

City of Barre, VT  
Regular Meeting of the  
**Barre City Planning Commission – Special Meeting**  
**Thursday, January 23, 2025 AT 5:30 PM**

**Participation: In-Person and Hybrid**  
**Join Zoom Meeting**

<https://us06web.zoom.us/j/86995495650?pwd=70zjwY0CSd58T6yOPVcL6yEyJ8kuWw.1>

**Meeting ID: 869 9549 5650**

**Passcode: 381609**

**AGENDA**

<b>Page No.</b>	<b>Agenda Item #</b>	<b>Description</b>
	1	Call to Order
	2	Adjustments to the Agenda
	3	Public comment (for something not on the agenda)
2	4	Approval of Minutes: for the December 12, 2024 meeting
	5	<b>Old Business</b>
5		Encore Renewable Energy Battery Storage Discussion and possible Letter of Recommendation
6		Unified Development Ordinance Revisions: Downtown Housing on ground floor
		Downtown Planning Area Grant: outreach strategy and March 2025 upcoming charette with TPUDC: update
	6	<b>New Business</b>
18		Chapter 23 Vacant Building Ordinance Discussion
	7	Confirmation of next meeting date of February 13, 2025
40	8	Staff updates – as needed
	9	Roundtable
	10	Adjourn

# Barre City Planning Commission

## December 12, 2024 Meeting Minutes

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Present: David Sichel (Chair), Becky Wigg\* (Vice Chair), Joe Reil (Secretary), Rosemary Averill, Raylene Meunier

\*Left meeting after 6A: Unified Development Ordinance.

Absent: Caitlin Corkins, Wendy Ducey

Staff: Janet Shatney (Director of Planning, Permitting & Assessing)

Visitors: None

### 1. Call to Order.

5:30pm.

### 2. Adjustments to the Agenda.

Sichel asked to move items due to Wigg needing to leave early, items 7B and 7A were discussed immediately following Approval of Minutes.

### 3. Public comment (for something not on the agenda).

None.

### 4. Approval of Minutes.

#### a. November 14, 2024.

Averill noted a correction to add Wendy Ducey to the list of members present.

**Averill moves to approve with correction, Meunier seconds, Sichel abstains, Averill, Meunier, Reil, and Wigg vote in favor.**

### 6. New Business (moved items)

#### b. Breaking Housing Matters Discussion

Wigg noted that she met with this organization, <https://www.breakinghousingmatters.org/>, and that it might be worth more discussion or inviting them to a future meeting.

There was some discussion around the group and what they are advocating for. They had approached Rutland previously. Bennington and Brattleboro were also being considered. Their goal is to have a municipality pass

ordinance that nobody should pay more than 25% of their income in housing costs and suggest several sources of funding for this goal, including possible taxes on landlords, mortgage lenders, etc., as well as grants and fundraising.

Consensus was that the costs and logistics of implementing this program may be too significant to be workable in Barre City but that it is worth further discussion which will be carried forward during our next meeting.

a. Unified Development Ordinance Revisions: Downtown Housing on first floor

Sichel noted having had a conversation with Thom Lauzon who is looking into placing apartment units on the first floor of a building on Main Street. Current ordinances restrict to within 100 feet of the front of the building and there was discussion about whether, and how, these should be revised.

It was noted that previous ordinances disallowed these units completely and that the 100 feet restriction seemed arbitrary. Some options were discussed, including what standards should be used (50 feet from the front, 50% of the space, something else?). Shatney also noted that there are currently some apartments behind other buildings on Main Street (Tasty Bites building).

Consensus was that this is worth further discussion and review (as well as possibly modifying our use tables accordingly) with the goal of allowing for more housing while also maintaining the character of the downtown and that it would be worthwhile to consider these changes along with any changes discussed for the Downtown Planning Area Grant.

5. Old Business.

a. Encore Renewable Energy Battery Storage Discussion and possible action

Shatney noted that the City Manager declined Encore performing a presentation at City Council. There was discussion around this, reiterating some of the advantages to the City for this project, and what actions would be appropriate for the Planning Commission to take.

Consensus was to draft a letter of recommendation for the project and to go before Council to summarize the project and our intent.

**Reil moves for this action, Averill seconds, unanimous in favor.**

b. Downtown Planning Area Grant: Outreach strategy and March 2025 upcoming charette with TPU DC: update

Shatney had meetings with the various consultants about the project schedule and outlined some of the details. Exact schedule to come, initial meetings intended for March with a presentation of results to follow in May and an expected completion in June. Public outreach will begin in January

including possibly having Planning Commission members attending City Council meetings to present details.

6. New Business.

c. Municipal Plan: Review Section 2 Transportation

It was decided to defer this discussion for a future meeting with more members present.

7. Confirm Date of Next Meeting.

a. January 9, 2025.

8. Staff Updates.

Shatney summarized a few recent developments.

A subdivision sketch plan to separate a lot with a house and a law office was submitted to the Development Review Board and approved.

Another agenda item was approval of an overhead door added to a Italian Baptist Church on Brook Street.

Seminary Street Project was approved, there is still time for appeals, though none have yet been submitted.

Assessors continue to work through buildings without recent assessment.

The new City Hazard Mitigation Plan was approved by Vermont Emergency Management.

Barre City received a \$500,000 grant from the Municipal Energy Resilience Plan, to be used to improve City Hall and the Barre Auditorium.

Money earmarked for building elevations (\$900,000) came in and candidate selection is underway.

9. Round Table.

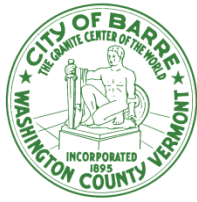
Averill thanked Janet for her efforts.

Sichel gave an update on the Prospect Heights project, the engineering/due diligence work is progressing, funded by the City.

Shatney reminded that discussion around ReGroup and changes to the parking ban will be discussed in the upcoming City Council meeting.

10. Adjourn.

6:43pm, **Reil moves to adjourn, Averill seconds, unanimous in favor.**



# *City of Barre, Vermont*

*“Granite Center of the World”*

*Barre City Planning Commission  
Via Planning, Permitting & Assessing Dept.*

*6 N. Main Street, Ste 7  
Barre, VT 05641  
Office Telephone (802) 476-0245*

January 23, 2025

Sam Carlson, Senior Project Development Manager  
Encore Renewable Energy  
110 Main Street, 2<sup>nd</sup> Floor, Suite 2E  
Burlington, VT 05401

Dear Sam,

Thank you for approaching the Barre City Planning Commission (Commission) with the presentation of your project, more specifically the 5 Megawatt/4 Hour Battery Energy Storage System (BESS) on October 10, 2024, with subsequent emails exchanged with City staff. We offer this letter in support of the BESS as outlined further.

Our understanding of the project is that the BESS is to be constructed next to Encore’s 2.2 MW AC solar project, at 107 Allen Street. The BESS consists of a battery system on a concrete pad on roughly a ½ acre within the 44.9-acre parcel, and that the electricity stored and discharged by the BESS will flow into Green Mountain Power’s electric grid. There are two (2) battery storage units, each approximately 16 feet by 60 feet, mounted on a concrete pad; approximately 10 feet high; will be contained inside a 7-8 foot high agricultural style perimeter safety fence; and next to the access road for the 107 Allen Street property that provides access to the future solar project.

The benefits to the City, as outlined in your presentation include \$5,000/year in property taxes, with approximately \$10,000/year in Uniform Capacity Tax to the State Education fund, based on Vermont Public Utility Commission regulations.

We understand that the Barre City Fire Department has been contacted, been given a site tour, reviewed the BESS at length, and have received a positive outcome. Moreover, Encore intends to conduct field-based orientation and training with our Fire Department staff, along with the battery manufacturer in system fire prevention and response.

All said, the Commission is in support of this project, and received approval for this letter of support by the Barre City Council on January 28, 2025. As presented, the Commission would appreciate the benefit from Encore’s “Good Neighbor Policy” and receive the offered \$20,000 contribution as a gesture of its intention to be a good neighbor to the City with this BESS. We would apply that \$20,000 contribution to a future planning effort that the Commission could use to hire consultants for future zoning related matters.

We thank you for your time and effort for this energy related endeavor, and are in full support of this project.

Respectfully,

David Sichel, Chair  
Barre City Planning Commission

Janet E. Shatney, Director  
Planning, Permitting & Assessing Dept.

## Janet Shatney

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**From:** Thomas J. Lauzon <tlauzon@salvadorandbabic.com>  
**Sent:** Wednesday, December 11, 2024 5:49 PM  
**To:** David Sichel  
**Cc:** Janet Shatney  
**Subject:** 100' Residential Setback Prohibition - Main Street  
**Attachments:** Chouinard 75 North Main Left elev nov 11 2024.pdf; Chouinard 75 North Main First floornov 11 2024.pdf; Chouinard 75 North Main Second floor nov 11 2024.pdf

Dear David,

Thank you for the heads up on Tuesday and also for your presentation of Prospect Heights.

As you're aware, our current zoning ordinances currently prohibit the placement of a residential unit on the first floor of a Main Street building within 100' of the Main Street sidewalk in the downtown district.

I've had friendly conversations with several people at City Hall in order to determine how (or why) 100' is the determinant number, as opposed to 50' or 75'. The popular answer seems to be that "it was the number recommended by the consultant". Fair enough, but I believe what "fit" in 2020 may no longer apply.

Having looked at the majority of the buildings on Main Street (admittedly, using Google Maps), this essentially amounts to a prohibition of residential units located on the first floor of any building currently located in the downtown district, as virtually all of the buildings are 100' or less in length when measured from Main Street. There is no opportunity for a discussion that considers a building's highest and best use or unique characteristics. It's simply a hard no.

I can understand the desire to limit the placement of residential dwellings on the first floor of a building located in the downtown district. Or to make the allowance of the same a rather high bar. But this ordinance is neither. Whether intended or unintended, it's a prohibition, with no room for discussion.

Having said all of that, I generally agree that it's wise to maintain ground level access (front and rear) to commercial space within buildings in the downtown district. As a long time developer of commercial space within our downtown, we generally try to maintain front and rear ground level access to commercial spaces for many reasons. Those reasons include pedestrian safety when accessing rear parking (by shortening walking distance), ADA compliance and service / delivery entrances.

The vast majority of our buildings in the downtown district enjoy ground level access at the front and rear of the building. But not all. 75 North Main Street (the original Town Hall) is one such building. The building first floor is at grade on Main Street, but the topography drops off sharply when moving away from Main Street, such that at the rear of the building, the first floor is actually one story up (at grade) and the basement entrance is at grade. I've attached an architect's rendering.

It's an interesting building and topography. If you can find another like it (the former Project Independence building is similar, but not as pronounced), please let me know. I haven't found another building with the first floor at grade on Main Street and one story up in the rear. It's a bit of a misfit. A damaged, vacant misfit.

75 North, LLC purchased this building approximately one year ago. The building has been vacant for a number of years. The most recent owner (Salvation Army) purchased the building with the intention of renovating it as a community center. That project was abandoned due to cost constraints. During their ownership, the building

was also substantially damaged in the July, 2023 flood. We purchased the building with the intention of renovating the building to include commercial space and residential units. The required investment will easily approach \$1,000,000.00.

The building is approximately 4,500 square feet per floor. As we programed the first and second floors of the building, it became apparent that the more appropriate use of the first floor was as a mix of commercial space fronting Main Street and two residential units and residential support space at the elevated rear of the building. Further, with the configuration of the building and our city's strong desire to locate residential tenants in the designated downtown, it just made sense.

From a financial point of view, having 4,500 square feet of additional commercial / office space is simply a recipe for an extended vacancy and a financially challenged project. 2,500 square feet of quality commercial space and two residential units (one of which would be ADA compliant) would better serve the master plan and vision for our downtown, as well as produce a higher financial return.

To be perfectly candid, I'm not certain that I would opt to finish or fully build out the first floor absent the opportunity to shrink the first floor commercial space and install two residential units. I don't want that to be taken as any kind of threat, merely as a point of information. The cost of building is close to prohibitively expensive for everyone. As developers, it's important that equity is invested in a way that produces the most successful outcome. Given the vacancy rate of office and retail space versus the vacancy rate of residential units (especially quality residential units), office and retail space simply don't fit that model.

I've attached a floor plan of the first and second floor of the building for reference. Note that we anticipate making slight changes (layout, closets, etc..) to these plans.

In closing, I appreciate the consideration of the Planning Commission in making what is effectively a prohibition against first floor residential units a possibility. I think our city would be better served by this opportunity.

I'm happy to speak to this issue further at your invitation.

Best,

Thom

--

Thomas J. Lauzon, CPA

Salvador and Babic, P.C.

240 South Main St.

P.O. Box 593

Barre, VT 05641

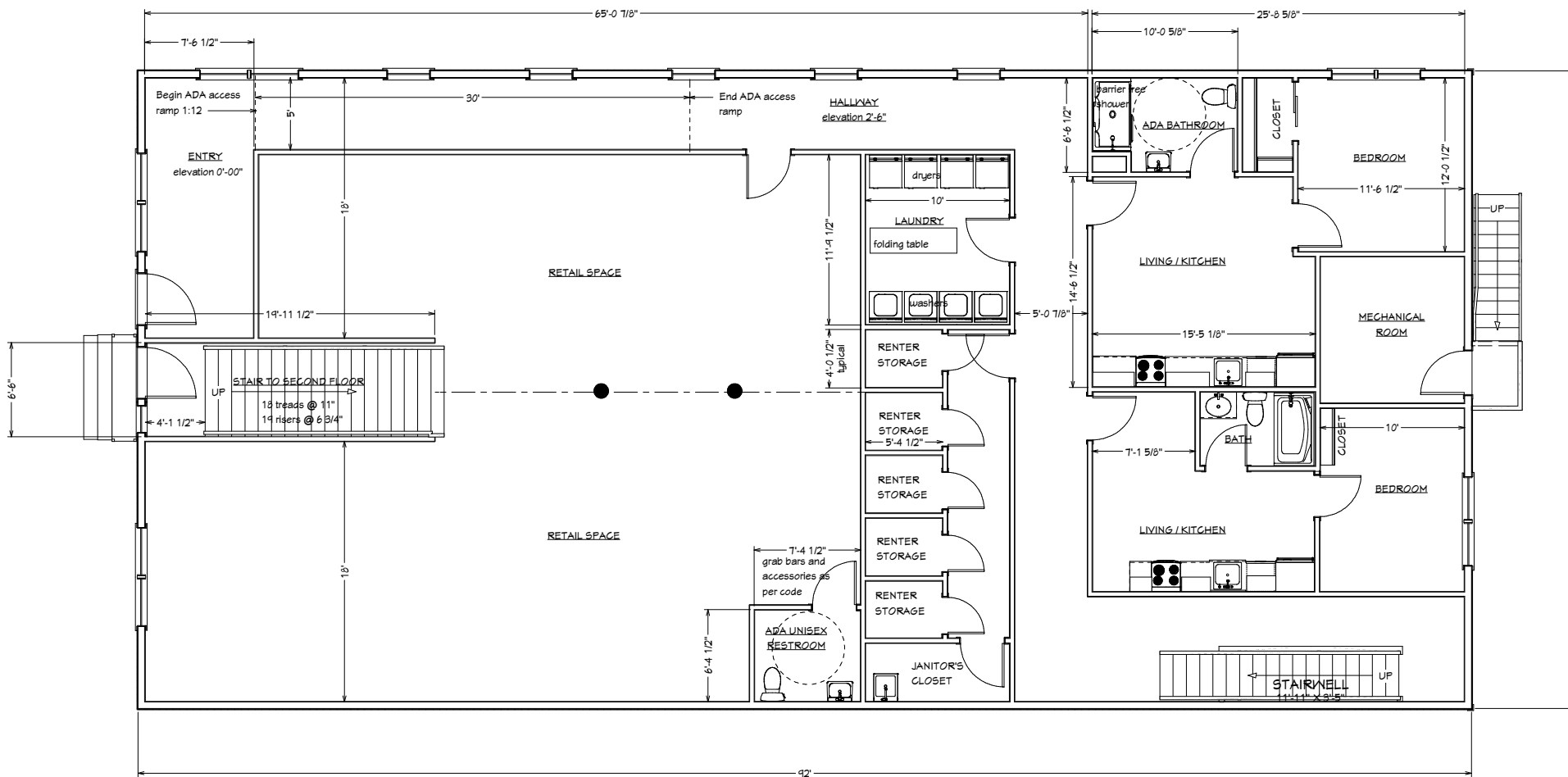
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# First Floor



LIVING AREA  
4001 SQ FT

Left Elevation





## 210 BASE ZONING DISTRICTS

### 2101 Urban Center 1 (UC-1)

2101.A **Intent.** The Urban Center 1 district provides concentrated downtown retail, service, office, upper floor housing and other compatible mixed uses in Barre City's central business district. Urban design standards are required in order to maintain neighborhood commercial scale, pedestrian activity, architectural character and the traditional built pattern. The purpose of this district is to:

- (1) Promote the long-term economic and social vitality of Barre City's central business district;
- (2) Provide for the daily needs and services of the community;
- (3) Provide economic development opportunities through clean industry, office and commercial uses;
- (4) Provide housing opportunities within walking distance of employment, service and retail opportunities;
- (5) Encourage investment that increases the value of downtown buildings and property;
- (6) Ensure that new buildings are compatible with the historic architectural framework of Barre City's downtown and preserve a human scale;
- (7) Promote a quality, urban streetscape and pedestrian-friendly environment; and
- (8) Accommodate a broad range of high-density housing options.

2101.B **Allowed Uses.** Section 2115 establishes the uses allowed in this district. In addition:

- (1) Residential uses are prohibited on any portion of the ground floor ~~within 100 feet from the front property line~~. Ground floor residential uses ~~more than 100 feet from the front property line~~ may be allowed as a conditional use upon the applicant demonstrating that the dwelling unit(s) will not adversely impact the use of the remaining ground floor space for non-residential purposes and that the provisions of ~~Section 3201~~ Section 3201 will be met. *along the street frontage.* *not along* *or permissible?*
- (2) Food service drive-throughs are prohibited. All other drive-through service may only be located at the rear of the building and will require conditional use approval. *end Section 3012*
- (3) Wholesale trade and information service uses are not permitted to occupy the ground floor, street frontage portion of a building. *the street frontage*

2101.C **Dimensional Standards.** Section 2116 establishes the dimensional standards for this district. In addition:

- (1) New principal buildings must be a minimum of 2 stories (this will be interpreted to

require at least one functional upper floor).

**2102 Urban Center 2 (UC-2)**

2102.A **Intent.** The Urban Center 2 district provides compact retail, service, office, housing and other compatible mixed uses in Barre City's downtown and neighborhood centers. Urban design standards are required in order to maintain neighborhood commercial scale, pedestrian activity, architectural character and the traditional built pattern. The purpose of this district is to:

- (1) Provide for the daily needs and services of the community;
- (2) Provide housing opportunities within walking distance of employment, service and retail opportunities;
- (3) Encourage investment that increases the value of buildings and property in Barre City's downtown and neighborhood centers;
- (4) Ensure that new buildings are compatible with the historic architectural framework of Barre City's downtown and neighborhood centers and preserve a human scale;
- (5) Promote a quality, urban streetscape and pedestrian-friendly environment;
- (6) Accommodate a broad range of high-density housing options.

2102.B **Allowed Uses.** Section 2115 establishes the uses allowed in this district. In addition:

- (1) Food service drive-throughs are prohibited. All other drive-through service may only be located at the rear of the building and will require conditional use approval.
- (2) Wholesale trade and information service uses are not permitted to occupy the ground floor, street frontage portion of a building.

2102.C **Dimensional Standards.** Section 2116 establishes the dimensional standards for this district. In addition:

- (1) New principal buildings must be a minimum of 2 stories (this will be interpreted to require at least one functional upper floor).

**2103 Urban Center 3 (UC-3)**

2103.A **Intent.** The Urban Center 3 district provides compact retail, service, office, upper floor housing and other compatible mixed uses in Barre City's downtown and along major thoroughfares. Urban design standards are required in order to maintain and enhance neighborhood commercial scale, pedestrian activity, architectural character and the traditional built pattern. The purpose of this district is to:

- (1) Provide economic development opportunities through clean industry, office and commercial uses;

*if permissible, may not need DRB  
if Conditional, will require DRB approval.*

2115 Use Table

USE & DEFINITION

RESIDENTIAL

**Single-family dwelling**

Use of a structure for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.

	UC-1	UC-2	UC-3	MU-1	MU-2	MU-3	R-16	R-12	R-8	R-4	GB	IN	CIV	CON
<b>Single-family dwelling</b> Use of a structure for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.	X	X	P <sup>1</sup>	P	P	P	P	P	P	P	X	X	X	X
<b>Two-family dwelling</b> Use of a structure for habitation by two households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, and with each unit having a separate entrance from the outside or through a common vestibule.	<i>P?</i> X	<i>P?</i> X	P <sup>1</sup>	P	P	P	P	P	P	P	X	X	X	X
<b>Three- or four-family dwelling</b> Use of a structure for habitation by 3 or 4 households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, and with each unit having a separate entrance from the outside or through a common vestibule.	<i>P?</i> X	P	P	P	P	X	P	P	P	P	X	X	X	X
<b>Multi-family dwelling (5+ units)</b> Use of a structure or part of a structure for habitation by five or more households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, or any dwelling unit in a mixed-use building. See Section 3201.	P	P	P	P	C	X	P	C	C	C	C	X	X	X
<b>Accessory dwelling</b> Accessory use of single-family residential property for a second dwelling unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation. See Section 3202.	X	X	P <sup>1</sup>	P	P	P	P	P	P	P	X	X	X	X
<b>Home occupation</b> Accessory use of single-family residential property for a small business that does not alter the residential character of the property. See Section 3203.	X	X	P <sup>1</sup>	P	P	P	P	P	P	P	X	X	X	X
<b>Home business</b> Accessory use of single-family residential property for a small business that may alter the residential character of the property. See Section 3204.	X	P	P	P	P	P	C	C	C	C	X	X	X	X
<b>Family childcare home</b> Accessory use of single-family residential property for a small daycare business that operates under state license or registration. See Section 3205.	X	P	P	P	P	P	P	P	P	P	X	X	X	X
<b>Senior housing</b> Use of one or more structures to primarily house people age 55 or older that: (a) Contains multiple dwelling units each intended for habitation by one household and providing complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation; and (b) May offer minimum convenience services to residents as an accessory use.	P	P	C	P	X	C	P	P	P	P	X	X	X	X
<b>Assisted living</b> Use of one or more structures to provide housing, board and care to residents who need assistance with daily activities such as dressing, grooming, bathing, etc. and that operates under state license. Includes residential care homes.	C	C	C	P	X	C	P	C	C	C	C	X	X	X
<b>Skilled nursing service</b> Use of one or more structures to provide housing and 24-hour skilled nursing care to residents and that operates under state license. This includes nursing or convalescent homes, and hospice or respite care facilities.	X	C	C	P	X	C	C	C	C	C	C	X	X	X
<b>Group home</b> Use of single-family residential property to provide housing to people with a handicap or disability that operates under state license or registration. See Section 1105 and Section 3206.	X	X	P <sup>1</sup>	P	P	P	P	P	P	P	X	X	X	X
<b>Single-room occupancy</b> Use of a structure or part of a structure to provide housing to single individuals each in a single-room dwelling unit that is not required to include food preparation or sanitary facilities. See Section 3207.	C	C	C	C	X	X	C	X	X	X	X	X	X	X
<b>Emergency housing</b> Use of structure or part of a structure to provide food, shelter, and other support services on a temporary basis to people who are homeless or to victims of disaster.	C	C	C	C	X	X	C	X	X	X	X	X	X	X

P = Permitted Use | C = Conditional Use | X = Prohibited Use | All uses other than single- and two-family dwellings, and accessory uses to single- and two-family dwellings, require site plan review in accordance with Section 4305. | <sup>1</sup> Additional use standards apply (see zoning district section)

setbacks.

- (7) Menu boards must conform to the standards of Paragraph 3107.F(4).
- (8) Drive-through facilities must be located a sufficient distance from property lines and screened to prevent adverse impacts, including but not limited to noise and light trespass, on adjacent properties.

### 3012 Dwelling Units

3012.A **Applicability.** The standards of this section apply to any structure or portion of a structure used or intended to be used as a dwelling unit.

3012.B **Minimum Unit Size.** The minimum size of a dwelling unit must not be less than:

- (1) 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 in accordance with [Subsection 3012.C](#));
- (2) 220 square feet for a one-bedroom unit; or
- (3) 220 square feet plus an additional 70 square feet for each additional bedroom (290 sf for two-bedroom, 360 sf for three-bedroom, etc.).

3012.C **Cooking and Sanitation Facilities.** All dwelling units must have safe, functioning cooking and sanitation facilities in accordance with the following:

- (1) A dwelling unit must contain permanent bathroom facilities consisting at a 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.
- (2) 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.

- (3) Any dwelling unit within a multi-family building containing:
  - (a) 3 or more bedrooms must have utility connections for a washing machine and clothes dryer in the unit.
  - (b) Less than 3 bedrooms must either have utility connections for a washing machine and clothes dryer within the unit or there must be a common laundry room in the building with washing machines and clothes dryers accessible to residents.

3012.D **Parking.** All dwelling units must have parking in accordance with [Section 3104](#).

3012.E **Water Supply and Wastewater Disposal.** All dwelling units must have safe, functioning water supply and wastewater disposal systems in accordance with [Section 3024](#).

3012.F **Trash Disposal.** All multi-family dwelling units must have convenient access to trash, recycling and compost storage areas in accordance with [Section 3108](#).

### 3013 Energy Generation Facilities

3013.A **Applicability.** The standards of Subsections A through D apply to energy generation facilities not exempted in Subpart 100. The standards of Subsection E apply to solar electric

- (1) The Development Review Board may waive this requirement if the applicant can prove that the occupants of the development do not need that amount of bicycle parking.

3201.F **Pedestrian Access.** Multi-unit residential buildings must be designed with pedestrian access in accordance with from:

- (1) The public sidewalk or street to any street-facing ground-level residential entrances;
- (2) Parking areas to residential entrances; and
- (3) Residential entrances to service areas (ex. trash or recycling areas) and common open space areas.

3201.G **Mixed-Use Buildings.** Multi-unit, mixed-use buildings must be designed so that the:

BARRE CITY UNIFIED DEVELOPMENT ORDINANCE  
ADOPTED August 27, 2024 / EFFECTIVE November 4, 2024

3. Development Standards  
320. Specific Use Standards

- (1) Non-residential space will not be located above residential space;
- (2) Walls and/or floors that separate residential and non-residential portions of the building will be sound-proofed;
- (3) Private entrance(s) to the dwelling units will be separated from the public and service entrance(s) to the non-residential portions of the building;
- (4) Impact of service and waste collection areas (noise, light, odors, etc.) on building residents will be minimized; and
- (5) Common open space, as required above, will be separated and screened from areas of the property accessible to the general public and from service areas.

(for 5 or more  
new bldg,  
exist)

### 3202 Accessory Dwelling

3202.A An accessory dwelling unit (ADU) must:

- (1) Be located within or appurtenant to a single-family dwelling on an owner-occupied lot;
- (2) Be clearly subordinate to the primary dwelling;
- (3) Have provisions for independent living, including sleeping, food preparation and sanitation in accordance with [Section 3012](#);
- (4) Not exceed 900 square feet or 30% of the habitable floor area of the primary dwelling (prior to the creation of the ADU), whichever is greater;
- (5) Shall be exempt from the minimum parking requirements for residential uses of [Section 3104](#);
- (6) Meet the applicable dimensional standards of the zoning district; and
- (7) Meet the water supply and wastewater disposal standards of [Section 3024](#).

3202.B A lot must not have more than one accessory dwelling unit.

3202.C The landowner must reside on the property, but may live in either the primary or accessory



approval that involves the installation or modification of a sign that includes all required elements listed below unless a specific requirement is waived in accordance with [Subsection 4301.E](#):

- (1) Type, location, height and area of all existing and proposed signs;
- (2) Design, materials and colors of all existing and proposed signs; and
- (3) Location, type and initial output (measured in lumens) of all existing and proposed sign lighting.

4302.C **Traffic Impact Analysis.** Applicants must submit a traffic impact analysis that conforms to VTrans' most current traffic impact study guidelines with any application for a conditional use approval for proposed development that will generate 75 or more peak hour trips or for a subdivision with 25 or more lots.

### 4303 **Design Review**

4303.A **Applicability.** Development within the Design Review Overlay district ([Section 2201](#)) that involves exterior modifications to a structure or site will require design review under this section before the Zoning Administrator may issue a zoning permit or the Development Review Board may grant a development approval, as applicable. **Interior alterations and changes of use that do not involve exterior modifications will not require design review.**

4303.B **Purpose.** The purpose of design review is to ensure that proposed development maintains and enhances those aspects of the built environment that contribute to Barre City's historic character, architectural heritage and sense of place.

4303.C **Review Process.** Applications will be reviewed based on the following process:

- (1) The Design Review Advisory Committee must meet to review all applications subject to design review within 15 days of the Zoning Administrator deeming the application complete. (Note: As specified in [Subsection 4004.A](#), if no Design Review Advisory Committee exists, the Zoning Administrator will conduct the design review. In doing so, the Zoning Administrator may deny or place conditions on a zoning permit to ensure compliance with the standards of [Section 2201](#). The applicant or other interested person may appeal such actions or decisions to the Development Review Board in accordance with [Section 4402](#).)
- (2) Meetings of the Design Review Advisory Committee are subject to Vermont's open meeting law, but are not subject to the hearing and notice requirements of this ordinance.
- (3) The Design Review Advisory Committee may recommend specific modifications to the proposed development based on:
  - (a) The standards and criteria of this ordinance; and
  - (b) If the proposed development involves exterior modifications to a contributing historic structure in the Historic Structure Overlay district, the *Secretary of the*

**Janet Shatney**

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**From:** David Sichel <dsichel@charter.net>  
**Sent:** Tuesday, January 7, 2025 7:12 PM  
**To:** Janet Shatney  
**Subject:** FW: Re: Recommendation Regarding City Ordinance Chapter 23  
**Attachments:** Deering Memo.pdf

Hi Janet I am forwarding this email chain which should include the attachment.

David Sichel

-----Forwarded Message-----

**From:** "Amanda Gustin" <a.gustin@barrecity.org>  
**To:** "Ed Stanak" <stanakvt@gmail.com>  
**Cc:** "David Sichel" <dsichel@charter.net>, "Becky" <beckywigg@gmail.com>  
**Sent:** January 7, 2025 at 10:25 AM EST  
**Subject:** Re: Recommendation Regarding City Ordinance Chapter 23  
Hi Ed,

Thank you for preparing this. I'm glad that you took the time to work on it - I would definitely like to explore this avenue further. It strikes me as a delicate balance to be able to enforce against bad actors while also allowing grace for people who are in difficult circumstances.

I'm copying in David Sichel and Becky Wigg, who are the current Chair and Vice Chair of the Planning Commission, which is the body that should consider ordinance updates like this. I hope they'll be able to talk further with you about it.

Amanda

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**From:** Ed Stanak <stanakvt@gmail.com>  
**Sent:** Monday, January 6, 2025 2:54 PM  
**To:** Michael Deering II <m.deering@barrecity.org>  
**Cc:** Thom Lauzon <t.lauzon@barrecity.org>; Emel Cambel <E.Cambel@barrecity.org>; Sonya Spaulding <s.spaulding@barrecity.org>; Amanda Gustin <a.gustin@barrecity.org>; Samn Stockwell <S.Stockwell@barrecity.org>; Nicolas Storellicastro <citymanager@barrecity.org>  
**Subject:** Recommendation Regarding City Ordinance Chapter 23

Council Member Deering-

Attached you will find a memorandum dated yesterday in which I provide a response to your inquiry at the December 30th Council meeting regarding whether I had a recommendation for strengthening Chapter 23 of the City Ordinances. Thank you for your consideration of this recommendation.

Ed Stanak  
Pleasant Street  
Barre City

## MEMORANDUM

**TO:** City Council Member Michael Deering  
**FROM:** Ed Stanak  
**DATE:** January 5, 2024  
**RE:** Recommendation to Strengthen City Ordinance Chapter 23  
Vacant Buildings and Abandoned Properties

### Summary

The demolition of a vacant building that is documented as being unsafe, unhealthy or dangerous is a last step in protecting the public interest and common good. It is a step considered a necessary and permissible “tool” under state law under certain circumstances. Just as a hardware store has the same tool, but varieties of different quality, so too do municipalities have differing “building take down” ordinances. The Council should undertake a process to amend Chapter 23 of the Barre City ordinances to strengthen the provisions of the Chapter in order to ensure a more effective and timely implementation of Section 23-14a(3) when inspections by the City’s Code Enforcement Team (CET) have documented circumstances that a vacant building constitutes a public nuisance and must be demolished. After demolition, the ordinance should require that the site be left in a properly stabilized physical condition.

### Introduction

I was interested in the agenda item on the Barre City Council meeting agenda for December 30, 2024 that was warned to “ratify Council’s 12/17/24 decision to pledge \$400,000 for the acquisition of 143 N Main by BADC subject to a sponsorship agreement”. In preparation for that meeting, I reviewed the provisions of Chapter 23 in the Barre City ordinances “Vacant Buildings or Abandoned Property” and related state statutes.

This memorandum responds to your inquiry made during my comments at the December 30<sup>th</sup> Council meeting as to whether I had a specific recommendation for the consideration of the Council regarding strengthening the provisions of Chapter 23 of the Barre City ordinances with respect to vacant buildings and abandoned properties. \* At the meeting I used the image of a “toolbox” that is provided to towns by the enabling state legislation which is found in 24 VSA Chapters 61 and 83. Those laws allow towns to deal with vacant buildings that are detrimental to the community. Barre City has taken advantage of the legislation and placed some “tools” in Chapter 23 of the City ordinances.

\*The purpose of this memorandum is to discuss Chapter 23. No positions are taken herein with respect to the applicability of the ordinance in current or strengthened form with respect to any specific properties in the City.

### “Voluntary Compliance”

Local, state and federal enforcement systems, intended to ensure that land use and development proceed consistent with applicable statutory and regulatory provisions, are based on the principle of “voluntary compliance” by the property owner. In the event that “voluntary compliance” is not achieved, the provisions typically include escalating measures by which the relevant government entity can take action to ensure compliance with the purposes of the laws and ordinances to safeguard the public’s health, safety and welfare.

These provisions acknowledge the rights of private property owners. But, with respect to vacant buildings, they recognize that there may come a time when buildings deemed unsafe, unhealthy or dangerous must be demolished. Section 23 - 14 of Chapter 23 provides for such a course of action in Barre City following due process steps. The question presented in this memorandum is: can Chapter 23 be amended so that the Chapter 23 process and procedures will be implemented in a more effective and timely manner in light of the inspection record for a specific building?

### Chapter 23 Barre City Ordinances

Section 23- 11 of Chapter 23 provides the definitions of “Vacant Building”, “Fire Hazard”, “Abandonment”, and “Inadequate Maintenance” and related terms as used in the Chapter.

It is very informative to consider the Council’s Statement of Findings for Chapter 23 as provided in section 23- 2 of the ordinance:

#### **Sec. 23-2. Statement of Findings.**

- a. Buildings that are vacant or vacant in a state of disrepair are public nuisances in that they contribute to the decrease in value of surrounding properties, precipitate disinvestment by neighboring owners, provide a location for criminal activity, undermine the aesthetic character of the street and city and have other undesirable effects.
- b. Allowing buildings to remain indefinitely vacant even in the absence of code violations or boarding is detrimental to the public health, safety and welfare; unreasonably interferes with the reasonable and lawful use and enjoyment of other property within the neighborhood; may pose a danger to first responders in an emergency; and detracts from the appearance and good order of the neighborhood.
- c. Owners of multiple buildings, either concurrently or serially, that are vacant and a nuisance to the community are a significant problem in the City. Owners of buildings who fail to correct deficiencies contribute to the decline of neighborhoods to a greater extent than those who own only one building. It is in the interest of the welfare of neighborhoods that owners of properties who fail to maintain properties and correct vacant buildings are subject to imposition of higher administrative penalties in order to encourage these owners to correct violations of this ordinance in a prompt manner.

Section 23-3 of Chapter 23 provides a statement of Purpose:

**Sec. 23-3. Purpose.**

The purpose of this Ordinance, is, therefore to:

1. Identify, evaluate and reevaluate buildings and/or structures that have become vacant or abandoned, becoming public nuisances, and the risks associated with them.
2. Define and document the responsibilities of the vacant building owners by providing standards for maintaining vacant buildings.
3. Provide a monitoring program for those public nuisances.
4. Abate such public nuisances, and to mitigate their impacts.

Enabling State Legislation

Municipal provisions like Chapter 23 have their origins in 24 VSA Chapters 61 and 83. Chapter 83 is most relevant, especially sections 3113 through 3116.

The legislature provided municipalities with authority in 24 VSA 3116 to take concrete action in circumstances where vacant buildings are documented as being unsafe and where a property owner has not taken steps to correct threats to the public health, safety and general welfare. The statutory language of 24 VSA 3116 reads, in pertinent part, as follows:

**§ 3116. Building taken down; penalty**

When such report declares such structure to be unsafe, and when the owner, agent, or person interested continues such refusal or neglect, the inspector shall cause it to be taken down or otherwise made safe. The costs and charges incurred shall constitute a lien upon the land upon which such building is situated, and shall be enforced within the time and in the manner provided for the collection of taxes on land.

Chapter 23 and Building Demolition

Section 23-14 of Chapter 23 reads (in relevant part) as follows:

**Sec. 23-14. Written Documentation and Issued Orders.**

- a. Where an inspection indicates that a violation of the Ordinance exists, the CET shall issue a written Order 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 CET, the documentation may require the discontinuance of the illegal action or condition, that violations be corrected, or significant action taken to begin corrections within a defined number of business days, or require that the premises be secured until it meets the standards of this chapter. The written documentation shall be based on finding that the premises are a danger to the health, welfare

or safety of the general public and a violation of the Maintenance Standards Sec. 23-23.

Written documentation may further direct:

1. That the vacant building be repaired, secured or cleaned up so that it meets the standards of this Chapter.
2. That the vacant building is unfit or unsafe because it constitutes a serious danger to the health, welfare and safety of the general public, and the vacant building be secured and/or repaired so that it meets the standards of this Chapter.
3. That the vacant building is deemed a public nuisance because it constitutes a danger to the health, welfare or safety of the general public, and that it must be demolished pursuant to the provisions of 24 V.S.A. Chapter 83 §§3113-3118.

### Other Vermont Municipal Ordinances

Other Vermont municipalities have comparable ordinances regarding vacant and abandoned buildings along with provisions to address situations where voluntary compliance has not been achieved. Two examples follow and I provide only the section of each ordinance that compares with Barre's Section 23-14a(3). It is helpful to also read the sections of those ordinances that compare with Barre's ordinance for the administrative process in paragraph (a).

1) **The City of St Albans** addresses vacant and dangerous buildings through its "Public Health and Safety ordinance". Section 7 of that ordinance is entitled "Safety Order" and provides a process in section 7E for the City to pursue demolition of such buildings:

*E. For removal or demolition, the Building Safety Officer, or other appropriate City officer, may seek approval from the appropriate Court for a remedy in equity to remove or demolish a dangerous building, or to order such steps as may be necessary to abate any hazardous condition. The Building Safety Officer may also seek the imposition of fines in accord with Section 9(A) of this Ordinance.*

2) **The City of Burlington** addresses vacant and dangerous buildings under Article III of its ordinances "Abatement and Rehabilitation of Vacant Buildings and Dangerous Structures". Section 8-43 provides definitions for terms in the Article and subsection (3) reads: "*Dangerous building or structure means a building or structure or part thereof declared structurally unsafe or hazardous by any duly constituted authority, whether it is occupied, unoccupied, or vacant.*"

Section 8-45 of the Burlington ordinance deals with situations where a property owner fails or refuses to make a building safe and subsection (e) directs "e) *If the owner continues such refusal or neglects to remove or make the building safe, the director shall cause it to be taken down or otherwise made safe, and the costs and charges incurred shall constitute a lien upon the real estate upon which such building is situated.*

cc: Mayor, City Council members and City Manager

- (2) Demolish the structure, remove all structural materials and debris from the site, restore the site to a natural grade, and re-establish groundcover to prevent erosion. (See [Section 3009](#) for guidance on demolition.)

1207.C **Zoning Permit Required.** Landowners must obtain a zoning permit to repair or reconstruct a damaged or destroyed structure, but they do not have to pay the associated application fee if a complete application for repair or reconstruction is filed within 12 months of the structure being damaged or destroyed.

1207.D **Nonconforming Structures.** If a nonconforming structure is damaged or destroyed, a landowner may rebuild and use the structure in accordance with [Section 1301](#) and provided that:

- (1) The structure as reconstructed does not exceed the original floor area; and
- (2) The structure as reconstructed is not more nonconforming than the original structure; and
- (3) The landowner submits a complete application for a zoning permit for reconstruction within 12 months of the structure being damaged or destroyed.

**1208 Blighted Structures**

**1208.A Redevelopment Projects.** As part of any project requiring major site plan approval (see [Subsection 4305.C](#)) from the Development Review Board, a landowner must rehabilitate, stabilize, remove or demolish any blighted structures located on the subject property.

- (1) **BEDROOM** as defined by state regulation means a room located within a dwelling that the residents use primarily as private sleeping quarters or that was designed for such use, and has at least one window, one closet, one interior door that allows the room to be closed off from the remainder of the dwelling, and a floor area of at least 80 square feet.
- (2) **BICYCLE RACK** means a metal frame securely anchored to the ground that is designed to accommodate at least 2 bicycles, support the bicycles horizontally in at least 2 places, and allow the bicycles to be locked to the frame with standard user-supplied locks.
- (3) **BLIGHTED STRUCTURE** means a structure or portion of a structure that exhibits objectively determinable signs of deterioration sufficient to constitute a threat to public health, safety and welfare.
- (4) **BUILDING** means a structure with a roof that is supported by walls or columns, which is intended for the shelter, housing or enclosure of people, animals, vehicles, equipment, processes, goods or materials of any kind.
- (5) **BUILDING, ACCESSORY** means a building that is clearly and customarily incidental and subordinate to the principal building on the lot.
- (6) **BUILDING, ATTACHED** means a building that has at least part of a wall in common with another building or that is connected to another building by a roof.
- (7) **BUILDING, DETACHED** means a building that is freestanding and structurally separated from other buildings.
- (8) **BUILDING, PRINCIPAL** means the main or predominate building in which the principal use on the lot is located.

5003.C

- (1) **CALIPER** means the diameter of a tree trunk measured at 6 inches above the ground.
- (2) **CHARACTER OF THE NEIGHBORHOOD** means a neighborhood's distinctive "personality" or sense of place, which is created through a combination of existing and/or planned (as described in the Barre City Plan and the zoning district purpose statements) elements including, but not limited to:
  - (a) The pattern, type, scale and intensity of land use;
  - (b) Traffic conditions, street design, streetscaping and walkability;
  - (c) The bulk, form, size, scale, placement and arrangement of buildings;
  - (d) Historic resources, landmarks, views and scenic resources;



**Chapter 23 – VACANT BUILDINGS OR ABANDONED PROPERTY**

New Chapter Added Ord. No. 2009-02, 09-08-09; 2019-03, 06-15-2019

**Sec. 23-1. Authority.**

- a. The City Council has enacted this ordinance under the authority granted to the City in Title 24 Vermont Statutes Annotated (V.S.A.), Chapter 61, §§2291(13), (14), and (15), and Chapter 83, §§3113-3118, to compel the cleaning and repair of premises and to identify and abate public nuisances.

**Sec. 23-2. Statement of Findings.**

- a. Buildings that are vacant or vacant in a state of disrepair are public nuisances in that they contribute to the decrease in value of surrounding properties, precipitate disinvestment by neighboring owners, provide a location for criminal activity, undermine the aesthetic character of the street and city and have other undesirable effects.
- b. Allowing buildings to remain indefinitely vacant even in the absence of code violations or boarding is detrimental to the public health, safety and welfare; unreasonably interferes with the reasonable and lawful use and enjoyment of other property within the neighborhood; may pose a danger to first responders in an emergency; and detracts from the appearance and good order of the neighborhood.
- c. Owners of multiple buildings, either concurrently or serially, that are vacant and a nuisance to the community are a significant problem in the City. Owners of buildings who fail to correct deficiencies contribute to the decline of neighborhoods to a greater extent than those who own only one building. It is in the interest of the welfare of neighborhoods that owners of properties who fail to maintain properties and correct vacant buildings are subject to imposition of higher administrative penalties in order to encourage these owners to correct violations of this ordinance in a prompt manner.

**Sec. 23-3. Purpose.**

The purpose of this Ordinance, is, therefore to:

- a. Identify, evaluate and reevaluate buildings and/or structures that have become vacant or abandoned, becoming public nuisances, and the risks associated with them.
- b. Define and document the responsibilities of the vacant building owners by providing standards for maintaining vacant buildings.
- c. Provide a monitoring program for those public nuisances.
- d. Abate such public nuisances, and to mitigate their impacts.

**Sec. 23-4. Scope of Ordinance.**

- a. Unless specifically exempted, this Ordinance shall apply to all vacant or abandoned buildings and their associated properties within all areas of the City of Barre. All vacant buildings shall require a Vacant Building Registration, and follow all other requirements in accordance with this Ordinance.

**Sec. 23-5. Designation of Effect.**

- a. This ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

**Sec. 23-6. Severability.**

- a. If any portion of this Ordinance is found to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected and shall remain in full force and effect. If any statute referred to in this ordinance is amended, this ordinance shall be deemed to refer to such amended statute.

**Sec. 23-7. Relationship with Other Laws or Regulations.**

- a. If any provision of this ordinance is more restrictive than any other law or regulation, the provision of this ordinance will apply and take precedence.
- b. If any provision of another law or regulation is more restrictive than this ordinance, the provision of this ordinance will be superseded and the more restrictive provision will apply.

**Sec. 23-8. Disclaimer of Liability.**

- a. This Ordinance does not create any liability on the part of the City, its officials, agents, employees or representatives for damages that result from reliance on this Ordinance or any lawful administrative action or decision taken under this Ordinance.

**Sec. 23-9. Effective Date of Ordinance.**

- a. Upon adoption by the City Council, this Ordinance and any subsequent amendments will take effect in accordance with the procedures established in the Barre City Charter and shall remain in effect until repealed or amended.

**Sec. 23-10. Applicability, Exceptions.**

- a. The provisions of this Ordinance apply to all vacant or abandoned buildings, structures or premises located within the City of Barre, Vermont.

**Sec. 23-11. Definitions.**

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

- a. **Code Enforcement Team (CET)**: Is comprised of the City Manager, Chief Code Enforcement Officer and/or their designee(s).
- b. **Chief Code Enforcement Officer**: The City of Barre Fire Chief.
- c. **City Council**: the Barre City Council.
- d. **Vacant Building**: Unless specifically exempted, any building or structure, in the judgement of the CET, that has been determined to be vacant, and meets one or more of the following criteria:
  1. Any building or structure that is unoccupied by a person, or occupied by unauthorized persons for more than 60 consecutive days;
    - i. For single family dwellings, this means that no one is legally maintaining a residence in the building;
    - ii. For two-family and multi-family dwellings, this means that none of the units are legally occupied;
    - iii. For businesses, this means the building is not open for business on a regular basis;
    - iv. For industrial buildings, there are no employees arriving on a regular basis and no work being performed;
    - v. Any lawful business operation or residential occupancy has ceased with the exception of secure accessory building not intended for human occupancy.
  2. For these uses, the CET shall use their best judgement to establish standards to determine whether or not a building or structure is vacant.
- e. **Exempt Buildings and/or structures**. Buildings and/or structures that are exempt from this Ordinance consist of any one of the following:
  1. Designated warehouse, garage, or building or structure used only on a seasonal basis;
  2. Building is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation;
  3. Primary residences of members of the armed forces on active duty;

4. Lawful seasonal or resort residents of facilities being occupied periodically during the year;
5. Actively being maintained and monitored by the owner as defined below:
  - i. Maintenance of the building in continuing compliance with all applicable codes and regulations;
  - ii. Prevention of criminal activity on the premises;
  - iii. The posting of a notice placed by a Responsible Agent or Servicing Company per industry standard with name, address and telephone number by whom is in control of the building or structure;
- f. **Fire Hazard**: Exists whenever any building or structure, because of its dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
- g. **Abandoned**: Upon investigation by the CET, any building, structure, except exempt property as defined here, in which at least one of the following conditions exists:
  1. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public;
  2. Doors and windows that are boarded up, broken or left unlocked;
  3. Furnishings and personal property are absent;
  4. The building or structure is deteriorating so as to constitute a threat to public health or safety;
  5. Reports of trespassers, vandalism or other illegal acts being committed on the real property have been made to local law enforcement authorities and confirmed or substantiated;
  6. The Owner is deceased and there is no evidence that an heir or personal representative has taken possession.
- h. **Inadequate Maintenance**: Whenever a building or structure becomes dilapidated, decayed, damaged, has faulty construction, or otherwise is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.

- i. **Responsible Agent**: A person, firm or other entity that, by agreement for payment of services, is responsible to a bank, lender, other financial institution or individual, for securing, maintaining, foreclosing upon or selling any residential property as the result of loan default or mortgage foreclosure proceedings whether or not the proceedings are judicial or initiated as the result of a power of sale clause in the mortgage document. In this section, agent does not include a servicing company. Except, however, an attorney shall not be deemed to be an agent if that attorney is retained solely to represent a bank, lender or other financial institution in connection with a foreclosure proceeding in a court of competent jurisdiction. A responsible agent shall be within a 30-minute radius of Barre City.
- j. **Owner(s)**: Any and all owners of record or trustees for such owners. The obligation of owners under this ordinance extends to agents of such owner(s) or other persons interested (including but not limited to mortgagors, lien holders, agents, lenders) who have asserted possessory interest in the building where the Owner of Record has apparently vacated the property.
- k. **Financial Institution**: Any individual, firm, corporation or entity such as a lender or duly constituted bank that asserts a collateral interest in real property as the result of an assignment, sale or transfer of a mortgage or similar instrument.
- l. **Foreclosure**: The judicial process prescribed by 12 V.S.A. Chapter 172, and the process for non-judicial sale authorized by a power of sale clause in a mortgage document.
- m. **Servicing Company**: An individual, firm or entity that, as a regular part of its business, provides services to the owner or holder of one or more mortgage liens which services may include collection of payments, creation and administration of escrow and insurance accounts, assessment of late-payment charges, managing loss mitigation, and securing and managing foreclosed properties on behalf of the holder of a mortgage lien or the holder's attorney or agent.

#### **Sec. 23-12. Enforcement of Authority.**

- a. The Code Enforcement Team is authorized to administer and enforce the provisions of this ordinance. The Code Enforcement Team may take such measures as are necessary for the proper administration of the ordinance, including, but not limited to, maintaining lists on the status of vacant buildings or structures. The Code Enforcement Team may delegate their powers and duties under this Chapter to an appropriate Administrator and/or any Inspector so designated. The Code Enforcement Team is herein referred to as the CET.

#### **Sec. 23-13. Duties and powers of the CET.**

- a. The CET and/or their designee(s) is hereby authorized and directed to administer and enforce the provisions of this ordinance.
- b. The CET and/or their designee(s) shall have the power to issue a Civil Complaint and pursue enforcement before the Judicial Bureau in accordance with the provisions of 24

VSA §1974a and §1977 with penalties as prescribed in Sec. 23-16.

- c. The CET shall not have the power to waive any requirements of this ordinance. Any such waivers requested by the Owner or Responsible Agent shall be heard by the City Council.
- d. The CET shall carry proper identification when inspecting structures or premises in the performance of their duties.
- e. To safeguard the health, safety and welfare of the public, The CET is authorized to enter, examine and survey all registered vacant properties at any reasonable time that are subject to emergency inspections of this ordinance in accordance with Sec. 23-21.
- f. Where it is necessary to make an inspection to enforce this ordinance, or where the CET has reasonable cause to believe there is a structure that is vacant or abandoned, the CET shall first make a reasonable effort to locate the owner or other person having charge of the structure or premises and request entry. If entry is refused the CET must first secure a search warrant duly issued by a court [13 V.S.A. §4701].
- g. The CET shall have the following powers to administer the provisions of this ordinance, including, but not limited to:
  1. Registering vacant structures;
  2. Renewing registration of vacant buildings;
  3. Semi-annual inspections of registered and unregistered buildings for compliance;
  4. Securing utilities as necessary;

**Sec. 23-14. Written Documentation and Issued Orders.**

- a. Where an inspection indicates that a violation of the Ordinance exists, the CET shall issue a written Order 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 CET, the documentation may require the discontinuance of the illegal action or condition, that violations be corrected, or significant action taken to begin corrections within a defined number of business days, or require that the premises be secured until it meets the standards of this chapter. The written documentation shall be based on finding that the premises are a danger to the health, welfare or safety of the general public and a violation of the Maintenance Standards Sec. 23-23. Written documentation may further direct:
  1. That the vacant building be repaired, secured or cleaned up so that it meets the standards of this Chapter.

2. That the vacant building is unfit or unsafe because it constitutes a serious danger to the health, welfare and safety of the general public, and the vacant building be secured and/or repaired so that it meets the standards of this Chapter.
  3. That the vacant building is deemed a public nuisance because it constitutes a danger to the health, welfare or safety of the general public, and that it must be demolished pursuant to the provisions of 24 V.S.A. Chapter 83 §§3113-3118.
- b. Failure to remedy a violation to the satisfaction of the CET, the CET may bring appropriate action to enforce the provisions of this ordinance.
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 CET investigates and issues an Order, such Order shall be sent to the Owner and/or Responsible Agent.
- d. Orders shall be sent by one or more of the following means:
1. Email.
  2. United States Postal Service (USPS) Certified Mail Return Receipt Requested.
  3. USPS normal delivery.
  4. Hand Delivery.
- e. If an Order cannot be delivered by means listed above, the Order shall be posted in a conspicuous place on the structure or on the property.
- 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 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.
- h. When an Order is cured and any related assessed penalties are paid, the CET shall record a discharge in the Municipal Land Records.

**Sec. 23-15. Appeals of the CET.**

- a. Written notice of appeal shall be delivered or mailed postage prepaid to the Chief Code Enforcement Officer within ten (10) business days of the date of an Order(s), action, or findings.
- b. The Chief Code Enforcement Officer shall review the appeal and all related documentation and make a written decision within twenty (20) business days of receipt of an appeal, sent via United States Postal Service (USPS) Certified Mail Return Receipt Requested.
- c. The decision shall inform the appellant the he or she may appeal from this decision to the City Council, lodging the appeal with the City Clerk within ten (10) business days of the mailing of the written notice of decision.
  1. Appeals shall be made in writing and shall describe in detail the issue, order, or action being appealed. In addition any required appeals fee set by the City of Barre shall be paid in full.
  2. The Council shall review the appeal and all related documentation and make a written determination within twenty (20) business days of receipt of the appeal.
  3. The City Council's findings shall be made in writing and sent via United States Postal Service (USPS) Certified Mail Return Receipt Requested.
- d. Any owner or agent may appeal a decision of the City Council by instituting relief in Superior Court under V.R.C.P. 74.
- e. When an aggrieved party appeals an action of the Chief Code Enforcement Officer , the CET shall not be prevented from completing the inspection of the property 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.

For the purposes of this Section, the CET is designated as the entity who will determine life threatening issues.

**Sec. 23-16. Enforcement and Penalties.**

- a. Any person violating any provision of this Ordinance or providing false information to the CET will be subject to the following fines:
  1. Failure to apply for a vacant building registration and/or renewal of the filing of an incomplete application;
  2. Failure to pay the vacant building fee(s);



3. Failure to comply with an order of the CET in the time required, with each separate deficiency ordered to be corrected being deemed a separate order;
- b. Issue, or direct to have issued, a Civil Complaint and pursue enforcement before the Judicial Bureau in accordance with the provisions of 24 V.S.A. §1974a and §1977 with penalties as prescribed below:
    1. First offense. A first offence of this ordinance shall be punishable by a fine of \$150.00. The waiver fine shall be \$100.00
    2. Second and subsequent offenses. Any second or subsequent offenses of the same provision of the bylaws within a 12-month period shall be punishable by a fine of \$200.00 The waiver fine shall be \$150.00.
    3. Each day that a violation continues after the initial seven (7) days' notice shall constitute a separate offense.
  - c. The CET may notify the City Attorney of the violations, who may then take action in Superior Court seeking injunctive relief with penalties as prescribed by law.
  - d. Failure or refusal to pay the inspection and registration and/or renewal fees due by this Ordinance shall be a violation and fine not less than \$500 for each failure to register, failure to maintain and secure, failure to inspect, failure to report, or for each failure or refusal to pay the required fees.
  - e. Penalties shall not be subject to suspension or reduction for any reason.

**Sec. 23-17. Registration, Renewal, Fees.**

- a. A registration and/or renewal registration shall be issued for an owner or responsible agent after the fee required has been paid. Any fees are paid through the Permitting Office at the time of registration.
- b. The City Council will prescribe fees to be charged with respect to inspections, registrations and renewals. The applicant may also be charged the cost of recording fees as required by law.
- c. Vacant buildings that are determined to be a nuisance property, abandoned, or recognized to have inadequate maintenance, a fire hazard, including properties in mortgage default according to the criteria established herein, shall be charged:
  1. A fee for the initial inspection of the premises, the first time a vacant building, structure or premises is registered and established on a master vacant building listing maintained by the CET.

2. The fee for the first six-month registration, and every six-month period thereafter shall be set on the Fee Schedule designated by City Council.
3. For commercial buildings and/or structures, the fees shall escalate at a rate of two (2) times the prior year fee for each additional year a building continues as vacant or abandoned regardless of the responsible party.

**Sec. 23-18. Records.**

- a. The CET shall keep official records of registrations issued, and fees collected. Reports of inspections, notices and other orders pertaining to vacant structure issued shall be retained.

**Sec. 23-19. Registration and Registry, transferability, timeframes.**

- a. A Vacant Building Registration shall be required under the terms of this ordinance. Any person(s) carrying on without a Vacant Building Registration shall be deemed in violation of this ordinance.
- b. All vacant properties shall register with the City within 60 days of the effective date of the ordinance or within 60 days of a building becoming vacant thereafter. Applications are made to the Permitting office.
- c. Within ninety (90) days of purchasing, transferring, assigning or acquiring a vacant or abandoned building or structure meeting the definitions of this Ordinance, the owner or a Responsible Agent shall apply for a vacant building registration.
- d. Registrations will run from July 1 to December 31 and January 1 to June 30.
- e. A Registration pursuant to this ordinance shall be issued to the owner or responsible agent of the vacant building named on the approved registration application. One registration may be issued for a vacant building and shall be deemed to cover only such building under single ownership. No transfer of registration is allowed between owners or between buildings.
- f. All fees shall be paid semi-annually with the registration form in full for the period being registered in, and no proration's shall be allowed.
- g. If, upon investigation of a property it should be determined that the property is either vacant, abandoned, or in foreclosure or no property owner can be located, the bank, lender, other financial institution or its responsible agent or servicing company, shall register the property in the name of the lien holder with the City on a form prescribed by the City that includes, but is not limited to, information identifying the location of the property, the last known owner or owners of the property, the date foreclosure proceedings were commenced and the docket number of the foreclosure action, a description of the external condition of the property and whether there is an accessory structure on the property. Registration information shall identify the agent or servicing company, if any, that is authorized by the

lien holder to enter upon the property and to conduct repairs or maintenance.

- h. The CET shall develop, collect and maintain all forms and applications necessary for the administration of the Vacant Building Registry. Applications shall be reviewed by the CET in a timely manner and decisions issued within 10 business days of the application.
- i. A current Time of Sale Inspection is completed for all vacant buildings or structures when they are no longer registered or the status of the property changes.
- j. No registration shall be approved until both required fees are paid (inspection fee and either a registration or renewal fee) and a copy of the required insurance is provided to the City and until the CET is satisfied from an examination of the application and any inspections deemed necessary. Applicants have the burden to demonstrate compliance with the adopted codes.
- k. The Owner of a vacant building shall at the time of registration name the Barre City Police Chief as the agent capable of issuing trespass notice during the time the property remains vacant. This does not place any responsibility for the condition of the property on the Police Chief. This agent designation is only meant to allow City officials to formally issue trespass orders and remove persons who may be illegally occupying the vacant property.
- l. It shall be the responsibility of the Owner or Agent to notify the CET when a property is ready to be removed off the catalog master list.

**Sec. 23-20. Registration Renewal.**

- a. The CET shall process vacant building registration renewals semi-annually.
- b. Applicants shall be required to submit renewal registration applications and all applications shall be processed in the same manner as a registration (Sec. 23-19).
- c. Should an Owner or Responsible Agent sell the property or change companies, the burden of proof is on the Owner or Responsible Agent to notify the CET to update records.
- d. The Owner or Responsible Agent shall have the continuing obligation to notify the CET of any changes in the information required by the Registry forms.
- e. It shall be a violation of Vacant Building Ordinance for the Owner or Responsible Agent to fail to register the vacant structure as required by this Chapter.

**Sec. 23-21. Inspection Procedures.**

- a. The Owner and/or Agent shall arrange for an initial inspection of the building and premises with the CET and/or appropriate police and fire officials prior to registering the property in the Vacant Building Registry.

- b. If the CET has reason to believe that an emergency situation exists tending to create an immediate danger to the health, welfare, or safety of the occupants or the surrounding properties, or the general public, he/she may enter, examine and document the structure at any time.
- c. The CET, at the time of any inspection, shall issue any order for work needed to:
  - 1. Comply with this ordinance and adequately protect the building from intrusion by trespassers and from deterioration by weather in accordance with the maintenance standards found in Sec. 23-23.
  - 2. Ensure that the building will not remain detrimental to public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood, and will not pose an extraordinary hazard to police officers or firefighters entering the premises in times of emergency.
  - 3. When issuing Orders, Sec. 23-14 shall be followed.

**Sec. 23-22. Responsibilities of Vacant Building Owners.**

- a. The owner of a vacant building shall register it as a Vacant Building with the City of Barre for the period during which the property is vacant and any period thereafter. When a building or structure becomes vacant, as defined by Sec. 23-11, steps must be taken to register as defined by Sec. 23-19.
- b. A vacant building shall not be a dangerous building, pursuant to Chapter 4 Buildings and Building Construction, Section 4-40, Abatement and Rehabilitation of Dangerous Structures.
- c. The owner of a vacant building or structure shall comply with all building, fire, life safety, zoning, and other applicable codes or ordinances and shall apply for all necessary building, fire prevention, and zoning permits to meet the Maintenance Standards as stated in this ordinance.
- d. The owner of a vacant building or structure shall immediately remove all combustible waste and refuse therefrom in compliance with the applicable fire prevention code and shall remove any waste, rubbish or debris from the interior of the structure. The owner of a vacant building or structure shall also immediately remove any waste, rubbish, debris or excessive vegetation from the yards surrounding the vacant building or structure in accordance with the Maintenance Standards in Sec. 23-23.
- e. The owner of a vacant building or structure shall immediately lock, barricade or secure all doors, windows and other openings in the building or structure to prohibit entry by unauthorized persons, in accordance with the vacant building maintenance standards of this ordinance. The owner of a vacant building or structure shall provide the police department with a list of persons authorized to be present in the building and shall provide notices of

trespass to the police authorizing the arrest for trespass of individuals not on the list. The owner shall update the authorized person list as needed.

- f. The owner or responsible agent shall provide an Emergency Contact Sheet upon completed registration or renewal.
- g. The Owner or Responsible Agent shall purchase and install an emergency access key-box approved by the Fire Department.
- h. The obligations of owners of a vacant building or structure are continuing obligations that are effective throughout the time of vacancy, as that term is defined in this ordinance. The CET shall have continuing abatement authority throughout the time of vacancy.
- i. Should the CET believe that the property poses a serious threat, the City may secure the property at the expense of the Owner or Responsible Agent and the cost of securing may be a lien as filed in the City Land Records.

**Sec. 23-23. Maintenance Standards.**

- a. In the judgement of the CET, a vacant building or structure shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the following vacant building maintenance standards:
  - 1. *Building openings:* Doors, windows, areaways and other openings shall be weather-tight and secured against entry by birds, vermin and trespassers. Missing or broken windows shall be covered by glass or other rigid transparent materials that are weather protected, and tightly fitted and secured to the opening. Door openings shall be covered with a replacement working door.
  - 2. *Roofs:* The roof and flashings shall be sound and tight, not admit moisture or have defects that might admit moisture, rain or roof drainage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the building.
  - 3. *Drainage:* The building storm drainage system shall be functional and installed in an approved manner, and allow discharge in an approved manner.
  - 4. *Building structure:* The building shall be maintained in good repair, structurally sound and free from debris, rubbish and garbage. The building shall be sanitary. The building shall not pose a threat to the public health and safety.
  - 5. *Structural members:* The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.
  - 6. *Foundation walls:* The foundation walls shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to public health and safety, shall be

capable of supporting the load which normal use may cause to be placed thereon, and shall be free from open cracks and breaks, free from leaks, and be animal proof.

7. *Exterior walls:* The exterior walls shall be free of holes, breaks, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
8. *Decorative features:* The cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be safe, anchored, and in good repair. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
9. *Overhanging extensions:* All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
10. *Chimneys and towers:* Chimneys, cooling towers, smokestacks, and similar appurtenances shall be structurally safe and in good repair. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
11. *Walkways:* Walkways shall be safe for pedestrian travel.
12. *Accessory and appurtenant structures:* Accessory and appurtenant structures such as garages, sheds, and fences shall be free from safety, health, and fire hazards and shall comply with these vacant building maintenance standards.
13. *Premises:* The premises upon which the structure or building is located including adjoining yard areas shall be clean, safe, and sanitary, free from waste, rubbish, debris or excessive vegetation, graffiti, litter, portable toilets, rodents, standing water, and other deleterious features and shall not pose a threat to the public health or safety.
14. *Maintain curb appeal:* A vacant building, including adjoining yard areas, shall be maintained free of debris, garbage, graffiti, litter, portable toilets, rodents, standing water, and other deleterious features. If present, lawns shall be maintained such that they do not exceed 6 inches in length during the summer months. In winter months, driveways, walkways and sidewalks (if present) shall be plowed and shoveled.
15. *Winterization:* It is the responsibility of the owner or agent to ensure that a vacant building or structure with plumbing shall have its water turned off, and ensure all pipes are drained to prevent any damage while not used.

**Sec. 23-24. Demonstrate Proper Liability Insurance.**

1. Owners of vacant buildings that require registration shall be required to maintain liability insurance, and file evidence of such insurance with the CET, upon registration and renewal, as follows: \$250,000 for a vacant residential building or structure; \$1,000,000 for a vacant commercial building or structure; and \$2,000,000 for a vacant building or structure in the Design Review District.

Owners of properties who choose to self-insure shall be required to demonstrate a bond or other proof of insurance. The City reserves the right to review such records with the City Attorney to determine the validity of the self-insurance claim. The applicant maintains the burden of proof to demonstrate compliance with this provision.

- ii. Liability policies shall include and follow generally accepted insurance provisions and practices.

**Sec. 23-25. Emergency Boarding of Vacant or Abandoned Buildings.**

- a. For the purposes of this ordinance, “emergency boarding” shall mean the covering of all entry points, including all doors and windows, with plywood or other materials for the purpose of preventing entry into the buildings by persons or animals, in a timely manner as dictated by the CET, and until proper openings are replaced as cited in Sec. 23-23(a)(1).
- b. Vacant buildings shall be boarded when the building can no longer be secured against intrusion by the closing and locking of doors and windows.
- c. Vacant buildings that are immediately dangerous and are open and accessible to the general public may be summarily boarded by the CET, pursuant to this Ordinance.

**Sec. 23-26. Noncompliant buildings or property.**

- a. Any building or property in violation of this Ordinance shall not be accepted for review by the Permit Administrator, Development Review Board or the Planning Commission until the violation(s) is rectified.

## Staff Updates – Week ending January 17, 2025

- December DRB saw 2 applicants. One was a subdivision sketch plan to divide a property located at 59 Summer Street, and at a conditional use approval at 10 Brook Street. The subdivision request showed a parcel that contains 2 primary structures, and wants to subdivide so that the renter of the single family home structure can become a homeowner and the property owner would not need to be a landlord any further. The sketch plan was approved, and the applicant has one year to come back with the final draft plat presented so that the DRB Chair can sign the plat, get it recorded and apply for the necessary zoning permit. The 10 Brook Street property owner installed an overhead door on the Brook Street side of the structure. This is a historic structure, known widely as the Italian Baptist Church location, and needed DRB approval to revise the structure, it was approved as the owner continues to make comments regarding demolishing this building.
- There was no January 2025 DRB as the applicant for a second curb cut withdrew the application. There is no February 2025 meeting/hearing as there were no applicants.
- Permitting has slowed down when the holiday season began. We needed an audit of the rental registrations that our permit administrator has done. There are outstanding payments from landlords for the FY23 and FY24 years. And, in addition, the FY25 registration needs to be sent for a first delinquent notification. Note that FY26 billing will go out mid-May 2025, and the audit was long overdue.
- The Code Enforcement Team has started a monthly meeting. This includes the Fire Chief, the Deputy Fire Chief, the Fire Marshal, the electrical Inspector, the permit administrator and myself. With a new fire marshal, fire chief, electrical inspector and permit administrator all starting in March of 2023, we felt it would be a good use of our time to communicate, learn from each other, and help each other be more efficient and knowledgeable in our roles for our citizens and business owners.
- I continue to work with VT Emergency Management on the City's buyouts. We have 28 applications to remove flood damaged structures through the buyout; 18 have been approved by FEMA, 7 are in process at the FEMA level, and 3 I continue to dog the owners to get their application paperwork in, with a deadline of April 30<sup>th</sup>, 2025 for the 2023 applicants.
- With the elevation grant of \$900,000 awarded to the City last month, Nicolas and I have been through a list of possible structures to elevate, who would make the most sense. He presented our list to Council, which in turn they've asked for more information regarding homeowner's ability to cover some of the costs of elevating so that we could spread out the \$900,000 over more than 3 or 4 homes. More to come as the Council debates.
- With the City's \$500,000 energy grant to do upgrades to city buildings, the new Facilities Director Tom Baker and I decided to spread that between the Auditorium and City Hall.



With the Sander's CDS funds (Congressionally Directed Spending) through the USDA, some of the energy work will include insulating foundations, weatherstripping, boiler work, etc.

- The draft Short Term Rental Ordinance was shared with the Fire Marshal, as the Code Enforcement office would be the primary staff, and the Fire Marshal needs to review and work with the City Manager on it, and get back in front of City Council.
- I updated the Assessor's page on the city website this week at their request, and they will start doing assessment reviews of properties that have both active and closed permits, so that they can start building the 2026 Grand List, meeting the April 1 deadline. The appraisers continue their building of their software and reviews of properties in the city as well.