

**Westfield Planning Commission – Public Hearing
Meeting Minutes**

May 24, 2021 at 6:00 pm by Zoom and in person attendees at the Westfield Community Center

Call to Order:

Pat Sagui called the meeting to order at 6:03

Pursuant to Title 24 VSA §4464 there is a Public Hearing before the Town of Westfield Zoning Board of Adjustment on Monday, May 24, 2021 at 6:00 pm via Zoom with call in option to consider the following:

∞ Application 2021-12 by RuralEdge, LLC to renovate the former Scenic View Community Care Facility into apartments. The completed application is available for inspection at the Westfield Town Offices, 38 School Street.

Hearing process:

• **Welcome guests**

In Attendance:

Applicant representing RuralEdge: Patrick Shattuck, Executive Director and Bob Hansen, Sr Construction Manager

Zoning Board of Adjustment members Pat Sagui (chair), Loren Petzoldt (vice chair), Brian Dunn, Kitty Edwards, Ellen Fox (secretary)

Members of the Selectboard Jacques Couture, Yves Daigle, and Anne Lazor.

Will Young (Zoning Administrator)

Members of the public: Christine Berthiaume, Don Berthiaume, Rick Danforth, Jan Degre, Richard Degre, Doug Demers, Andi Dillner, Tony Distasi, Paul Doyon, LaDonna Dunn, Niki Dunn, Merry Hamel, MaryLou Jacobs, Shelley Martin, Robert Trachtenberg, and Corina Winchester.

The Zoning Board of Adjustment members introduced themselves.

Pat further explained the hearing process:

- Define admissible evidence/germane comments
- Explain use of Robert's Rules for commenting
- Answer procedural questions

A. Presentation by Petitioner

- Petitioner presents Development Plan

Q & A from Zoning Board of Adjustment Members

- Comments from the Public

Abutters

Other Residents

Attendees who do not live in Westfield

B. Suspend Presentation of evidence and comments

C. Enter Closed Session

D. Exit Closed Session, Announce Decisions or Continuance

Presentation by the Petitioner

Patrick Shattuck, RuralEdge Executive Director, described their history owning the property and that it was managed as Scenic View for only a short time before it closed in June 2018. They placed the property on the market and had one showing in two years. RuralEdge has taken their cue for the need and desire for this type of housing from the Housing Assessment completed for Westfield in 2020.

The building opened as a motel lodge, then converted to a personal care facility with a caretaker's apartment and round the clock staffing. The proposal is to convert the space to 10 studio apartments and one 2 bedroom apartment with an overall occupancy lower than it was as Scenic View.

Patrick described the renovations proposed for the building to convert the double rooms into studio efficiency apartments. They propose to add an entry area, a kitchen, sleeping area, living area, and remodel the bathroom in each unit. They also propose to add two decks on the building's rear, southeast facing side, with privacy partitions so each unit has an outdoor deck space. The deck would be accessed from each unit through a new sliding glass door in place of an existing window in each unit.

The building would continue the use of the common room for residents to participate in activities such as Sense of Balance and Tai Chi classes.

Security cameras exist and all common areas are monitored by camera and can be accessed remotely in real time, and are recorded.

The project would not have restrictions on occupancy, meaning it is not subsidized housing. These would be market rate apartments that would meet the definition of affordable, though there is no rent subsidy. There is not currently proposed an age restriction though the hope is that seniors will utilize this housing consistent with the housing survey. Support and Services at Home (SASH), a program designed to provide personalized coordinated care, through nursing services, programming, and service coordination, to help participants stay safe and live independently in their homes as long as possible, regardless of age or residential setting, will provide on-site services.

Property managers check the building. Tenants have one-year leases with rules and hours of operation for common areas. The hope is for people to make the building their home and that a community will develop there with folks having celebrations and personal gatherings such as birthday parties for residents and their families.

Bob Hansen added that they have a state approved wastewater permit. The only outdoor construction is the addition of the decks. Most of the renovation is interior carpentry, plumbing, replacing windows.

Q & A from Zoning Board of Adjustment Members

The Planning Commission asked questions to clarify details of the proposed project. Responses from the applicant:

- The porches will be 6 ft deep. There are no residents behind the structure. It is more than 100 ft of field and the sides will have privacy screens
- No additional structures are proposed
- Trash will be in the attached garage and management will move trash outdoors for pickup on trash day. Otherwise trash and recyclables will be stored in the garage and out of sight.

- Off street parking plan has not been formalized. Estimate between 15-18 spots can be accommodated.
- If there are larger gatherings, overflow parking is not in place though the applicant feels there is a large amount of paved space.
- There is an intention to add landscaping and greenery to soften the front entrance and perhaps create a land grade to eliminate the need for a ramp.
- Other vehicles such as bicycles, golf carts could be stored in the attached garage or in individual tenant storage in the barn.
- Bike rack would be possible.
- Anticipate less use of water. Eliminating commercial laundry. Half number of residents.
- Cannot exclude families. People with school aged children tend to move to other units. Do not anticipate school aged children residing in the building.
- RuralEdge does not currently have market rate building as an example. Similar projects include small elderly projects with SASH onsite such as Coventry Senior, or Clark's Landing
- Community gardens would be available if there is a demand for them at the building.
- Market rent estimated at \$600 / month for studio; \$900-950 / month for the 2 bedroom; including all utilities and wifi.
- Tenant screening includes income verification, landlord references, criminal background checks. Lease agreements include all vehicles must be registered and specific terms for pets (must be spayed/neutered, must have all immunizations, must have doctor's note as companion animal.)
- Pets require an addendum to the lease
- Lease violations are recorded in a database and complaints are followed up with a visit. Chronic problems are pursued through eviction.
- Property manager would visit regularly, at least once a week, Nurse manager and SASH provider would also visit once a week.
- Contract services for lawn care and snow removal.
- Guidelines for occupancy for units will be generally 2. Perhaps a couple with one young child.
- Tenants could have assigned parking spaces.
- Additional traffic beyond residents coming and going at the site would include 2 SASH staff once a week at different times, and the property manager. There might be group events once a month. Lawn care and snow removal and maintenance staff.
- No renewable resources planned. Most systems (particularly the heat) are already in place. Plans to increase efficiency of the building as much as possible with insulation, LED lights, motion sensor lighting.
- Exterior lighting will be downlighted on motion sensor system, not continuous lighting at the entrances.
- Construction is generally 8-5. The applicant is flexible. Working 6 days a week and most the work is interior.
- Construction starting in July and finish in October.
- No plan to have a sign. Applicant will look to the community if a sign with contact information at the driveway would be helpful.
- Landscaping to soften the building and add greenery; no site plan for landscaping is completed at this time.
- No outdoor storage. Property managers can require items to go into individual tenant storage in the barn, with supervised access.
- Fire inspection is in progress. The sprinkler system has been inspected. The storage tanks for the sprinkler system are in the basement. Applicant will provide the storage capacity of those tanks.

- Septic system is permitted by the State. No increase in capacity.
- No current marketing plan to recruit tenants. SASH panel serving an audience of around 80 people who may want to downsize.
- Coming and going will be similar to any other small apartment building.
- Manager will not live on-site.
- Occupancy is anticipated to be a single person in the studio units. Housing standards by square foot would allow up to 3.
- Community room quiet time is 8pm. Right to Quiet enjoyment is governed by the Vermont State Housing regulations.
- Studios will be approximately 400 sq ft indoor and 100 sq ft outdoor deck.

Selectboard and the Zoning Administrator questions and comments

In response to Anne Lazor's questions, the applicant shared that:

-Members of the community who are elderly or disabled (would enroll for SASH programs) could attend programs and classes.

-Building is accessible. It is not ADA compliant, though some motorized wheel chair units may work at the property. There will not be the full turning radius at every door to be fully ADA accessible.

-Jacques Couture expressed support for the proposed use of the building.

The Zoning Administrator asked about decks, and the applicant responded that decks will not be covered with a roof, they will be open to the sky.

Members of the public had questions and comments

Q: Concern was raised that RuralEdge is making general comments and not making specific commitments to their plan for the proposed development. There is concern about security. There was frustration expressed for the way previous Scenic View occupants behaved and a neighbor feels that they violated privacy and trespassed on the neighboring property. Specific testimony was submitted in writing and is entered into the record of these minutes. The testimony by Shelley Martin is entered as Appendix A.

A: The applicant addressed the lack of respect for the property boundary, or not knowing where the boundary exists saying that the personnel who previously managed RuralEdge are no longer employed by RuralEdge. If a fence to mark the boundary is a condition of the permit, then Rural Edge would adhere to that. Security cameras would be used to monitor activity and at the same time, they cannot violate someone's privacy. If there are violations, then the police will be the fastest response. Rural Edge would use supporting information to pursue evictions based on serious violations.

Q: Security is a primary concern for neighbors. Neighbors expressed a perception that the building will not be occupied only by seniors. A question was posed about who to contact when problems are observed.

A: The applicant responded that anyone can call RuralEdge. Someone is on call 24 hrs a day.

Q: A question was raised regarding an existing right of way across the RuralEdge parking area, an existing leach field near the barn area, and snow plowing.

A: The applicant responded that parking spaces and permits can be assigned and numbered, the ROW could be marked as a no parking area. The barn storage would be accessed by existing driveway to the barn. Snow removal could be done according to a written agreement among the neighbors.

Q: There was a question about the number of occupants and water usage. Discussion ensued that the project has a current wastewater permit issued by the State of Vermont, and a copy is available at the Town Clerk's office. Members of the ZBA explained that even if the wastewater permit was not in place, the Town cannot condition a permit based on obtaining another permit at the State level. The applicant will need all State and local permits to proceed with the project and so if there is a question or comment with the State issued permit, in this instance the wastewater permit, then the effective way to take action is to find the contact information on that wastewater permit.

A: The applicant cannot limit the number of occupants arbitrarily; it is governed by Fair Housing Laws, so the applicant can provide an anticipated range of number of occupants.

Q: There was a question about the sprinkler system.

A: The applicant responded that the sprinkler system has been serviced and inspected. As an example, there was a need for short term housing this past summer, and all inspections were completed before that short term lease arrangement.

Q: A question was raised about parking and traffic. What is the potential for traffic at the site? Also will the grassy area in front be altered? How long can a resident have a guest?

A: The applicant responded that there is no plan to change the existing grassy area. The applicant lived adjacent to RuralEdge housing and did not experience more traffic than a typical multi family building. Everyone is allowed to have guests. A person can have a guest for 14 days. The applicant will clarify the frequency which someone may have guests.

Q: A question was raised about smoking restrictions, dog waste on neighbor's lawns, and wondering if RuralEdge has pursued evictions for people who exceed the 14 day guest limit.

A: The applicant stated that a no smoking policy in the past had encouraged smoking on neighboring properties. The current practice is for no smoking in the building and provide a designated smoking area with receptacles and management will pick up in that smoking area. If there are problems that are tied to the residents of the building, then RuralEdge intervenes to solve the problem. They have pursued evictions for violations, though currently there is a COVID related moratorium on eviction.

Additional comments were made about the water supply and it was reiterated that the ZBA does not have jurisdiction over the water permitting process. A member of the public strongly recommended that the ZBA be sure the potable supply and wastewater permits are current and accurate.

Q: Is there a deadline for the permit to be approved? Is there a way to provide time for the water system to consult with their engineer?

A: Members of the ZBA stated that the municipal board cannot approve or disapprove potable supply or wastewater permits. The water system has the responsibility to govern its own users.

Q: A question was raised as to why the applicant is not committing to a particular plan for snow removal?

A: A member of the ZBA stated that it is because it is the job of the ZBA to be sure a plan is in place that meets the needs of this community and does this as a condition to obtain the zoning permit.

Q: A question was raised that the plan states the deck will be 10' deep and there have been statements of it being 6' deep, which will it be?

A: The applicant stated that the 10 ft stated on the application is an error and the deck will be only 6 ft.

Q: A question was raised about the need for Act 250 permit.

A: A project sheet has been completed for the proposal and the determination has been made that the project does not require review under Act 250.

Q: A community member expressed frustration that the project is being discussed as senior housing when there is no age restriction on residents.

A: There was discussion that the project is not officially called senior housing, and that the target audience of seniors comes out of the housing survey and the housing assessment that followed which showed senior housing as a need.

Q: Someone expressed the belief that even if there are problems at the property, that RuralEdge will be unable to evict tenants based on the moratorium. If problems do arise, who do neighbors contact?

A: The applicant stated that emergency evictions are still possible. A sign with a contact number can be placed at the property.

Q: Is it possible to make the proposed project available only to seniors for housing?

A: The applicant will discuss this possibility with the Board at RuralEdge.

Continuance

Pat paused the questions given the time.

Loren made a motion for a continuance of the hearing to June 7 at 6:00 pm with a live meeting at the Community Center in Westfield and a zoom attendance option. Kitty seconded. Motion passed unanimously, and the hearing suspended at 8:33 pm to be continued on June 7.

Minutes respectfully submitted by Ellen Fox

Appendix A:

TO: The Westfield Select Board
The Westfield Zoning Administrator and all Zoning participants The
Westfield Town Clerk and Treasurer
The non-profit organization known as RuralEdge and applicant

FROM: Shelley Martin
999 Vermont Route 100, Westfield VT 05874
802-595-1888
A Project Abutter (sharing a boarder with the property)

DATE: May 24, 2021

SUBJECT: Questions and comments regarding the proposed project by RuralEdge for the current Scenic View Nursing Home located in Westfield Vermont

1) The current application does not require an approved site plan. It is my understanding that a resident of Westfield who wishes to make changes to the property is required to produce a site plan.

QUESTION: Why is the Town of Westfield allowing this project to go forward without a site plan?

2) On the application it specifically says that plans are to convert 10 rooms to efficiency apartments. Build two exterior decks at rear of building.

QUESTION: Why does the application specifically request in writing to convert the rooms and build decks and nothing else? Why does their website reflect something other than the proposed 10 rooms to efficiency apartments?

3) On the Zoning Permit Application under the heading Project Overview they have said that the Project Overview MAY include BUT IS NOT LIMITED TO: It shows me that they say a lot about what they may or may not do. So it is actually nonsense since they have not committed to anything they are saying under the Project Overview. Only words that reflect the meaning of "MAYBE".

QUESTION: Why are they not telling the Westfield zoning exactly what they truly plan to do and put it in writing like they did with the building of two exterior decks? Why are they not committing to saying much of anything for the town zoning or citizens of Westfield to understand the true meaning of specifically what they plan to do?

4) RuralEdge has not specifically said there will be restrictions for those renting the apartments, such as a noise curfew of "lowering the noise after 10 pm" for example. I have lived in apartments where we did have such restrictions.

QUESTION: Do they plan to have restrictions? If so what? If a renter does not abide by rules set forth by RuralEdge to follow - will RuralEdge evict such tenants? Do we, as neighbors, have recourse if the tenants are not following rules other than call the Police?

5) Lighting is not addressed in writing from RuralEdge. I currently have the lights from the Nursing home shine in my window.

QUESTION: Just how bright do they plan to make the area? Is the lighting going to be facing the building and not other properties?

6) RuralEdge has not specifically said anything about parking. Since there might be 11 apartments in the building (including the one on top) if that is truly the number (because it doesn't match their website number they are advertising) I can say that there would not be enough current parking space for each apartment to house 2 cars each. I am assuming that each renter would be given a parking space for two in case 2 people live in each unit or in case 1 person is allowed a car and 1 for their guest. That would equal at least 22 cars for parking spaces. The current parking for the Nursing Home doesn't have enough parking for 1 car per person to begin with. When they had residents, I had people park under my window while there were visiting cars. I even had someone try to park in front of my house on my lawn and I asked them to move - which they did.

QUESTION: Specifically how do they propose to fix the parking problem? What are they going to do with cars that may not work or extra cars owned by tenants that sit in the parking lot? Why is RuralEdge not willing to put their specific parking proposals in writing?

7) During snow season, I have had Scenic View plow snow into my house and yard which has caused flooding in my basement and not good for my septic system to operate either.

QUESTION: Where do they propose to push snow and how do they propose to plow when cars fill the parking lot?

8) RuralEdge has not addressed security specifically and in writing. I have had my privacy violated by tenants from the Nursing Home since I have been living here. There have been men looking in my windows, on my porch, in my shed, in my car (leaving notes), peeing under my window, and display indecently their private parts in my front window (of which I finally called the police). I have had to change my life to find safety by locking everything such as my car, my doors, and closing in my front porch with a locking door. I have waited to put a mailbox at my house for fear that my mail would be rummaged through. When I finally did put up a box, I had these Nursing Home tenants lean on my box to smoke. They have cluttered my yard and driveway with cigarette butts and after "hanging out at the Westfield Store" they have thrown garbage and empty drinks into my yard and property. I put up a barrier of trees to make it inconvenient for the tenants to stay out of my back yard.

QUESTION: What is RuralEdge going to do to protect my rights and privacy? What is RuralEdge going to do to make sure my quality of life is not impacted by their renters? What is RuralEdge going to do about garbage that their renters create? Are they going to put in writing that they will install cameras to show when these people come into my yard or look in my windows? Would RuralEdge put up a barrier between my property and them?

9) I do not own a dog, but if I did I would be sure to clean up after the dog. Just last week someone from RuralEdge came by the Nursing Home with a dog and after the dog pooped in my yard did not clean up after the dog.

QUESTION: Is RuralEdge going to allow pets? If so, will a policy be in place to clean up after the animal poops in the yard? If this policy is not met, what will RuralEdge do to ensure it does not continue?

10) Downtown, some of us have town water. These new number of residents will be adding to our water consumption downtown as if we have built 11 new homes.

QUESTION: Has RuralEdge or the Zoning Administration in Westfield taken this into account? If so, what is the proposal to do?

11) I chose to live in Westfield because I knew people in this town and it was the kind of community I wanted to be a part of - to grow old and die here. I was raised in the military and grew up in the military; lived on Army posts, Air Force bases, and Navy installations; I have lived in the civilian world in houses and apartments; I have always been a volunteer in many states with many kinds of people. I wanted a good community that cared about each other with a sense of peaceful existence.

QUESTION: What does RuralEdge propose to do about the 24hour 7day a week - noise pollution that can come from these rentals without restrictions?

12) In the Project Overview, RuralEdge also says it is going to supply a laundry room and/or community room. RuralEdge has not put this plan into writing nor submitted any work plan or diagrams for the town of Westfield to review.

QUESTION: How and where will these common areas be located inside the building? Is RuralEdge going to build a common area outside the existing building?

13) I see that part of the funding for this project is from the VHCB COVID Relief Funds for \$120,000.

QUESTION: Is this money given to the RuralEdge in the form of a grant or loan? Is this COVID money directly from the Federal Government or Vermont State? Is there restrictions, guidelines, or goals to reach by receiving this COVID money? If so, what? Is there any deadline requirements due to this COVID money?

14) As part of the Scope of Work to include: As an abutter, I was not sent the attached drawing of the new decks for the rear of the building to review.

QUESTION: Why wasn't the drawing sent with the copies of the zoning permit and papers showing the Project Overview? Were other items, papers, or diagrams omitted from my view?

15) On the application, the date received shows 5/4/2021. The construction show to start 7/1/2021.

QUESTION: Why was this Zoning Permit approved prior to this warning for a public hearing? Why didn't the Zoning Administration wait to hear our comments before approving this permit? Is anyone from Westfield related to or associated with RuralEdge? Why did the needs of RuralEdge come before the community or at least before the neighboring citizens of Westfield?

16) It is my understanding that our real estate property value will go down when a low housing is in the neighborhood. If these renters are low income because they rely on State Aid they will have time on their hands to wander the town throughout the day like the tenants did in the Scenic View Nursing Home. That means that they will be around the Westfield Store again. During hot days, I believe that they will also be between the store, the Daigle's home, and the camp ground cooling off in the water. As the water is owned by the citizens of the State of Vermont, they will have every right to play in the water. Currently, I see people playing in the

stream next to Taft Brook Road - even partying into the night. I can see this happening in the town of Westfield.

QUESTION: If there are children in these units, is RuralEdge going to pay the rise in school taxes or is the town of Westfield? Is the town ready for the added noise pollution and people in our downtown area? Is the Westfield Store prepared for this?

17) When it comes to noise in Westfield, I accept that there is noise during the day with Route 100 in front of my house. I also accept the traffic and noise that happens around businesses and our post office. But after these stores close, we in the town, can have some sense of calm. I have asked neighbors if they wanted a place for senior to live and the answer is always yes. I don't know many seniors who would want to rent next to a young person who may have the noise high for music or shows at all hours of the night. Nor do seniors want to live in an apartment complex with people who like to party a lot. Many seniors value quality of life and are valued neighbors.

QUESTION: Why didn't RuralEdge restrict this property to seniors only who would appreciate quiet and respect their neighbors?

18) When looking at the website for RuralEdge it seems that other properties are either in towns larger than the downtown area of Westfield or on the outskirts of town.

QUESTIONS: Why did RuralEdge choose the Scenic View Nursing home for their new site rather than build on the outskirts of Westfield to offer the same type of apartments?