

**Westfield Planning Commission – Public Hearing Continuance from May 24, 2021
Meeting Minutes**

June 7, 2021 at 6:00 pm at the Westfield Community Center

In Attendance:

Applicant representing Rural Edge:

Patrick Shattuck, Executive Director and Rebecca Masure, Director of Real Estate Development

Zoning Board of Adjustment:

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.

Zoning Administrator: Will Young

Members of the public:

Merry Hamel, Robert Trachtenberg, Corina Winchester, Steven Myott, Yvan LaPlume, Emily Austin, Barbara Saloomey, Mike Saloomey, Shane Brothers, Shelley Martin, John Hamelin, Rick Danforth, Jan Degre, Richard Degre, Jacques Couture, Paul Doyon, Sharon Rosenberger, Gayle Veilleux, Don Berthiaume, Nate Deslandes, Anne Lazor, Luke Vidic, Mark Perry, Linda Lawson, Rosemary Croizet, Christopher Roy

Call to Order:

Pat Sagui called the meeting to order at 6:10 pm.

Pat reviewed the due process rights for all parties at a public hearing.

Pursuant to Title 24 VSA §4464 this is a continuance of a Public Hearing before the Town of Westfield Zoning Board of Adjustment that commenced on Monday, May 24, 2021 at 6:00 pm. This hearing is convened 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.

Entry of Evidence

Pat called attention to the additional evidence that has been submitted by the applicant. There are copies of most of the information available for attendees to review. The information submitted by the applicant includes a parking plan, a letter from RuralEdge outlining their plan to make the housing development a 55+ community, accommodations for use of the land covering a neighbor's septic system, descriptive plan for snow removal, a fence to mark property boundaries, maintaining the neighbor's right of way, the RuralEdge tenancy application, and a plan for a sign. There is also email confirmation from Act 250 that the change in age requirement will not affect the project review sheet. MISSING INFO

The information is attached to these minutes, and is entered as:

Exhibit A – "Parking Capacity Plan Scenic View Senior Apartments" by Ruggles Engineering Service

Exhibit B – A Letter from RuralEdge to the Westfield Planning Commission and Zoning Board of Adjustment dated June 4, 2021 re: Application 2021-12 – Scenic View Conversion

Exhibit C – Email correspondence dated June 4 and June 7, 2021 re: FW: Project Review Sheet that clarifies the Act 250 permit process with regard to a change in the minimum age requirement at Scenic View.

Q & A from Zoning Board of Adjustment Members

Pat affirmed that RuralEdge proposes to make the housing at Scenic View a community for residents who are 55+ years old. RuralEdge confirmed this and noted that this change will not impact the project review sheet for the Act 250 permit process. The project review sheet currently states that this project does not require Act 250 approval and the limitation on the minimum age will not change that.

Pat reminded the attendees that questions need to be related to our jurisdiction and so questions about VTrans highway access permit, water supply or wastewater, and other state permit issues must be addressed to the Agency with jurisdiction. If someone needs that contact information, the Zoning Board of Adjustment can provide it.

Q: What is the standard for accepting a tenant following a criminal background check?

A: Some crimes related to felonies and violent felonies are automatic rejections. For misdemeanors, they are examined within the most recent 7 years. Any applicant who is rejected has an opportunity for appeal.

RuralEdge also verifies income sources. There are no income restrictions and no rental subsidy. These are market rate apartments for studios around \$600 per month. RuralEdge does not accept tenants who cannot demonstrate that the rent will not exceed 40% of their income.

Q: There are 10 resident parking spots. Does each unit have one designated spot as part of the tenant agreement? And what will happen if a tenant owns more than one vehicle?

A: Everyone has to register their cars. All automobiles must be in good working order, inspected and insured. The number of spaces are based on the 1.5 spots per unit formula in the Westfield Zoning Bylaw. No campers, boats, RVs.

Members of the public had questions and comments

Q: Corina Winchester voiced concern about the size of the parking spaces and wondering if they have been paced off the parking spots?.

A: The parking plan is based on the Engineering plan developed for the existing parking area. The entire boundary with Corina's property remains open with no parking.

Q: Will there be dumpsters on the property and will they be stored inside?

A: All the rubbish will be stored inside the garage with individual bins for residents and will be brought out for pick up and then placed back inside the garage. There will not be dumpsters on the property.

Comment: Snow removal is very tight

Q: Are the background checks state or federal?

A: The applicant believes that it is both state and federal and will find out, and confirm that information.

Ellen asked that attendees refrain from photography. A voice recording of the proceeding is fine. Photography would not be permitted in a court for example and with attendees providing testimony, photography can be distracting and intimidating, particularly without their consent.

Q: Steve Myott asked about background checks

A: The applicant stated that he will find out more specific information about the background check.

Q: Steve voiced concern about water supply

Pat stated that the water system has its own governing body and water supply issues would be between the applicant and the Fire District. The Westfield Zoning Board of Adjustment does not have jurisdiction over the Fire District water supply. Ellen encouraged Steve to refer to testimony already provided by RuralEdge with regard to their engineer's review of water supply.

Q: Shelley Martin voiced concern that people in town do not know about this project. The development was not called senior housing in the minutes from the previous meeting.

A: Pat responded that the project is market housing and qualifies as affordable housing, not "low income" housing. Since the last meeting, the project has been designated 55+ based on feedback from the last meeting.

Q: What is Gilman Properties relationship to RuralEdge? Why is there information online that Gilman properties will build 9 one-bedroom apartments, and that is different from the current application?

A: The current application is correct with studios, there was a mistake in the communications function of the website. The parent company is Gilman Housing Trust Inc d/b/a RuralEdge. The housing in Westfield would be owned for financing purposes as Scenic View Rural Edge, LLC.

Q: Rick Danforth asked if the current version of the permit application is the permit being considered for approval?

A: Pat responded that the current permit is the one being considered for approval, though the Zoning Board of Adjustment will deliberate and may place conditions on approval of the permit. The applicant has provided testimony that they are willing to make changes to the proposal if they are conditions of the permit. The process is to review the permit, make a determination, and either issue the permit, issue the permit with conditions, or deny the permit. The Notice of Decision must be issued within 45 days following the end of the hearing.

Ellen added that the Notice of Decision becomes part of the town record and is available in the Town Clerk's office. If there is an interested party, the secretary will send a Notice of Decision to that party by mail, and it goes by certified mail to applicant. It is generally not posted on the town website. If an appeal is filed, then that appeal would need to be adjudicated before the permit becomes valid.

Q: Paul Doyon expressed appreciation for the changes in the proposal that addressed concerns

Q: Nate Deslandes asked that if RuralEdge decides not to manage the property as a 55+ housing development, then will the permitting process start over? Or what happens then?

A: When a zoning permit is issued and it becomes valid then the terms cannot be amended. For example if the project is permitted as 55+ and then someone who is 22 is living there, the Zoning Administrator could go verify if RuralEdge is in violation of the conditions of the zoning permit. If there is a violation, the Zoning Administrator would issue a Notice of Violation and the permit holder would have 7 days to take action to cure the violation. If they do not cure the violation, then there is a penalty of up to \$200 for each instance of the violation and each calendar day constitutes a new violation.

Patrick added that he offered a letter in writing with his signature that he would agree to the condition to operate Scenic View as a 55+ community as supported by the Board at RuralEdge.

Q: Tony Distasi voiced concern about the parking plan and one-way traffic in and out of the driveway. Also he expressed the need for a fence along the parking area that would be next to the neighbor.

A: Pat responded that the parking plan has been developed by an engineer hired to design parking systems. The applicant noted that there is a slight widening of the mouth of the driveway as required by VTrans to

accommodate the new parking spaces. Also, the applicant added that they will agree to a condition to construct a 6' privacy fence along the property boundary.

Pat added that the travelled way is 24' wide and seems adequate for two-way traffic. Pat inquired that painted parking places might be helpful.

Q: Shelley Martin expressed concern about visitor and staff parking. Will there be parking for visitors and SASH staff? And how will the snow be moved when all the spots are full?

A: Pat responded that snow would be removed from the site if necessary. For parking, there are 1.5 spaces for every residence, though not every residence will need 1.5 spaces and so visitors and staff would utilize those extra spaces.

Q: If there is a parking problem on Route 100, can the Town of Westfield get signs to designate a "no parking zone." VTrans has indicated that the Town can apply for a "no parking zone"

A: Pat mentioned that if there are issues, the contact phone number for RuralEdge will be on the sign at the property. For a "no parking zone" requested by the Town to VTrans, that is something to talk with the Selectboard about and is not part of this permit process.

Q: Nate Deslandes asked how the pole barn in the back would be used?

A: The applicant responded that storage will be primarily in the garage for tenants. If needed, tenants could access long-term storage in the barn and it would be supervised, locked, and accessed by staff only.

Q: Richard Degre stated that the water pressure may be a problem, and he is wondering who would pay to correct that?

A: Pat responded that this is an issue between the Fire District/Water Board rules.

Rick Danforth offered to answer questions outside of the meeting regarding issues around water supply to the property by the Fire District.

Q: Yves Daigle commented on the security concern raised last week about who to call if police are needed in Westfield. We have a contract with the Sheriff's Department and a Town appropriated payment for their services, so call the Sheriff.

Q: Barbara Saloomey asked that if a 55+ tenant has children in the house, then could they rent there?

A: Primary leaseholders must be 55 or older. Someone could have a child residing with them. The occupancy standards and nature of the accommodations in the studio apartments would not accommodate multiple family members.

Q: Sharon Rosenberger asked if an adult child living with a 55+ leaseholder would also have a background check?

A: Every adult member of the household has a background check.

Q: Steve Myott asked for specifics about the "bottom line" for background checks

A: It depends on the type of crime, arson, violent crimes are automatic rejections. We reject a lot of tenants because we are managing many different kinds of housing.

Burglary? It depends on the nature of the crime.

Q: Rick Danforth asked about total occupancy. Could the Board set an occupancy limit?

A: The applicant responded that when they have situations with too many people living in a unit, they work to move the residents to another property with more adequate space for that household. Ellen responded

that occupancy limits may in some cases violate Fair Housing Laws at the state level, and if the Zoning Board of Adjustment were to set a limit, the state could override that condition.

Q: The Fire Marshall would set an occupancy limit?

A: Pat responded that the Fire Marshall would have a limit and that information is available from the Fire Marshall.

Q: Shelley Martin asked about the guest policy?

A: The applicant responded that the policy is that a guest can stay 15 days in every 45-day period.

Q: Shelley added that for a WW permit, there will likely need to be an occupancy number.

Q: Rick Danforth asked: Is it 10 apartments or 11 apartments, because the permit reads 10 apartments?

A: The applicant responded that the 10 apartments are being converted to market rate studios. The 11th apartment will remain the same. So, the permit is for the change of use for the 10 studios.

Q: Shelley asked if pets would only be allowed if they have a doctor's note?

A: Pat mentioned that a person doesn't need a zoning permit to have a dog, and Westfield has an ordinance about pets. Ellen mentioned that a condition of the permit could be that the applicant follow their own rules regarding pets.

Q: Shelley asked why we didn't have a town meeting and people weren't informed about the project?

A: Pat stated that we do not typically have a public meeting for a permit application. Permits are posted for 15 days. A person could go to the Selectboard and request a Town Meeting. There is not a requirement for an informational meeting for every zoning permit application.

Shelley expressed the desire for members of the community to receive letters to let people know about the project.

Ellen mentioned that any zoning hearing is posted in 3 public places and published in the newspaper, and posted at the property. Any information about the project is at the town office for review.

Shelley mentioned that the Town of Barton doesn't approve anything until the State permits are in place.

Ellen responded that the process is parallel, that the applicant needs to have all the permits in place before they begin the project. For example,

Any project for a zoning permit needs to fit within the Town Plan. The best place to provide input on the kinds of development desired in town is in the Town Plan.

A: The applicant received information about background checks and stated that if a prospective tenant has lived only in Vermont, then they do a state background check and if they have lived out of state, then they do a federal background check as well. If it were a condition to do both on all applicants, they would be amenable to that.

Q: Can Westfield seniors have priority over other prospective tenants?

A: The applicant would love to have the residences filled with people we refer to the project.

Q: LaDonna asked that if someone applies for tenancy, would they be put on a waiting list for this facility, or for all RuralEdge facilities?

A: Every property has its own waiting list. Scenic View does not have a waiting list since it is still under development. RuralEdge is willing to accept names of interested tenants and begin the process once the permits are in place and the project is underway.

Loren made a motion to close the submission of evidence and move to deliberative session

Brian seconded the motion.

Moved to deliberative session at 7:22 pm.

Came out of deliberative session at 8:39 pm. Kitty checked for remaining members of the public waiting to hear the announcement of the decision. There was no one waiting.

Loren made a motion to approve the Conditional Use permit 2021-12 subject to conditions that will be included in the Notice of Decision to be issued. Brian seconded. Motion passed unanimously. Brian yes, Loren yes, Pat yes, Ellen yes, Kitty yes.

Pat will notify the applicant that the permit will be approved with conditions forthcoming in the Notice of Decision.

Loren made a motion to adjourn. Kitty seconded. Motion passed and the hearing adjourned at 8:47 pm.

Minutes respectfully submitted by Ellen Fox.



- NOTES:**
1. SITE PLAN HAS BEEN DEVELOPED FROM ALTAGSM LAND TITLE SURVEY PREPARED FOR RURAL EDGE, DATED 06/2016, PREPARED BY TRUELINE LAND SURVEYORS, INC., ST. JOHNSBURY, VT.
 2. THIS LAYOUT IS PREPARED FOR A PROJECT UNDERSTOOD TO BE CONVERSION OF CAREBED FACILITY TO STUDIO TYPE DWELLING UNITS FOR SENIOR CITIZEN HOUSING. THE UNITS ARE A CONVERSION OF AN ORIGINAL MOTEL BUILDING IN 1986.
 3. AN WORK WITHIN THE HIGHWAY LIMITS REQUIRE PERMIT APPROVAL FROM THE STATE OF VERMONT.
 4. WESTFIELD ZONING IDENTIFIES 1.5 SPACES PER DWELLING UNIT FOR MULTI-FAMILY.

PARKING PLAN
SCALE: 1" = 20'

VT ROUTE 100

0 20' 40'

C2.1

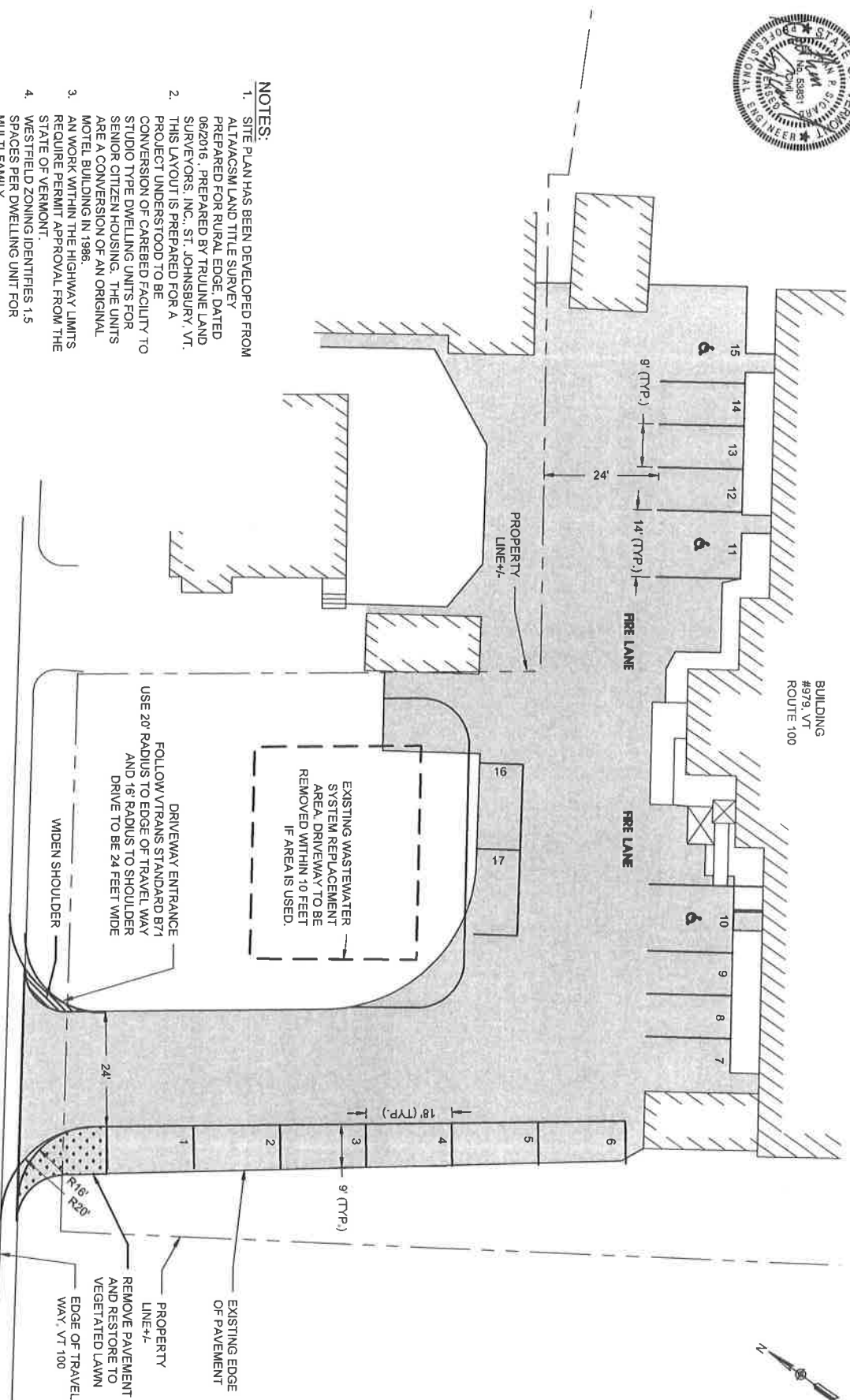


Exhibit A

REVISIONS		Date	By	Check
No.	Description			

PREPARED FOR
RURAL EDGE, INC.
879 ROUTE 100, WESTFIELD, VT

PARKING CAPACITY PLAN
SCENIC VIEW SENIOR APARTMENTS

RUGGLES
ENGINEERING SERVICES, INC.
4000 MEADOW DRIVE, ST. JOHNSBURY, VT 05857

Civil Engineering-Site Permitting
Water, Sewer and Stormwater System Design
802-748-6999
JOB No. 234147

③



48 Elm Street • P.O. Box 259
Lyndonville, VT 05851
800.234.0560 TTY 800.253.0191
ruraledge.org

June 4, 2021

Westfield Planning Commission and Zoning Board of Appeals
Town of Westfield, Vermont
38 School Street
Westfield, VT 05874

Re: Application 2021-12 – Scenic View Conversion
979 Vermont Route 100
Westfield, VT 05874

Dear Ladies and Gentlemen:

Thank you for your review of our application for change in use to the conditional use of multi-family housing for the above referenced property. As you know, our proposal was based on the recommendations for the property included in the recently completed Westfield Housing Needs Assessment.

Since submitting our application, we listened intently to the public feedback during the hearing. As a community-based non-profit, we want to work with the community to create an asset for the town. As such, please accept this letter as confirmation that RuralEdge LLC would like to confirm its intent, in writing to operate the above referenced property as rental apartments and restrict occupancy to those age 55+ for the entire duration of its ownership. This is a change from the general occupancy provision that was stated in our application. As proposed, the SASH Program (Support and Services at Home) would provide supportive services and health coordination onsite for the residents of the property and such services would also be available to elderly and disabled community members eligible for the program. This use is clearly in line with the recommendations of your town plan.

We understand that parking is a concern and know that we need to provide 17 on-site spaces at the site while maintaining a clear right of way for property owners who have easements through the property. As such, we have engaged Nate Sicard of Ruggles Engineering to develop a formal parking plan for the property that meets this requirement.

In response to concerns about boundaries, privacy and safety, we propose and agree to add a 6 foot high privacy fence along the south-western boundary of the property from the edge of the Route 100 Right of Way to the back of our structure – approximately 189 feet per the survey. This will separate the Scenic View parcel from its south-western neighbor. Further, we will construct a matching 6 foot high privacy fence at the north-eastern boundary, running from the Route 100 Right of Way, following the property line and turning north-east for approximately 244 feet per the survey minus an agreed upon access point to the garage that maintains a right of way.





48 Elm Street + P.O. Box 259
Lyndonville, VT 05851
800.234.0560 TTY 800.253.0191
ruraledge.org

Hopefully, the addition of fencing will also address much of the concern about snow removal and plowing onto adjacent properties. Our plowing contracts address the potential need to remove snow off-site and this property would be no different. We also agree to meet with the neighbor whose leach field is on our property and mark the location to ensure that no snow is plowed into that location.

We also heard that there is a desire to have a property sign with contact information for our property management division. We will gladly agree to that and propose to use the existing location and replace it with a 4 foot square sign that would include the property name, indicate that it is a 55+ community and provide a contact phone number. The sign would also include the RuralEdge and the Fair Housing logo.

I have already provided to the Town a copy of our rental application, that details the level of review that any applicants for housing go through. I also supplied a tenant handbook for a recently completed development that outlines additional guidance and rules that tenants must adhere to. Prior to occupancy, a handbook unique to the property would be developed and tenants acknowledge receipt of the handbook and understanding of the applicability of the rules in it in their lease.

I have tried to definitively address the concerns that I heard at the first hearing and adapt the project to fit the wishes of the community. Knowing the need for additional housing, we hope to begin construction as soon as permits are issued so that Scenic View can be a home for its new age 55+ residents before winter sets in.

Thank you for your assistance.

Regards,

A handwritten signature in black ink, appearing to read "Patrick Shattuck".

Patrick Shattuck
Executive Director

Evidence.

Pat Sagui <saguiapat@gmail.com>

6/7/2021 2:42 PM

Re: FW: Project Review Sheet

C

To Patrick Shattuck <patrick@ruraledge.org> • ladonna <townofwestfield@comcast.net> •
Ellen Fox <ellenmfox1@gmail.com> • Westfield Zoning Administrator <westfieldzoning@gmail.com>

Hi Patrick,

Much thanks for the clarification on the status of the letter and the paper trail.
I will have LaDonna print the salient parts for the PC and to enter as evidence.

Pat

On Mon, Jun 7, 2021 at 1:42 PM Patrick Shattuck <PatrickS@ruraledge.org> wrote:

Good Afternoon Pat,

In response to your e-mail, please find the e-mail trail where we have requested the revision and been told it won't have any impact on the answer already received – that there is no Act 250 permit required. We have asked for a letter for today but staffing may prevent them from issuing one. We will certainly bring it – and forward it along as well, if issued.

Regards,
Patrick

Patrick Shattuck—Executive Director

PO Box 259 – 48 Elm Street, Lyndonville, VT 05851
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From: Kopsco, Pete <Pete.Kopsco@vermont.gov>

Sent: Monday, June 7, 2021 11:47 AM

To: Becky Masure <BeckyM@ruraledge.org>

Cc: Bob Hansen <BobH@ruraledge.org>; Kate Buonanno <KateB@ruraledge.org>; Patrick Shattuck <PatrickS@ruraledge.org>

Subject: RE: Project Review Sheet

Ok. I just sent it to Kirsten. I'm not sure she will be able to do it today. Rich Wilson is no longer working here, so his decision will remain the same with the same date. I hope that is okay.

From: Becky Masure <BeckyM@ruraledge.org>
Sent: Monday, June 7, 2021 10:28 AM
To: Kopsco, Pete <Pete.Kopsco@vermont.gov>
Cc: Bob Hansen <BobH@ruraledge.org>; Kate Buonanno <KateB@ruraledge.org>; Patrick Shattuck <PatrickS@ruraledge.org>
Subject: RE: Project Review Sheet

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Pete,

Just as a follow up.

The plans should include individual porches at the rear of each of the units.

Bob Hansen here in our office did speak with Kirsten about the rear porches and she told him we were all set with the Act250 permit.

Having a revision that identifies the project as 55 and over would be helpful; to appease certain neighbors.

Not sure if it is possible to get this revision for tonight's meeting?

From: Kopsco, Pete <Pete.Kopsco@vermont.gov>
Sent: Friday, June 4, 2021 3:22 PM
To: Becky Masure <BeckyM@ruraledge.org>
Cc: Bob Hansen <BobH@ruraledge.org>; Kate Buonanno <KateB@ruraledge.org>; Patrick Shattuck <PatrickS@ruraledge.org>
Subject: RE: Project Review Sheet

Hi Becky,

I can't think of any state permit programs that would look at a minimum age requirement, so I don't think anything will change on the review sheet. Will there be any physical changes to your plans as a result of this change? (I will do a new sheet for you if it will help you, I just don't think it will change anything.)

Thanks,

Pete

From: Becky Masure <BeckyM@ruraledge.org>
Sent: Friday, June 4, 2021 12:04 PM
To: Kopsco, Pete <Pete.Kopsco@vermont.gov>
Cc: Bob Hansen <BobH@ruraledge.org>; Kate Buonanno <KateB@ruraledge.org>; Patrick Shattuck <PatrickS@ruraledge.org>
Subject: Project Review Sheet

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Pete,

I am writing to request a revision to the Project Review sheet for Scenic View Apartments in Westfield.

See attached.

After our first meeting with the Town to hear public comment, it has been determined that we will be pursuing a 55 and older designation for the housing we are proposing. It will no longer be a general occupancy status.

It was recommended that I reach out to you for a reviews project review sheet.

Regards,

Becky

Rebecca Masure – Director of Real Estate Development

PO Box 259 – 48 Elm Street, Lyndonville, VT 05851

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