



Marcey Carver <mgc0526@gmail.com>

Whistle Stop permit applications

18 messages

Thu, Sep 10, 2020 at 7:47 PM

Phoebe Howe <phowe@veic.org>

To: Bradford Zoning <zoning@bradford-vt.us>, "mgc0526@gmail.com" <mgc0526@gmail.com>

Cc: Peter Schneider <pschneider@veic.org>, Nicola Anderson <nanderson@downstreet.org>

Dear Paul and Marcey,

Please find attached permit applications and site plans for three modular homes to be placed in Whistle Stop.

I have also attached information on Efficiency Vermont's ZEM (Zero Energy Modular) initiative to share more about this type of housing.

This project is utilizing Coronavirus Relief Funds, administered by the Vermont Housing & Conservation Board, to create new housing units for families at risk of homelessness. These funds were awarded in August and projects need to be complete and move-in ready by December 20th. This is a one-time opportunity and if projects aren't done by 12/20, funds will be revoked. As you can appreciate, this is an extremely tight timeline for new construction, and we will truly appreciate any support that the Town of Bradford can provide in helping us reach this goal.

In response to the increasing need for small, resilient and healthy homes, affordable housing partners, municipalities and state officials have supported a variety of innovative housing types in parks over the past ten years. Primarily, this has included tiny homes and modular homes to date. We are excited to add Downstreet and the town of Bradford as partners in this effort!

As Marcey and I discussed, state statute ([link here](#)) defines mobile homes parks as communities that include 2+ mobile/manufactured homes. As long as 2+ mobile/manufactured homes remain, regardless of other housing types that may be present, the park retains its designation as such.

Would either of you, or any community members, be interested in a site visit this Saturday, Sunday, or next week? I would be happy to host and show folks around.

Please be in touch with any questions or for additional information. I can be reached by email (phowe@veic.org) or at 540-7855.

Sincerely,

Phoebe Howe

Phoebe Howe

Efficiency Vermont

5 attachments

 **91 Whistle Stop Way.pdf**
215K

 **20 Railroad Way.pdf**
215K

 **10 Railroad Way.pdf**
220K

 **Whistle Stop site plans.pdf**
259K

 **2019-02-05 Why ZEM.pdf**
364K

Marcey Carver <mgc0526@gmail.com>

Thu, Sep 10, 2020 at 8:04 PM

To: Phoebe Howe <phowe@veic.org>

Cc: Bradford Zoning <zoning@bradford-vt.us>, Peter Schneider <pschneider@veic.org>, Nicola Anderson <nanderson@downstreet.org>

please identify where it says mobile home park only needs to have two mobile homes it to be a mobile home park. and that other housing like modulars are allowed in a mobile home park. i'm not seeing it.

as for site visit, i would say that is premature for me to look at it before talking to paul and reviewing your application. i can mention it at the planning commission meeting on tuesday night to see what members think though typically we hold formally warned site visits prior to site plan hearing.

i will try to reach paul prior to monday deadline to see if he thinks what is being proposed is permissible and if so, if it requires a site plan hearing by the planning commission and possibly a conditional use permit.

[Quoted text hidden]

Marcey Carver <mgc0526@gmail.com>

Thu, Sep 10, 2020 at 8:20 PM

To: Phoebe Howe <phowe@veic.org>

Cc: Paul Berlejung <Zoning@bradford-vt.us>

would you please provide parcel with lots drawn for all the mobile home parcels as well as the roads, recreational/common area for occupants. I can't tell where the lot lines are on the pictures you sent nor can i tell how they fit into the whole plot. you indicate 2.3 acres but i imagine that is the entire parcel and not what each home is placed on. Also do you have pictures of the homes when constructed inside and out? Perhaps it was in the last attachment.

how many lots are there? how many lots are currently occupied by traditional mobile homes now? how many are vacant?

based on my review, it looks like a site hearing would be required. I am going to check with Paul. If so, then we could set it for October 6th. if I have had a chance to talk to Paul.

the site review includes a site visit and because we hold everything remotely now, we would hold the site visit on a different day so that those like you who are not local could attend the site visit and then zoom on the 6th.

i appreciate you getting all this turned around so quickly and I know how important this is and that there are serious time constraints.

marcey carver
Assistant Zoning Administrator

[Quoted text hidden]

Bradford Zoning <zoning@bradford-vt.us>

Fri, Sep 11, 2020 at 9:08 AM

To: "mgc0526@gmail.com" <mgc0526@gmail.com>, Phoebe Howe <phowe@veic.org>

Marcey/Phoebe: I agree the proposed change of use requires site plan review. Paul

From: Marcey Carver <mgc0526@gmail.com>
Sent: Thursday, September 10, 2020 8:20 PM
To: Phoebe Howe <phowe@veic.org>
Cc: Bradford Zoning <zoning@bradford-vt.us>
Subject: Re: Whistle Stop permit applications

[Quoted text hidden]

Marcey Carver <mgc0526@gmail.com>
To: Bradford Zoning <zoning@bradford-vt.us>

Fri, Sep 11, 2020 at 9:27 AM

okay....i have asked a bunch more questions to try to expedite it....getting pressure to not wait til oct 6th...because of deadline same thing from tri valley transit.....etc. i didn't create the problem...i have started saying poor planning is not the town's emergency.

[Quoted text hidden]

Marcey Carver <mgc0526@gmail.com>
To: Phoebe Howe <phowe@veic.org>

Fri, Sep 11, 2020 at 10:41 AM

would you tell me that list of towns that have modular/tiny homes in their mobile home parks. thanks.

On Thu, Sep 10, 2020 at 7:47 PM Phoebe Howe <phowe@veic.org> wrote:

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Marcey Carver <mgc0526@gmail.com>
To: Phoebe Howe <phowe@veic.org>
Cc: Bradford Zoning <zoning@bradford-vt.us>, Peter Schneider <pschneider@veic.org>, Nicola Anderson <nanderson@downstreet.org>

Fri, Sep 11, 2020 at 10:43 AM

discussed with paul and we are submitting the applications to the planning commission for site plan review.

as discussed, the Planning Commission will warn a site plan hearing for October 6th with a site visit on a prior day (we are waiting to confirm the day and time for the site visit that works for the planning commission members).

thanks.

On Thu, Sep 10, 2020 at 7:47 PM Phoebe Howe <phowe@veic.org> wrote:

[Quoted text hidden]

Bradford Zoning <zoning@bradford-vt.us>
To: "mgc0526@gmail.com" <mgc0526@gmail.com>

Fri, Sep 11, 2020 at 12:27 PM

Marcey: thanks. Paul

From: Marcey Carver <mgc0526@gmail.com>
Sent: Friday, September 11, 2020 10:43 AM
To: Phoebe Howe <phowe@veic.org>
Cc: Bradford Zoning <zoning@bradford-vt.us>; Peter Schneider <pschneider@veic.org>; Nicola Anderson <nanderson@downstreet.org>
Subject: Re: Whistle Stop permit applications

[Quoted text hidden]

Phoebe Howe <phowe@veic.org>

To: Marcey Carver <mgc0526@gmail.com>, Paul Berlejung <Zoning@bradford-vt.us>

Mon, Sep 14, 2020 at 3:19 PM

Cc: Peter Schneider <pschneider@veic.org>, Nicola Anderson <nanderson@downstreet.org>, Leah Sare <leah@vhcb.org>

Good afternoon Marcey and Paul,

Marcey, thanks for the phone calls last week. It was helpful to come away knowing that this development of small, affordable, zero energy homes is very much in line with Bradford's housing goals. It was also helpful to better understand the Town's questions so that we can best work with you to get you answers.

I heard that the Town's most significant questions on the project revolve around:

- Ensuring that Whistle Stop remains an affordable housing resource as a community of small homes & high quality of life for low-income residents.
- Ensuring that Whistle Stop remains in compliance with local zoning bylaws and state statute

To recap what I shared with Marcey in response to these questions:

- The town is in a strong position to ensure that Whistle Stop remains an affordable housing resource. Bradford's required setbacks, in conjunction with Downstreet's ownership, ensure that Whistle Stop will continue to provide residents with a livable, affordable community.
 - The 10' setbacks from lot lines as required by zoning bylaws ensure livability and that house footprints need to remain small over time (green space, parking, decks, "elbow room"). The setbacks prevent people from coming into the park and delivering inappropriately large homes, whether mobile/manufactured or other housing types.
 - Downstreet income-qualifies all new park residents to maintain a focus on low-income housing and is committed to ensuring that new homes will fit with the community and advance the livability, sustainability, and resilience of the park over time.
 - Bradford & Whistle Stop are miles ahead of most other towns that don't have setbacks required within parks, nor do these towns have mechanisms in place to ensure perpetual affordability for residents, such as non-profit park ownership.
- With the addition of the three proposed homes, Whistle Stop will remain in compliance with local zoning bylaws & state statute.
 - Local zoning bylaws include:
 - 10' setbacks from the house to the lot lines (and presumably park roads as well) to allow for space for yards, decks, elbow room, etc. This is reflected on the plan.
 - 1 tree per 2 homes to be planted/retained. There are definitely enough trees already in the community to meet this criteria, but more trees/shrubs could certainly be planted if desired.
 - State statute ([link here](#)):
 - The statute does not specially reference non-mobile/manufactured homes because at the time that the definitions section of the statute was last amended in 2012, only a handful of non-mobile homes had been placed in parks and those were one-off projects. It was never imagined that there would be a need for a more inclusive definition, since no options existed for non-mobile/manufactured homes in parks. In 2012-2013, the first coordinated efforts between Efficiency Vermont and housing partners began to address the need for more resilient, healthy housing options in parks. These options have been specifically designed to meet the unique considerations of parks, including footprint, aesthetic, affordability, etc.
 - Partners have discussed revising the statute to specifically include non-mobile/manufactured homes. However, reopening the definitions section for revision requires reopening the whole statute for debate. Housing advocates at the state level have chosen to avoid reopening the statute due to concerns that opponents would seize that opportunity to roll back crucial advances that have been made over the years, including on resident protections.
 - Instead of reopening the statute, housing partners have moved forward with the joint understanding that:
 - The statute does not prohibit non-mobile/manufactured homes
 - As long as a park has 2+ mobile/manufactured homes in it, the parcel will continue to meet the definition of a mobile home park

- Efforts involving modular & tiny homes have been completely aligned with the spirit & intent of the statute, which is to preserve and enhance mobile homes parks as a source for small, affordable homes
- Partners in this interpretation have included the state Department of Housing and Community Development (they oversee & regulate parks), Vermont Housing & Conservation Board, Vermont Housing Finance Agency, park owners, local affordable housing partners, and municipal officials. As you'll see below, this interpretation has applied to 45+ modular/tiny home projects around the state.
- I have requested something in writing from the state that outlines the above interpretation. It may take a few days, but I'll do my best to get something to you as quickly as possible.

Additional information requested by Marcey:

- **Total lots in park:** 12
- **Currently vacant:** 3
- **Existing homes:** 9 (all mobile/manufactured)
- **Other towns with modular & tiny homes in parks:** Since 2013, at least 45 modular homes and tiny homes have been placed in parks around the state. The list below only includes projects that Efficiency Vermont has been involved with, and the town and park owner. There are a number of additional pre-2013 and other modular/tiny home projects that I have not included here or am not aware of.
 - Otter Creek Park (Vergennes, Addison County Community Trust) – 2 homes
 - Hillside Park (Starksboro, Addison County Community Trust) – 1 home
 - Evergreen Park (Hardwick, Lamoille Housing Partnership) – 13 homes, 2 in progress
 - Lindale Park (Middlebury, Addison County Community Trust) – 2 homes
 - Vaughn Court (Monkton, Addison County Community Trust) – 3 homes
 - Willows Park (Bennington, Shires Housing) – 1 home, 3 in progress
 - Riverbend Park (South Royalton, Twin Pines Housing Trust) – 1 home
 - Shelburnewood Co-op (Shelburne, resident owned community) – 6 homes
 - Olcott Falls Park (Wilder, Housing Foundation, Inc) – 1 home
 - Riverside Park (Moretown, private owner) – 1 home
 - Locust Hill Park (Putney, Windham & Windsor Housing Trust) – 2 homes
 - Tuckerville Park (Ludlow, Housing Trust of Rutland County) – 1 home
 - North Avenue Co-op (Burlington, resident owned community) – 3 homes, 1 in progress
 - Cold Springs Park (Fairlee, private owner) – 1 home
 - Lazy Brook Park (Huntington, Addison County Community Trust) – 1 home

Attached are requested materials, including:

- Elevations
- Photos of a similar 14'x60' project
- Revised plans, including:
 - Overall site plan, showing common space, roads, and the 3 new homes
 - Revised site plans to include lot lines
 - Note: There are not yet formally established lot lines for other lots in the park (we see this frequently in parks). Downstreet is willing to establish lot lines on all lots and share that info with the Town, but won't be able to put together documentation in time for this zoning application.

We hope that the information provided here supports a decision to move the application through administrative approval. As shown in the information above and in the site plan, the proposed homes do not constitute a change of use, nor do we believe that they trigger criteria for a site plan review or conditional use permit.

We understand that applicants' timelines do not and should not factor into your decision making around how to process applications. However, we'd like to note that this project is unlikely to remain viable if review is pushed to an October 6th hearing with a 15 day appeal period to follow. The Coronavirus Relief Funds were only just awarded in August, and homes need to be ready for occupancy by December 20th. As Marcey rightly noted during our conversation, this crazy timeline is not the Town's responsibility. However, we recognize that this remarkable, "use it or lose it" funding opportunity supports affordable housing and energy goals all held by the Town of Bradford, Downstreet, and Efficiency Vermont, and we remain hopeful that we can find a path forward that both satisfies the Town's questions and allows the project to move forward in a timely fashion.

Thank you both for your review and support of this project. Please reach out with any questions. Regardless of whether or not the project requires an official site visit, we hope to find a chance to show you the site. Let me know if there's a good time later this week or weekend to meet up – even a quick 15 minute visit would be great.

Thank you,

Phoebe

Phoebe Howe

Efficiency Vermont

(802) 540-7855

From: Marcey Carver <mgc0526@gmail.com>
Sent: Thursday, September 10, 2020 8:20 PM
To: Phoebe Howe <phowe@veic.org>
Cc: Paul Berlejung <Zoning@bradford-vt.us>
Subject: Re: Whistle Stop permit applications

would you please provide parcel with lots drawn for all the mobile home parcels as well as the roads, recreational/common area for occupants. I can't tell where the lot lines are on the pictures you sent nor can i tell how they fit into the whole plot. you indicate 2.3 acres but i imagine that is the entire parcel and not what each home is placed on. Also do you have pictures of the homes when constructed inside and out? Perhaps it was in the last attachment.

[Quoted text hidden]

[Quoted text hidden]

4 attachments

 **14x60 elevations.pdf**
95K

 **26x40 elevation.pdf**
173K

 **ZEM Photos.pdf**
2093K

 **Whistle Stop site plans.pdf**

Mon, Sep 14, 2020 at 4:23 PM

Marcey Carver <mgc0526@gmail.com>

To: Phoebe Howe <phowe@veic.org>

Cc: Paul Berlejung <Zoning@bradford-vt.us>, Peter Schneider <pschneider@veic.org>, Nicola Anderson <nanderson@downstreet.org>, Leah Sare <leah@vhcb.org>

Phoebe,

please don't take as my questions can be extrapolated to the "town's concerns" or anyone's infact. I was attempting to have a complete application from which the zoning and planning commissions could make a decision.

I don't speak for the town as a whole and my questions to you were as an assistant zoning administrator who was endeavoring to have a complete application for the planning commission.

so thank you for providing the information.

These documents and your comments will be added to the application. A warning has been submitted to the Journal Opinion for a warned hearing which will occur on October 6th. Prior to that on October 1st is a site visit at which we hope that you or someone who has knowledge of the project will attend. The visits are on separate days so that the applicant/agents are able to both attend the site visit and attend a remote zoom meeting.

A copy of the warning in the next day or so. I will also be mailing it to the address on the application for the owner.

Thanks.

Marcey Carver
Assistant Zoning Administrator

[Quoted text hidden]

Phoebe Howe <phowe@veic.org>

Mon, Sep 14, 2020 at 5:31 PM

To: Marcey Carver <mgc0526@gmail.com>

Cc: Paul Berlejung <Zoning@bradford-vt.us>, Peter Schneider <pschneider@veic.org>, Nicola Anderson <nanderson@downstreet.org>, Leah Sare <leah@vhcb.org>

Hi Marcey,

Yes, absolutely understood – when I said "Town", I was referring to your and Paul's questions, not assuming that you're speaking for the town as a whole. Thanks for clarifying.

I have a request for you or Paul:

Our partners & funders on the project, concerned about the unexpected delay, are asking for more information about the 10/6 hearing. I know it has to do with a change of use, or site plan review, or need for a conditional use permit, or potentially all 3, but am not as clear as I want to be on the specifics.

Could one of you clarify what the hearing is for, and what about the project triggers the need for a hearing instead of regular administrative approval?

Thank you! I appreciate your help.

Phoebe

[Quoted text hidden]

Marcey Carver <mgc0526@gmail.com>

To: Phoebe Howe <phowe@veic.org>

Mon, Sep 14, 2020 at 5:45 PM

Cc: Paul Berlejung <Zoning@bradford-vt.us>, Peter Schneider <pschneider@veic.org>, Nicola Anderson <nanderson@downstreet.org>, Leah Sare <leah@vhcb.org>

the hearing on oct 6th is for site plan review by the planning commission as determined by the zoning administration which has authority to make such a decision.

you can appeal this to the zoning board of adjustment. They are required to warn a hearing in the same manner and hold a hearing, issue a decision, etc.

marcey

[Quoted text hidden]

Phoebe Howe <phowe@veic.org>

Tue, Sep 15, 2020 at 3:24 PM

To: Marcey Carver <mgc0526@gmail.com>

Cc: Paul Berlejung <Zoning@bradford-vt.us>, Nicola Anderson <nanderson@downstreet.org>

Hi Marcey,

I have a few follow up questions/updates:

Can you confirm the total permit application fee for each home? Downstreet put a \$240 check in the mail to you last week (\$50/construction > 600 sq ft + \$30/recording fee for 3 homes), and can cut an additional check if needed to cover any additional fees.

Does the town require any inspections as part of the zoning/building permit process? Our GC wants to be sure to plan around those, if needed.

The general counsel from the Agency of Commerce and Community Development is working on a memo outlining that non-mobile/manufactured homes are allowable in a mobile home park. I am not sure whether or not that was still an outstanding question for you and Paul, but will send that document over as soon as I get it.

I also have a site visit for 10/1 on my calendar. Please let me know when you finalize timing for the visit – until then, I'll keep the day blocked off.

Thank you and enjoy the afternoon,

[Quoted text hidden]

Bradford Zoning <zoning@bradford-vt.us>

To: "mgc0526@gmail.com" <mgc0526@gmail.com>

Wed, Sep 16, 2020 at 8:50 AM