **duplex and** multi-family dwelling:

(i) Inspection requirements are for fire and life safety requirements only, as adopted by the Vermont Agency of Public Safety. (Ord. No. 2021-02, 05/04/21)

Sec. 7-17. Invoice Procedures.

(a) Invoices will be sent to all duplex, multi-family occupancies and rented single family homes on an annual basis regardless of current occupancy; (Ord. No. 2019-07, 09-10-19)

(1) Units currently vacant and remaining vacant throughout the current Program year shall receive an invoice to confirm occupancy status. Sec. 7-18. Inspection Procedures.

Sec. 7-18. Inspection Procedures

(a) The Officer shall make periodic inspections of rental units within the city unless exempted as indicated above; (Ord. No. 2019-07, 09-10-19)

(b) The Officer may enter, examine and survey all rental units within the City that are subject to periodic inspections pursuant to this Ordinance at any reasonable time between the hours of 8 am to 5 pm, or a time that is mutually agreed upon between the owner and the Officer; (Ord. No. 2019-07, 09-10-19)

(c) The owner and tenant(s) shall cooperate with the Officer so that such inspections shall be made so as to cause the least inconvenience to the owner(s) or occupant(s) of the rental unit; (Ord. No. 2019-07, 09-10-19)

(d) If the Officer has reason to believe that an emergency situation exists tending to create an immediate danger to the health, welfare, or safety of the tenants of a rental unit, or the general public, they may enter, examine and survey the unit at any time; (Ord. No. 2019- 07, 09-10-19)

(e) The Officer shall notify the owner of a rental unit by either telephone, **text message**, or in writing, of **its** **their** intent to schedule an inspection; (Ord. No. 2019-07, 09-10-19) 05/04/21

(f) Upon receipt of an inspection schedule request, the owner shall contact the Officer to arrange for the inspection; (Ord. No. 2019-07, 09-10-19)

(g) Once scheduled, the owner shall provide the tenant(s) with notice of an inspection not less than forty-eight (48) hours prior to the actual inspection being performed, as provided in 9 VSA §4460;

(h) During the inspection, the owner or designated representative shall be present to provide access to the rental unit(s).

Sec. 7-19. Complaint Procedures.

- (a) It is expressly provided that the public, owners and tenants of any property in the City of Barre may file a complaint to the Officer of violations under this Ordinance and all such complaints shall be treated accordingly; (Ord. No. 2019-07, 09-10-19)
- (b) In order to initiate a complaint against an owner or tenant, the complainant must;
 - ~~1.]~~ (i) First attempt to notify the landlord in writing, (Ord. No. 2021-02, 05/04/21)
 - ~~2.]~~ (ii) If no response within 72 hours, complete the on-line Complaint Form on the City website, or complete and sign a paper copy of the City of Barre Complaint Form; a copy of which can be found at City Hall. Complaints must be signed and dated in order to be investigated; (Ord. No. 2019-07, 09-10-19; Ord. No. 2021-02, 05/04/21)
- (c) The Officer shall investigate each complaint received within seven (7) business days of its receipt to determine if violations exist and to commence corrective actions; (Ord. No. 2019- 07, 09-10-19)
- (d) There shall be a written record of each complaint, the findings of the investigation and the action taken, if any;
- (e) If no action is needed to be taken at the time of inspection, this finding shall be noted on the written record and the complaint will be closed;
- (f) Frivolous complaints shall be a violation of this Ordinance. A frivolous complaint shall be one where there is no basis for the complaint outlined within this Ordinance, and this is known to the complainant at the time. As a violation, frivolous complaints may be subject to Municipal Complaints as outlined in Sec 7-12 Enforcement and Penalties of this ordinance. (Ord. No. 2019-07, 09-10-19)

Sec. 7-20. Minimum Standards.

- (a) No dwelling unit unless exempt as defined in Section 7-16, shall be occupied that does not comply with the minimum standards as follows in this Section;
- (b) A dwelling unit must meet the following: (Ord. No. 2019-07, 09-10-19)
 - (1) Unit size. The minimum size of a dwelling unit must not be less than:
 - (i) 150 square feet for a studio or efficiency unit (one open living area that includes cooking, living and sleeping quarters, as well as sanitation facilities, which no more than three persons can occupy as tenants; (Ord. No. 2021-02, 05/04/21)
 - (ii) 220 square feet for a one-bedroom unit, which no more than three persons can occupy as tenants; or (Ord. No. 2021-02, 05/04/21)
 - (iii) 220 square feet plus an additional 70 square feet for each additional bedroom (290 sf for a two-bedroom, 360 sf for a three-bedroom, etc.). No more than two persons shall occupy each bedroom space as tenants. (Ord. No. 2021-02, 05/04/21)

(2) Cooking and Sanitation Facilities. All dwelling units must have safe, functioning cooking and sanitation facilities in accordance with the following: (Ord. No. 2019- 07, 09-10-19)

(i) A dwelling unit must contain permanent bathroom facilities consisting at the minimum of a toilet, sink, and shower or bathtub. The toilet and shower or bathtub must be within a room or enclosure that is fully separated from other living spaces by walls and one or more doors;

(ii) A dwelling unit must contain permanent kitchen facilities. A kitchen must be a room or portion of a room in which there is a sink, refrigerator, and one or more appliances for heating food.

(c) Minimum Housing Standards

(1) The most recent edition of the Federal Housing Quality Standards shall be adopted as the Minimum Housing Standard for the City of Barre with the following exceptions;

(i) ~~The complete section of~~ **Section** (n), Smoke Detectors Performance Requirement, shall be replaced with: "Photoelectric smoke detectors shall be required on each habitable level of an existing or new dwelling unit, including the basement. They will be hard-wired 120-volt with battery backup per NFPA 72 2-21. Smoke detectors that are installed new or installed to replace expired detectors shall be in compliance with Vermont State Fire Code."

(ii) Section e.2, Thermal Environment Acceptability Requirements, shall be amended by adding the following: "~~(iii) An adequate heating appliance must be provided during the heating season which includes all months except June, July, and August~~ **Section 7 Vermont Residential Renting Housing Health & Safety Code (2022).**

7 - Heating

Heating facilities/systems in all residential rental dwelling units and rooming houses shall meet the following standards:

7.1 Heating facilities/systems shall be provided when the outside temperature is less than 55°F(13°C).

7.2 Heating facilities/systems shall be properly functioning and in good repair.

7.3 Heating facilities/systems shall be able to maintain a room temperature of at least 65°F (18°C) in all habitable rooms, kitchens, and bathrooms. The maintenance of required heating levels shall be accomplished without overheating one room as a means of meeting minimum heating requirements for adjacent rooms. The temperature may be read, and the requirement shall be met at a point three feet above floor level and three feet from an exterior wall.

7.4 Heating facilities/systems shall be vented to the outside of the building. Unvented fuel fired space heaters are prohibited in all residential rental dwelling units or rooming houses.

7.5 Every owner who provides heat as part of the rental agreement to occupants of dwelling units or rooming units shall always maintain the provided heat to all habitable rooms, kitchens, and bathrooms when the outside temperature is less than 55F(13C)."

(iii) ~~That the section~~ **Section** f.2.i, Illumination and Electricity, Acceptability Criteria which reads: "There must be at least one window in the living room and in each sleeping room" **shall** be amended to read: "There must be at least one window in each sleeping area. Living rooms that are not used for sleeping areas shall not be required to have a window. All means of egress must be approved by the Officer." (Ord. No. 2019-07, 09-10-19)

(iv) That the following additional standard be added to the federal requirements:

"(m) An annually inspected fire extinguisher is required in all rental units. Extinguishers must be properly mounted and in close proximity to the primary exit per NFPA 1."

(2) Any successor federal standards shall be reviewed and approved by the Barre City Council;

(3) The U.S. Department of Housing and Urban Development form for housing inspection (Form HUD-52580-A (9/00)) shall be utilized as a reference for the Officer's Housing Inspection Form. (Ord. No. 2019-07, 09-10-19)

(d) Fire Protection System

(1) All required fire protection systems and equipment including fire alarms, fire suppression systems, standpipe systems and fire extinguishers shall be maintained in proper operating condition at all times. Owners are responsible for the installation of these fire protection systems and equipment, and the completion of annual inspections by Technically Qualified Persons (TQP) as determined by the VT Dept. of Fire Safety; and

(2) Tenants shall be responsible to notify the owner of any equipment system deficiencies or failures.

(e) Smoke Detectors

(1) Smoke detector(s) shall be installed adjacent to sleeping areas. Per Vermont State Fire Code, ~~by November 1, 2015,~~]smoke detector(s) shall be installed inside of all sleeping areas;

(2) Owners are responsible for the installation of the smoke detectors, the replacement of batteries, and the replacement of broken or damaged smoke detectors. Owners are also responsible for conducting annual documented testing to

ensure the detectors are both present and operational. Smoke detectors must be U.L. listed or otherwise approved by a recognized testing agency;

(3) The requirements for monthly testing in accordance with NFPA 720 shall also apply and may be accomplished by the owner or tenant;

(4) Smoke detectors found disabled during an inspection shall constitute a violation of this Ordinance and the responsible party will be subject to the penalties outlined in Section 7-12;

(5) The responsible party shall be the tenant unless it can be proven that the owner knowingly disabled a smoke detector and failed to replace it within a 24-hour period.

(f) Carbon Monoxide (CO) Detectors

(1) CO detector(s) shall be installed in dwelling units in accordance with the **most recently adopted** Vermont Fire and Building Safety Code **[2012]**. CO detector(s) shall be installed outside of each sleeping area in the immediate vicinity of the bedrooms;

(2) Any bedroom that contains a fuel-burning appliance shall be required to have additional CO detection inside the sleeping area;

(3) Owners are responsible for the installation of the CO detectors, the replacement of batteries, and the replacement of broken or damaged CO detectors. Owners are also responsible for conducting annual documented testing to ensure the CO detectors are both present and operational. CO detectors must be U.L. listed or otherwise approved by a recognized testing agency;

(4) The requirements for monthly testing in accordance with NFPA 720 shall also apply and may be accomplished by the owner or tenant;

(5) CO detectors found disabled during an inspection shall constitute a violation of this Ordinance and the responsible party will be subject to the penalties outlined in Section 7-12;

(6) The responsible party shall be the tenant unless it can be proven that the owner knowingly disabled a smoke detector and failed to replace it within a 24-hour period.

(g) Interpretation and Relationship to Other Fire Protection and Life Safety Code Requirements

(1) The requirements set out in subsections (b) – (f) are minimum requirements for existing rental units regardless of age, years in service or type of dwelling. More stringent standards may take effect where the dwelling use is altered as in the case of dormitory or rooming house uses or where substantial renovations, remodeling or new construction requires the application of specific additional standards for that type of use or construction. Conformance with the requirements of this section does not in any way limit the application of additional requirements where applicable.

(h) General Conditions

(1) Every supplied appliance, plumbing fixture, heating device or system, or utility which is required under this Ordinance, and every chimney and smoke pipe shall be so constructed, and installed by appropriately qualified personnel in accordance with the provisions of the most recent edition of the Vermont Building & Safety Code, as adopted by the Vermont Agency of Public Safety, or appropriately qualified personnel as may be allowed by statutory law. (Ord. No. 2021-02, 05/04/21)

(i) Sanitation

(1) Every tenant of a rental unit shall dispose of all rubbish, ashes, garbage and other organic waste in a clean and sanitary manner by placing it in the provided, approved storage or disposal facilities;

(2) Every owner of a rental unit or units shall provide common storage or disposal facilities for garbage, rubbish and recyclables. Said common facilities shall be properly sized to eliminate overloading and improper disposal and properly covered and isolated from the general environment so as not to be a public nuisance or hazard, and properly maintained. The owner shall be further responsible for placing out for collection all common garbage and rubbish containers and for providing for collection of refuse on a not less than weekly basis, and in accordance with the Barre City Trash Ordinance.

(j) Premises to be Kept Clean and Sanitary

(1) Every tenant of a rental unit shall maintain, in a clean and sanitary condition, that part of the rental unit and yard which he/she occupies and controls and shall be responsible for the reasonable care and cleanliness of supplied facilities including plumbing and cooking equipment;

(2) Every owner or his/her agent of a rental unit or units shall maintain the shared or public areas of the rental unit or units or yard in a clean and sanitary condition.

(k) Transfer of Responsibility

(1) No rental agreement shall relieve either the owner or tenant of their direct responsibility under this Ordinance.

(l) Responsibility of Owners of Vacant Buildings (1) Should any building with dwelling units become vacant, all requirements under Chapter 23 Vacant Buildings must be adhered to. (Ord. No. 2019-07, 09-10-19)

7-21 Certificate of Compliance

(a) It shall be a violation of the Minimum Housing Standards for the owner of a dwelling unit that is subject to inspection pursuant to this Ordinance to rent, offer for rent, or allow any person(s) to occupy any rental unit without a Certificate of Compliance;

(b) Upon completion of the inspection of a rental unit, if the unit is found to be compliant, the Officer shall issue a Certificate of Compliance which shall expire four (4) years from the date of issuance; (Ord. No. 2019-07, 09-10-19)

(c) If, upon completion of the initial inspection, the rental unit was found not to be in compliance with one (1) or more of the standards within this Ordinance, an Order(s) will be issued to bring the rental unit into compliance;

(d) The Certificate of Compliance shall be withheld until all violations have been rectified;

(e) Nothing in this section shall preclude the inspection of said rental units more frequently than the term of the Certificate of Compliance, based upon written and signed complaints received;

(f) A Certificate of Compliance may be revoked if a subsequent inspection finds that any rental unit is no longer in compliance with the provisions of the Minimum Housing Standards;

(g) Upon the request of an existing or prospective tenant, the owner or the owner's agent shall produce the Certificate of Compliance.

ARTICLE V. SPECIAL PROVISIONS

Sec. 7-22. Relocation Service.

(a) In the event that any person(s) is displaced from a rental unit by enforcement of this chapter **due to negligent maintenance practices**, unless it is reasonably determined by the enforcing agency that the tenant is responsible for the circumstance(s) that led to the order for relocation, the owner shall be responsible for paying the cost of relocation of the displaced person(s) for the duration of the repairs. **If relocation is not possible due to motel/hotel shortages, Owners must demonstrate to the Officer's satisfaction efforts made to identify relocation accommodations.**(Ord. No. 2019-07, 09-10-19)