

Milton Selectboard Meeting
October 24, 2016; 6:00 p.m.
Community Room of the Municipal Complex
43 Bombardier Rd., Milton, VT 05468

Use of cell phones is prohibited during the meeting. Please shut them off or silence them.

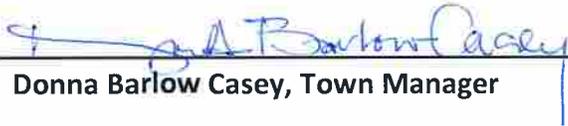
AGENDA

- I. **Call to Order**
- II. **Flag Salute**
- III. **Agenda Review**
- IV. **Public Forum**
A Public Forum will be limited to five minutes per person. All participants must sign in and clearly state their name. No action will be taken on items raised until a subsequent meeting (if action is needed by the Selectboard).
- V. **New Business and Department Items**
 - A. **FY '18 Budget Goals and Meeting Schedule**
Discussion
Donna Barlow Casey, Town Manager
 - B. **DPW Budget Transfer for Engineering Services**
Discussion and Possible Action
Donna Barlow Casey, Town Manager
 - C. **Future Town Development**
Discussion
Mike McCormick
 - D. **Southerberry Development**
Discussion
Bill Sawyer
 - E. **Municipal Planning Grant Application**
Consider Approval
Jacob Hemmerick, Planning Director
 - F. **Release of Glebe Land**
Consider Approval
Donna Barlow Casey, Town Manager

G. FY '17 Grand List Errors & Omissions
Consider Approval
Donna Barlow Casey, Town Manager

- VI. Manager's Report**
- VII. Potential and/or Future Agenda Items**
- VIII. Warrant #10**
- IX. Executive Session Per V.S.A. Title 1 Section 313**
 - **Personnel**
- X. Adjournment**

Posted October 21, 2016 on the official bulletin board in the lobby of the Municipal Building; to the Town website; emailed to the Burlington Free Press, Milton Independent, Lake Champlain Access Television, Fox 44 News, WPTZ, and WCAX; and posted in two other places within the Town of Milton and filed with the Town Clerk.

Signed: 

Donna Barlow Casey, Town Manager

Draft: FY '18 Budget Selectboard Review Meetings- All Weekday Meetings Start at 6 PM

- Monday, October 24: FY '18 Selectboard Budget Goals Discussion
- Monday, November 21: Regular Selectboard Meeting
 - Draft FY '18 Budget released in print and electronic formats
- Monday, November 28: Special Selectboard Meeting
 - **Budgets Reviewed:** Police, Fire, Rescue, Animal Control
- Wednesday, November 30: Special Budget Meeting
 - **Budgets Reviewed:** Highway, Buildings & Grounds, Public Works Administration, Water/Wastewater
- Monday, December 5: Regular Selectboard Meeting- no budget discussion
- Wednesday, December 7: Special Selectboard Budget Meeting
 - **Budgets Reviewed:** Assessor, Town Clerk/Treasurer, Elections, Finance, Town Manager, Selectboard, Administrative Block (Information Technology, Administrative Services, Insurance/Risk Management, Legal, Taxes/Assessments)
- **Saturday**, December 10: Joint meeting with Planning Commission, no budget discussion
- Monday, December 12: Special Selectboard Budget Meeting
 - **Budgets Reviewed:** Group Special Allocation Requests Considered, Planning/EDC/Health, Library, Recreation
- Wednesday, December 14: Special Selectboard Budget Meeting
 - **Budgets Reviewed:** FY '18 – '23 Capital Improvement Plan, Debt Service, Contingency
- Monday, December 19: Regular Selectboard Meeting- no budget discussion
- **HOLIDAY BREAK – Town Holidays on Friday 12/23 and Monday 12/26**
- **Extra budget meetings can be added week of 12/27**
- New Year's Day- Town Holiday on Monday, January 2nd
- Tuesday, January 2, 2017: Regular Selectboard Meeting
- **Extra budget meetings can be added week of 1/9**
- Saturday, January 14: Community Budget Social
- Monday, January 16: MLK Day, not a Town holiday, but SB has generally moved this meeting
- Tuesday, January 17-: Regular Selectboard Meeting
 - Look to adopt FY '18 Town Meeting Warning
- Monday, March 6- Pre Town Meeting
- Tuesday, March 7- Town Meeting Day 2017

* Town Meeting must be warned not less than 30 nor more than 40 days before the meeting. That lines up to be between January 26 and February 5. The warning has to be finalized either before this timeframe or within this timeframe and effectively posted and noticed.

Prepared By: Erik Wells, Director of Administration



PLANNING DIVISION

43 Bombardier Road
Milton, Vermont 05468-3205
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miltonvt.org

Selectboard Legislative & Fiscal Analysis

MEETING DATE: October 24, 2016
AGENDA ITEM: Municipal Planning Grant
PREPARED BY: Jacob Hemmerick, Planning Director

REQUESTED MOTION(S)

- Adopt the Resolution and authorize staff to submit a FY17 Municipal Planning Grant (MPG) Application to the Vermont Agency of Commerce and Community Development, Department of Housing and Community Development as presented.

LEGISLATIVE ANALYSIS

Authority

- Pursuant to Administrative [Policy 2014-02](#), the Selectboard retains the authority to approve all grants with funding over \$5,000.

Grant Summary

- The proposed project would fund a consultant to prepare amendments to the Public Works Specifications and Land Use/Development Regulations in partnership with an inclusive stakeholder steering committee. The deliverable will present a cohesive voice between ordinances and result in hierarchical standards for community infrastructure and traveled ways that correspond to land use context and available public services as well as reduce stormwater runoff through low-impact development and new stormwater technology. The process will leverage existing resources and prior planning/engineering.

Background

- Since 2004, the Department's files show that the Town has applied to the MPG program once, in 2015. That application was not funded. A program description is **ATTACHED**.

Item Preparation Process

- The following actions were taken to prepare this item for the Board.
 - September 26-29 Application Preparation by Planning Director
 - September 30 Release First Draft to Administration Stakeholders
 - October 3-7 Administration Stakeholder Input (PW, W/W, TM)
 - October 3 Selectboard Briefing and Input
 - October 4 Planning Commission Briefing and Input
 - October 11 TAC Briefing and Input
 - October 13 Development Review Board Briefing and Input
 - October 21 Grant Application Finalized for Selectboard Packet
 - October 24 Selectboard Grant Application Consideration

- October 24-31 If Approved, Application Filed by Planning Director
- The Development Review Board recognizes the need to resolve conflicts within the language. The Planning Commission additionally recognizes the need to fill regulatory gaps and is unanimously supportive of this application. Their feedback has been taken into account.
- Since this item was last introduced the Board, the scope has been reduced by removing all maintenance and upgrade planning. The proposal now exclusively focuses on development standards.

Connection to Comprehensive Plan Goals

- The MPG will only fund projects that advance a community's adopted Plan goals. The ATTACHED application explains those connections in detail. Three examples include:
 - **Goal 6.4.9:** *Ensure that the Town permitting requirements, such as the Public Works Specifications, strike the property balance between development costs and maintaining adequate public health and safety standards.*
 - **Goal 7.9:** *Enhance pedestrian-friendly environments incorporating streetlights, street trees, signage public spaces, and develop guidelines for these streetscape elements.*
 - **Goal 7.1:** *The Town should continue to work toward increased operational efficiency of Route 7 and continue to incorporate the following items into the strategy: support access management, promote parallel road systems, encourage alternative modes of transportation, provide traffic controls, establish new necessary rights of ways, and require transportation improvements in the zoning regulations.*

Community Impact

- In development, knowing what to expect reduces risk and builds confidence in the regulatory program. In addition to advancing the Town's vision, this project prioritizes clear standards that can be reliably understood and consistently applied by both developers and the Town's staff. It will integrate the most commonly used, cost-effective materials and align the language with reparative practices. To understand the challenge of applying Milton's standards, you'll find an analysis **ATTACHED** titled "What's the Right of Way", it demonstrates some of the interpretive challenges we face on the zoning side.
- Bottom line, having clear and context-specific standards for community infrastructure and traveled ways will help Milton ensure that development is:
 - Economically scaled and built according to its use and context;
 - Calms traffic by aligning design with posted speed limits;
 - Expands transportation choice;
 - Protects water quality; and
 - Minimizes potential costs associated with Milton's [Municipal Roads Permit](#)/ MS4 Permit.

Administrative Impact

- As with any grant, staff time is involved to administer the grant and facilitate a steering committee. This application designates the Planning Director as the Grant Administrator and significant hours will be assumed by the Planning Director and staff to steer this project and hold the contractor to account.

Implementation

- The grant's implementation is work plan/budget is **ATTACHED**. Key administrative deadlines include:

- December 2016 Award Decisions Issued
- August 31, 2017 Mid-Project Report Due
- May 31, 2018 Project Completion and All Funds Spent
- June 30, 2018 Final Report and Products Submitted

Staff would time the project launch in July of 2017.

FISCAL ANALYSIS

- The total grant cost is \$26,000, the maximum amount allowable. This grant leverages a local match of \$6,000 dollars, which would be funded through the General Fund Budget. \$3,000 would come from Planning's FY18 Other Professional Line 10-60-461-330 and \$3,000 would come from Public Works' FY18 Other Professional Line 10-60-461-330.
- Approval of this grant would be a commitment by the Board to maintain these amounts during the upcoming budget review.

ATTACHMENT(S)

- 1) Draft MPG Application (to be input into the State's Intelligrants System)
- 2) Work Plan & Budget
- 3) Selectboard Resolution
- 4) FY 2017 MPG Program Description
- 5) What's the Right of Way Analysis

DRAFT MUNICIPAL PLANNING GRANT

GRANT TIMELINE

October 31, 2016	Deadline to Submit
December 2016	Award Decisions
August 31, 2017	Mid-Project Report Due
May 31, 2018	Project Completion and All Funds Spent
June 30, 2018	Final Report and Products Submitted

ALTERNATIVE APPLICATIONS CONSIDERED

- Comprehensive Plan Update: Funding for Outreach
- Official Map Development for New Downtown Frontage Roads
- Bylaw Amendment for Animal Hording, Urban Husbandry, and Rural Agricultural Enterprises
- Village Master Plan and Designation Application

GRANT APPLICATION

Applicant: [Town of Milton](#)

State Designations: [None](#)

Municipal Confirmation: [Yes](#)

Consortium Project: [No](#)

Project Type: [Bylaw Amendments](#)

Project Title (*80 Character Limit*)

[Preparation of Integrated Amendments to Public Works Specifications and Unified Development Regulations*](#)

*Drafting in progress by the Planning Commission for hearings in calendar year 2017.

Project Description (*250 Character Limit*)

The Town will hire a consultant to prepare amendments to the Public Works Specifications and Development Regulations that cure conflicts among the ordinances and the Plan and fill regulatory gaps by developing hierarchical standards for infrastructure linked to land use context.

What are the primary issues your community is trying to address: (*4,000 Character Limit*)

The Milton Public Works Specifications and Development Regulations Project will address the following community issues:

1. Develop Integrated Solutions that Eliminate Inconsistencies

As an edge community in a fast-growing county, Milton faces substantial development pressure but is without the necessary tools and resources to rapidly fix outgrown ordinances. Milton's Zoning Regulations, Subdivision Regulations and Public Works Specifications are substantially inconsistent and have significant gaps. These standards make it difficult for developers to anticipate what the Town expects and can be equally difficult for decision-makers to apply consistently. The status quo result in confusion, inconsistent application and discordant outcomes. We can do better.

2. Overcome Barriers to Context-Appropriate Development

Milton's Town Plan prioritizes compact, connected, and walkable urban development in our Town Core surrounded by low-impact development in our rural areas. While progress is being made, the standards predominantly have a one-size-fits-all approach. Road and driveway standards are sometimes underwhelming for downtown development and overwhelming for rural development. The inconsistency between ordinances is undermining Milton's ability to apply standards that achieve Milton's vision for an attractive downtown. One-size-fits all is not working.

3. Bridge Disagreements that Build Community Consensus around Standards

In addition to broad community involvement, this project invites key stakeholders into a process that will build upon past planning as well as consider new technologies and regulatory realities. This process will open a platform to build common understandings and trust among stakeholders and the public at large.

How will the proposed project address the identified issues? (4,000 Character Limit)

This project resolves the identified issues by:

- 1) Developing hierarchical development standards and design specifications for:
 - Streets and roads;
 - Sidewalks, pathways and trails;
 - Driveways and highway access;
 - Internal circulation and parking;
 - Wayfinding signage, lighting, plantings; and
 - Stormwater management;

Which will factor in this infrastructure's

- Land-use/zoning context: (village/downtown/suburban/rural);
 - Transit service (existing and potential);
 - Traffic volume/congestion/safety; and
 - Modality: vehicular, bike, pedestrian.
- 2) Prioritizing low-impact development standards and design specifications for green stormwater infrastructure will help Milton prevent stream impairment -- while also serving as a potential model for other communities like Milton (without stormwater specialists or a utility) to meet the upcoming municipal roads permit/MS4 permit. This will require a particular focus on identifying standards and designs that reduce runoff from private driveways and roads, and thereby lessen the stormwater management in public rights-of-ways.
 - 3) Establishing a multi-stakeholder steering committee charged with taking into consideration prior planning and resources, such as those listed below to identify values, select preferred alternatives, and review draft language.

Local Regulations/Ordinances

- Milton [Illicit Discharge and Stormwater Connection Ordinance](#) (2007)
- Milton [Motor Vehicle and Traffic Regulation Ordinance](#) (2011)
- Milton [Public Works Specifications](#) (2010)
- Milton [Street Naming, Addressing, Street Signs Ordinance](#) (2013)
- Milton Zoning & Subdivision Regulations/Draft Unified Development Regulations
- Milton Water and Wastewater Ordinances
- Milton [Highway Maps](#)
- [Milton Landscape Bonds Policy](#) (1998)

Maintenance Documents

- Milton [Sidewalk Replacement and Maintenance Program](#) (2007)
- Milton [Best Management Practices for Erosion and Sediment Control](#) (2002)
- Milton [Best Management Practices for Stormwater Control and Watercourse Buffers](#) (2002)
- Milton [Winter Operations Plan](#) (2014)
- [Milton Traffic Calming Policy](#) (2000)

Plans & Studies

- [Town of Milton Comprehensive Plan](#) (2013)
- [Milton Town Core Traffic Circulation Plan](#) (2008)
- [Route 7 Land Use and Transportation Study](#) (2008)
- [Milton Town Core Master Plan](#) (2000)
- [Milton Long Range Access and Mobility Committee Final Report](#) (2001)
- [Town Core Streetscape and Accessibility Design Study](#) (2007)
- Prior Town of Milton Corridor/[Scoping Studies](#)
- Milton [US Route 7 Health Impact Assessment](#) (2015)
- [The US Route 7 Corridor Study](#) (2015)
- [Northern Lake Champlain Basin Management Plan](#) (2015)
- [Lamoille River Tactical Basin Management Plan](#) (2016 draft)
- [Region's Active Transportation Plan](#) (2016)
- VTRANS [Report on Shared-use Path and Sidewalk Unit Costs](#) (2010)
- Available Traffic Studies and Count Data

Standards and Guidance Reports

- Vermont Highway Law: [19VSA](#)
- Milton Urban Community Forestry Inventory and [Urban Tree Planting Guide](#)
- [Street Tree Manual](#)
- [Vermont's Tree Selection Guide](#)
- [SmartCode Manual](#)
- [United States Postal Service Mailbox Guidelines](#)

- [VTRANS Class 1 Town Highways: Costs and Issues for Vermont Communities Considering Reclassification of State Highways](#) (2016)
- [VTRANS Access Management Program Guidelines](#) (2005)
- [VTRANS Complete Streets Guidance Document](#) (2012)
- [VTRANS Corridor Management Handbook](#) (2005)
- [VTRANS Orange Book for Local Officials](#) (2016)
- Chittenden County's Bicycle Design Facility Toolkit (2015)
- [USDA Trail Construction and Maintenance Notebook](#) (2007)
- [Revised Vermont Stormwater Management Manual](#) (2016)
- [Vermont's Model Stormwater Management Bylaw](#) (2015)
- [Green Stormwater Infrastructure Sizing Tool](#) (2015)
- [Low Impact Development Principles](#) (2013)
- [Green Stormwater Infrastructure Best Management Practices](#)

Establishing clear and context-specific standards for roads, driveways and other impervious surface will help Milton ensure that new infrastructure:

- Is economically scaled and built according to its use and context;
- Calms traffic by aligning design with posted speed limits;
- Expands transportation choice;
- Protects water quality; and
- Minimizes costs associated with Milton's [Municipal Roads Permit/ MS4 Permit](#).

How will the project engage the public and community partners? (4,000 Character Limit)

Involving those affected by the outcome of this initiative is a key component of this project. This project breaks out of the Planning Commission meeting, by establishing a broad-based steering committee including government, administration, and external stakeholders identified below.

Government Stakeholders:

- Interested Citizens
- Selectboard
(Grant Authorizers, Adopters of the Plan & Ordinances, Development Surety Controllers, Dedication Accepters, Project Funders)
- Planning Commission
(Drafters of the Plan, Zoning & Subdivision Regulations and Public Works Specifications [[24VSA4325](#)])
- Development Review Board
(Interpretation and Application of Regulations [[24VSA4460](#)])
- Conservation Commission
(Natural Resource Advisors, Stewards of Natural Areas and Trails [[24VSA4505](#)])
- Economic Development Commission & Local Business
(Local Economy and Economic Impact Advisors)

Administration Stakeholders:

- Management and Administration
(General Oversight)

- Planning Dept.
(Planning Support, Development Review Support, Permitting, Surety Administration, Street Naming/Addressing Ordinance Admin.)
- Finance Department
(Funding Administration, Surety Oversight)
- Development Review Board Technical Advisory Committee: Police, Fire, Recue, School District, Recreation, Highway, Water & Wastewater.
(Advisers of DRB on Technical Specifications and Municipal Impact)
- Public Works Dept.
(Administration of Public Works Specifications/Highway Access Permitting, Engineering Services, Administration of Gross Weight Limits Ordinance/Permitting; Administration of Illicit Discharge and Stormwater Connection Ordinance)
- Highway Dept.
(Construction, Maintenance, TAC Member)
- Water/Wastewater Dept.
(Engineering, Construction, Maintenance, TAC Member, Water/Wastewater Ordinance Administration & Connection Permitting)
- Police Dept.
(TAC Member; Administration of Motor Vehicle and Traffic Regulation Ordinance and Snowmobile Ordinance)
- Fire/Rescue Dept.
(TAC Member)

External Stakeholders:

- Milton Health Community Design Task Force
- School District's Safe Route to School Committee
- Agency of Transportatoin
(Owns US Route 7 and State Highway Standards)
- Regional Planning Commission
(Transportation Planning Specialists, Outside Funding for Scoping and Construction)
- Chittenden Area Transportation Management Association (CATMA)
- United States Postal Service
(Standards for Mailboxes in Right-of-Ways)
- Green Mountain Transit
(Bus Route Provider)
- Railroad
(Stakeholder in Railroad Crossings)
- Engineering Community
(Prepare specification for projects that conform to local standards, certify construction).
- Infrastructure Construction Community
(Read and build according to the specification sheets)
- Developer Community
(Economic choices guided by standards)

This steering committee will represent, inform, consult and involve the public by taking the following steps:

1. Develop and Maintain a Project Website
2. Issuing Press Releases at Project Milestones

3. Provide Periodic E-mail Updates to an Interested Party Mailing List
4. Provide Periodic Updates through Existing Town Communication Channels: Facebook, Recreation Newsletter, Message Boards, Website, etc.
5. Invite the Public to Participate in Rankings of Preferred Alternatives at an Open House and via an Online Survey
6. Invite the Public to a Public Forum on the Final Report
7. Invite the Public to Statutory Hearings by Planning Commission & Selectboard

How will this further goals in the plan?

Milton's Comprehensive Plan consistently prioritizes cost-effective measures to make Milton's downtown an attractive destination. This project will advance the following goals:

Goal 3.2.11

Better define the Town Core and create a sense of place unique to this area, using methods discussed by the Planning Commission at a 2012 public input session and the 2007 'Town Core Streetscape and Accessibility Design Study'.

Goal 3.2.2

Enhance transportation opportunities, including the additions of park-and-ride facilities, whether publicly or privately owned, which create destinations and a sense of community.

Goal 4.4

Define policies that will establish allowable uses for future pathways.

Goal 4.4.2

Promote public awareness of the benefits of multi-use pathways.

Goal 4.4.4

Encourage multimodal pathway connections that complement existing and planned sidewalk locations.

Goal 4.6.2

Continue to develop more sidewalks in order to promote growth and a more walkable community.

Goal 5.2.2

In conjunction with the Town's land use policies, the Town shall continue to support the development of sidewalks and multi-use pathways in Town, both by constructing them as part of the Town's Capital Improvement Plan and by requiring developers to construct them in association with new development projects.

Goal 6.4.9

Ensure that the Town permitting requirements, such as the Public Works Specifications, strike the property balance between development costs and maintaining adequate public health and safety standards.

Goal 7.1

The Town should continue to work toward increased operational efficiency of Route 7 and continue to incorporate the following items into the strategy: support access management, promote parallel road systems, encourage alternative modes of transportation, provide traffic controls, establish new necessary rights of ways, and require transportation improvements in the zoning regulations.

Goal 7.5

The Town should consider implementing a local policy for how complete street improvements will be applied.

Goal 7.9

Enhance pedestrian-friendly environments incorporating streetlights, street trees, signage public spaces, and develop guidelines for these streetscape elements.

Goal 8.3

The Subdivision Regulations and/or Zoning Regulations should be amended to include a provision that developments that require a State post-construction stormwater permit, must include language in their Homeowners Association's covenants that the Association will maintain stormwater systems and permits in perpetuity.

How does this further statewide planning goals?

This project will address clear conflicts with the Municipal Plan by addressing gaps (where the regulations do not effectively implement the Plan) and coordinating conflictual language among ordinances.

This project will support compact walkable development in the Town Core and low-impact development in the hinterlands by scaling transportation infrastructure to dimensions that correspond with the land use context.

This project will support the long-term betterment of the physical and economic environment of Milton's downtown by implementing policy for complete streets (where appropriate to the context) that will guide a clear vision for future improvements.

How does this relate to and support an existing designation?

Milton does not have a designation.

The Planning Commission has had informal discussions expressing a positive interest in proposing a Town Plan amendment to prioritize a Village Designation. Milton will be preparing amendments to the Town Plan throughout 2017 for adoption and confirmation by 2018. This will be a topic of discussion.

Funding Last Year

Applied. Not funded.

Resolution

Selectboard Resolution

Municipal Authorizing Official

Town Manager
Director of Administration, Alternate

Grant Administrator

Planning Director

Work Plan & Budget

See attached spreadsheet.

What is the source of the match?

General Fund Budget: \$3,000 would come from Planning's FY18 Other Professional Line 10-60-461-330. \$3,000 would come from Public Works' FY18 Other Professional Line 10-60-461-330.

How did you arrive at realistic budget estimates in the work plan?

Estimate from Dubois and King: \$25,000 to \$35,000

Estimate from Winooski Public Works Director: \$10,000

What type of accounting system does your municipality use?

Automated

Does your organization have an accounting system that will allow you to completely and accurately track the receipt and disbursement of funds related to the award?

Yes

RESOLUTION FOR MUNICIPAL PLANNING GRANT

WHEREAS, the Municipality of MILTON is applying for funding as provided for in the FY17 Budget Act and may receive an award of funds under said provisions; and

WHEREAS, the Department of Housing and Community Development may offer a Grant Agreement to this Municipality for said funding; and

WHEREAS, the municipality is maintaining its efforts to provide local funds for municipal and regional planning purposes or that the municipality has voted at an annual or special meeting to provide local funds for municipal and regional planning purposes,

Now, THEREFORE, BE IT RESOLVED

1. That the Legislative Body of this Municipality enters into and agrees to the requirements and obligations of this grant program including a commitment to match funds if the request is over \$8,000 (over \$15,000 for consortia);
2. That the Municipal Planning Commission recommends applying for said Grant;

LORI DONNA
(Name of Planning Commission Chair) _____ (Signature)

- 3a. That (Name) DONNA BARLOW CASEY Title TOWN MANAGER

who is either the Chief Executive Officer (CEO), as defined by 10 VSA §683(8), or is a Select Board Member, the Town Manager, the City Manager, or the Town Administrator, is hereby designated to serve as the Municipal/Authorizing Official (M/AO) for the Grants Management On-Line System, Intelligrants, and to execute the Grant Agreement and other such Documents as may be necessary to secure these funds.

- 3b. (Alternate Authorizing Official for redundancy)

That (Name) ERIK WELLS Title DIRECTOR OF ADMINISTRATION

who is either the Chief Executive Officer (CEO), as defined by 10 VSA §683(8), or a Select Board Member, is the Town Manager, the City Manager, or the Town Administrator, is hereby designated to serve as the Municipal/ Authorizing Official (M/AO) for the Grants Management On-Line System, Intelligrants, and to execute the Grant Agreement and other such Documents as may be necessary to secure these funds.

3c. That (Name) JACOB HEMMERICK Title PLANNING DIRECTOR

is hereby designated as the Grant Administrator, the person with the overall Administrative responsibility for the Municipal Planning Grant program activities related to the application, and any subsequent Grant Agreement provisions.

Passed this _____ day of OCTOBER, 2016.

LEGISLATIVE BODY*

(name)

(signature)

<u>DARREN ADAMS</u>	_____
<u>JOHN BARTLETT</u>	_____
<u>KENNETH NOLAN</u>	_____
<u>JOHN CUSHING</u>	_____
<u>JOHN PALASIK</u>	_____
_____	_____
_____	_____

INSTRUCTIONS FOR RESOLUTION FORM

- A. The Legislative Body of the Municipality must adopt this resolution or one that will have the same effect. This Form may be filled in or the adopted Resolution may be typed on municipal letterhead, filling in the name of the municipality, the Legislative Body (e.g., Board of Selectmen), and the name and title of the Municipal/ Authorizing Official(s) (M/AOs); and the Grant Administrator.
- B. Following formal adoption, the Resolution must be signed by a majority of the legislative body. The Chair of the Planning Commission must also sign upon endorsement by vote of the Planning Commission.
- C. This form must be either uploaded to the online application or grant, or mailed to:
Municipal Planning Grant Program
Department of Housing and Community Development
One National Life Drive, Sixth Floor
Montpelier, VT 05620-0501
- D. If mailed, an electronic copy of the submitted Resolution document will be uploaded by DHCD staff and available online.

- E. Please note that the designated Municipal/Authorizing Official(s) and Grant Administrator must also register for an account in the online grants management system, if they have not done so already, before the application can be considered complete.

CONSORTIUM APPLICATIONS:

- E. For consortium applications, each municipality must complete a separate Resolution form. All municipalities must designate the same Municipal/Authorizing Official(s) and grant Administrator.

FY16 Municipal Planning Grant Program

Work Plan and Budget Summary

Task Name	Description of Task	Responsibility	Paid Personnel	Hours	Hourly Rate	Total Personnel Cost	Materials Description	Materials Cost	Total Task Cost
Form Steering Committee	Advertise and Constitute Steering Committee; Review Work Plan	Town Staff				0			0
Develop & Issue RFP	Prepare RFP, gain Selectboard approval, Issue RFP	Town Staff, Committee, Selectboard				0			0
Hire Consultant	Review Responses; Rank Responses, Gain Selectboard Approval	Town Staff, Committee, Selectboard				0			0
Survey Resources	Conduct review of existing regulations, prior planning, and resources and develop summary findings.	Town Staff, Committee				0			0
Project Launch	Review summary findings and identify project values.	Consultant and Committee	Consultant	10	100	1000			1000

Use this table to develop the work plan and budget before beginning the online application.

FY16 Municipal Planning Grant Program

Work Plan and Budget Summary

Technical Review	Conduct technical analysis of ordinances to develop alternatives responsive to goals and values in a survey format.	Consultant	Consultant	80	100	8000			8000
Rank Alternatives	Committee and public rank preferred alternatives, consultant compiles results, committee hosts open house on rankings.	Consultant, Committee, Public	Consultant	32	100	3200	Posters		3200
Finalize Preferences	Committee Finalizes Preferred Alternatives	Consultant and Committee	Consultant	8	100	800			800
Consultant Drafts Language	Consultant writes draft amendments responsive to values and preferred alternatives, which is reviewed by Committee	Consultant and Committee	Consultant	112	100	11200			11200
Project Results Presented	Committee hosts public forum to present proposal.	Consultant, Committee, and Public	Consultant	14	100	1400	Meeting Visuals	400	1800

Use this table to develop the work plan and budget before beginning the online application.

FY2017 Municipal Planning Grant Program Description



Program Overview

For state fiscal year (FY) 2017, the Vermont Department of Housing and Community Development (DHCD) will grant approximately \$457,000 to municipalities to promote community planning, revitalization and development activities that maintain Vermont's land use goal of compact settlements separated by rural lands.

The Municipal Planning Grant (MPG) Program funds a wide range of municipal planning projects as allowed by [24 V.S.A. §4306](#) (b) and (c). Projects that promote Vermont's historic settlement pattern will be given priority.

The maximum grant amount is \$20,000 for individual municipalities and \$35,000 for consortia. Applicants are required to provide a cash match for any grant request above \$8,000 (or \$15,000 for consortia). Projects requesting \$8,000 or less will require no matching funds (see [Funding](#) on page 2).

Grant funds are regionally apportioned, based on the percentage of municipalities with confirmed planning processes within each of Vermont's [11 regional planning commission \(RPC\) regions](#). Eligible municipalities compete within their region for grant funding. Funding decisions are made by the DHCD Commissioner, based on the competitive criteria listed under [Grant Selection Process](#) on page 4. Low scoring applications will not be funded.

Grant Timeline

MPG projects must be completed within 18 months.

No time extensions are granted.

- RPC Confirmation of Municipal Planning Process: by October 31, 2016
- Application Deadline: October 31, 2016 @ 7:00 p.m.
- Award Decisions: Early December, 2016
- Mid-Project Report Due: August 31, 2017
- Project Completion and All Funds Spent: May 31, 2018
- Final Report and Products Submitted: June 30, 2018

Who May Apply?

Municipalities with a local planning process that has been confirmed by October 31, 2016, are eligible to apply for grants of up to \$20,000. To be confirmed, an adopted plan must be approved by a regional planning commission and the municipality must maintain efforts to provide local funds for municipal and regional planning purposes as required by [24 V.S.A. §4350](#).

Municipalities without a confirmed local planning process may apply for funding but only to create a municipal plan approvable by the RPC. They must also have voted to provide local funds for municipal and regional planning purposes. Grant proposals from

Purpose of MPGs - to Carry Out Statewide Planning Goals

(b) It is also the intent of the legislature that municipalities... shall engage in a continuing planning process that will further the following goals:

(1) To establish a coordinated, comprehensive planning process and policy framework to guide decisions by municipalities, regional planning commissions, and state agencies.

(2) To encourage citizen participation at all levels of the planning process...

(3) To consider the use of resources and the consequences of growth and development...

(c) In addition, this chapter shall be used to further the following specific goals:

(1) To plan development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside...

[24 V.S.A. § 4302](#)

municipalities that have received RPC recommendations to bring their plan into compliance with statewide requirements must address the changes identified by the RPC.

Municipal organizations other than the planning commission (such as the conservation commission) may apply for a grant, but only with prior approval of their town’s planning commission and selectboard. Each municipality may submit only one application per year.

Municipalities may not receive funding if they are (a) suspended or debarred by the Federal Government; (b) delinquent in submitting their subrecipient annual reports; or (c) delinquent in submitting their Single Audit Reports (if required).

Consortium Applications

Two or more municipalities may apply jointly for a consortium application (up to \$35,000). Applications must address a shared issue and must identify a lead municipality to administer the project. All municipalities in a consortium must have a confirmed local planning process by October 31, 2016. No member of a consortium may apply for an individual MPG the same year.

Definition of Municipality

For the purposes of the Municipal Planning Grant program a municipality is defined by [24 V.S.A §4303\(12\)](#). Under this definition an incorporated village is not considered a separate municipality unless the village adopts its own plan and one or more bylaws either before, concurrently with, or subsequent to such action by the town.

Funding

Municipalities may apply for any dollar amount between \$2,500 and \$8,000 without a local match requirement. (Minimum grant award is \$2,500.) Any grant amount above \$8,000 will require a local cash match: 33% of total project cost over \$8,000 (or 50% of MPG funds over \$8,000), as shown in the table below. The maximum amount of grant funds provided is \$20,000.

Consortia application grant awards are capped at \$35,000 with a local cash match: 33% of total project cost above \$15,000.

Match Calculation Based on Total Project Cost (TPC)

(Match) = 33% of TPC over \$8,000

A Total Project Cost (TPC)	B TPC over \$8,000	C Local Cash Match 1/3 of (B)	D MPG Funds
\$11,000	\$3,000	\$1,000	\$10,000
\$18,500	\$10,500	\$3,500	\$15,000
\$26,000	\$18,000	\$6,000	\$20,000

Match Calculation for Consortia

Match = 33% of Total Project Cost over \$15,000

\$45,000	\$30,000	\$10,000	\$35,000
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Any source of cash match funds may be used, federal, other state grants, municipal, private or non-profit. **Contribution of staff or others’ time cannot be offered as a match**, but RPC staff consulting that is supported by other documented funds may be used as a match. Documentation of match funds is required at the close-out of the grant. If a project is completed with less than the total project cost expended, the match funds required will be reduced proportionately.

Municipalities with large, multi-year projects are encouraged to break projects into related, stand-alone phases that produce a defined product upon completion and then apply for another phase each year. However, because funds are allocated competitively each year, MPG support for subsequent phases cannot be guaranteed.

DHCD reserves the right to award less than the amount of the municipality's request, based on availability of funds.

Eligible Activities

The Municipal Planning Grant program supports a wide range of projects relating to planning and land use, and promotes cooperation, collaboration and the exchange of ideas. Eligible projects must have a clear connection to planning and implementation of the municipal plan and will be reviewed for conformance with the Regional Plan.

Funds may be used to:

- Underwrite expenses for public meetings and hearings, informational workshops citizen surveys, outreach and notification costs
- Support research, data collection, capacity studies, inventories and mapping
- Pay consultants, interns, regional planning commission staff, or legal fees associated with the project
- Purchase development rights, easements, and titles of properties for housing and conservation purposes identified in the municipal plan
- Purchase materials needed to produce a plan, bylaw, or implement or administer the project, like writing supplies, maps and copies
- Conduct other non-prohibited activities

Funds may **not** be used to:

- Support political activities
- Support projects incompatible with the Regional Plan
- Pay regional planning commission dues
- Reimburse expenses incurred before the grant is awarded
- Subsidize tax mapping (see [Mapping Requirements](#) below)
- Pay planning commissioners, selectboard members, or municipal staff
- Capitalize a "reserve" fund for use beyond the grant period
- Purchase computer hardware, software licenses or subscriptions, or other equipment not related to a specific grant funded planning event
- Pay for the cost of administering the MPG grant such as municipal or regional staff time for documenting grant expenditures and submitting the progress report and close-out
- Support plans, bylaws and policies that violate the State or Federal Fair Housing Act. Fair Housing Training is available to all grantees and is encouraged for projects which relate to housing and/or revisions to zoning bylaws. Please contact Shaun

Create a Planning Fund

Do you need assistance preparing a great town plan or implementing projects recommended in the plan? If so, consider creating a local planning fund of \$1,000 or more annually. These funds can be used, every year, or accumulated over several years, and will allow you to obtain the necessary technical assistance. The planning fund also allows the town to match grant funds.

Increasingly, local contributions are required by granting organizations and the MPG program is no exception. Currently, no match funds are required for MPGs that are less than \$8,000. In coming years, match funds may be required for all MPGs.

If you rely on MPGs, anticipate your planning expenses well in advance to accommodate municipal budget and state planning grant cycles. If seeking a grant for an important project, have a contingency plan in place in case the grant is not awarded.

Gilpin, Housing Policy Specialist at shaun.gilpin@vermont.gov if you are interested in participating.

Mapping Requirements

- All GIS mapping must follow applicable [VCGI data guidelines or standards](#).
- Parcel mapping projects will no longer be funded through MPGs. See the [Vermont Statewide Property Parcel Mapping Program](#) to learn about an initiative to map all parcels statewide.

Single Project

Due to the short timeline for MPG grants and limited funding available, only one project per municipality may be funded in each grant cycle. If multiple products and multiple consultants are proposed, an application may be deemed to have more than one project.

Development of town plans and bylaws in the same application are usually considered two separate projects and typically both are not funded. However, an issue-oriented amendment of both a section/chapter of the plan and the associated bylaws to implement that section of the plan, can be proposed as one project. For example, a flood resilience element of a plan and a bylaw amendment to adopt river corridor protection may be considered one project.

Match for Larger Grant

MPGs may be used as a match for projects with grants from other programs. If you propose to use the MPG as a match, assign a component of the larger project to the MPG. Choose a component that can easily be completed within the MPG timeframe, that best meets the competitive criteria, and ensure it is an activity that will meet the grant requirements. For example, municipalities may use MPGs for the community outreach component of a major project. Include the workplan for the larger project as an attachment to the application.

Grant Selection Process (Competitive Criteria)

110 Points

DHCD uses competitive criteria and statewide priorities to score and rank applications. The statewide priorities are updated annually to comply with policy initiatives or legislation. Grants are awarded based on the application scores and the amount of grant funds available within respective regions. The DHCD Commissioner reserves the sole right and responsibility to allocate grant funding.

Applications are scored using the following statewide priorities and criteria:

1. Application Quality Including a Realistic Work Plan & Budget – Up to 25 points

The application is complete, well-written, internally consistent, and realistic; it describes a single, clearly defined project. The work plan is well-developed and tasks are appropriate for the proposed budget. Costs are well-documented. For multi-phased projects, the first phase has been well-executed and subsequent phases are well-defined.

2. Clear Linkage of Proposed Project to the Municipal Plan – Up to 20 points

For bylaw, capital budget, special studies and other types of implementation projects, the proposed project carries out the ideas and actions set forth within the municipal plan. Language within the plan that describes the project or elements of the project is included with the application.

If the project is a new or updated municipal plan, the plan or update will address pressing planning concerns in the community and the need is well-articulated in the application. (A recently expired plan or pending expiration of a plan alone is not

considered a pressing planning concern – see DHCD Guidance below.) Specific policies in the current plan that need revision are provided, with an explanation as to why an amendment or update is needed and why it is needed now.

3. Citizen Participation / Partnerships & Outreach – Up to 15 points

Citizen participation activities intended to educate and involve the public in planning are integrated into the work plan as appropriate to the project; the application demonstrates cooperation or coordination with relevant local and/or regional organizations and partners. Projects that [engage the public](#) from the start and that propose a variety of innovative methods for outreach and obtaining input, score the highest under this criterion.

4. Potential to Serve as a Statewide Model – 20 points (no partial points)

The project outcomes or products are likely to benefit other municipalities and can serve as an example or template for similar communities statewide.

5. Statewide Planning Goals – Up to 30 points (see guidance on page 9)

Priority projects for FY17 are:

a. Municipal Plan updates for:

- Promoting revitalization of historic centers and compact, walkable development including housing
- Addressing inconsistencies with statewide planning goals or incompatibility with the Regional Plan, identified by the regional planning commission review of the municipal plan. (Please include documentation in the application from the regional planning commission that summarizes the inconsistencies to be addressed.)

Applicants for municipal plan projects are encouraged to use the process described in the new [Planning Manual for Vermont Municipalities](#).

b. Bylaw updates for:

- Correcting clear conflicts with the Municipal Plan
- Increasing housing options in walkable places
- Promoting compact, walkable development

Priority bylaw projects will include a strong public outreach component.

c. Special Projects for Designated Areas – Downtowns, Village Centers, New Town Centers, Neighborhood Development Areas and Growth Centers – including the following:

- Plans, studies and bylaws to improve the physical and economic environment such as downtown master plans, revitalization plans and form based regulations.
- Infrastructure studies and capital improvement planning in support of designated areas.
- Applications for a new designated Neighborhood Development Area or Growth Center – please contact DHCD if you are considering an application to obtain one of these designations. The designation process must be initiated before a grant will be issued for this purpose.

Bonus Points – Projects related to an existing designated downtown, village center, or growth center are eligible for bonus points (20 points for downtowns, 10 for village centers and growth centers and 5 points for neighborhood development areas). The growth center and neighborhood points may be awarded in addition to the downtown and village center points when both qualify. The relationship of the project to the designation(s) must be described in the application for the bonus points to apply.

Note

- Poor administrative performance on previous MPGs will affect the competitiveness of an application (points deducted from overall score).
- When application scores are tied and only one can be selected for funding, preference will be given to the municipality without a recent Municipal Planning Grant, or for the plan/bylaw that is most out-of-date. Otherwise these factors will not influence ranking of applications.
- Experience has shown that funding the development of plans and bylaws to include “adopted” versions as a deliverable product is not realistic. Municipal planning and community consensus take time. Applicants are therefore encouraged to use the grant for activities leading up to (and including) distribution of a draft plan or bylaw for the first required public hearing by the planning commission.

DHCD Guidance for Municipal Plan Updates

Municipal plans expire eight years after adoption (or expire in five years for plans adopted before July 1, 2015) unless they are readopted.

Prior to any re adoption, the planning commission shall review and update the information on which the plan is based, and shall consider this information in evaluating the continuing applicability of the plan. 24 V.S.A. §4387(b). Once the applicability of the plan is determined, an approach to re adoption can be decided. Options for re adoption can range from simple to complex, including:

- 1. Readopt with minor updates.** If the existing plan is sufficient and no new issues of significance have arisen in the community since the last plan adoption, the existing municipal plan can be readopted without major changes to the document. This involves incorporating any available new data, addressing all new statutory requirements, and reporting changes in the status of implementation strategies. Any time the plan is readopted, the eight-year time period is re-set.
- 2. Major re adoption.** When new issues of concern arise in a municipality that require a comprehensive planning approach, a major municipal plan overhaul may be necessary, requiring extensive public participation and a re-examination of the plan’s goals and implementation strategies.

Amendments: A municipality may amend the plan to make technical or editorial changes, to add a new element, to incorporate separate plans by reference or to address specific issues such as energy or village revitalization. A whole plan update is not required for an amendment, and adopting an amendment will not change the expiration date.

MPG Funding Priorities: Plan updates that occur mainly because a plan is expiring will be less competitive than those that are needed to address well-defined local concerns.

Check out the new [Planning Manual for Vermont Municipalities](#) for ideas on launching an effective planning process and ways to improve your town plan.

Grant Awards and Administration

Award notices are sent via email to successful applicants through the online [Grants Management System](#). In the event of partial funding, applicants are asked to submit a modified work plan and budget. Grant agreements and other required documents will be made available online, shortly thereafter. Completion and electronic submittal of these forms will be required for payment. All grants management forms and instructions will be available through the Grants Management System. Details of payment and reporting are as follows:

- **First Payment** – Upon execution of the grant agreement, a requisition may be submitted for an advance payment of 40% of the award amount.

- **Second Payment** – Mid-project reports are due August 31, 2017. Requisition for 30% of the award may be submitted along with a progress report.
- **Final or Close Out Reimbursement** – Up to 30% of the award is made on a *reimbursement basis*. The reimbursement is made when the project and its deliverables, as detailed in Attachment A of the Grant Agreement, are complete, and the expenditures are properly budgeted and documented (copies of invoices and canceled checks or a detailed transaction report) showing that the funds were spent for the purposes specified in the grant agreement. Invoices must show that grantees have spent or obligated all grant funds and match funds, if applicable, no later than May 31, 2018. Funds that are unused as of that date, as well as expenditures that are ineligible or are not documented, must be returned to DHCD.

While grant activities must be completed by May 31, 2018, grantees have up to one month after that date to assemble a final report. Final reports must be submitted online no later than June 30, 2018.

Purchase of goods and services through the grant must conform with the procurement requirements defined in [Attachment D to the Grant Agreement](#). In most cases, consultants must be selected through [a competitive process](#).

All final products and public communication must acknowledge funding from the Municipal Planning Grant Program, administered by the Vermont Department of Housing and Community Development, Agency of Commerce and Community Development.

Amendments

Minor alterations to the work plan or the approved budget may be allowed but only upon request and approval from DHCD. Substantial alterations are not allowed and the end product must remain the same.

No time extensions are offered. Projects that cannot be completed within the grant period under the terms of the grant agreement are closed out. The grant will cover eligible work completed and documented costs, however, ineligible or undocumented costs will not be funded and associated funds must be returned.

Consultant Selection

The rules for consultant selection are detailed in the grant agreement procurement provisions (see [Attachment D of the FY17 Grant Agreement](#)). There have been some key changes to the selection process in FY17.

Pre-Application Process

Consultants may be selected before the application is submitted. If a municipality engaged in a [competitive procurement process](#) while developing the grant application and selected a contractor at that time, there is no requirement to re-open the selection process if the grant is awarded, provided the scope of work remains substantially similar to what was in the contractor's proposal.

Simplified Bid Process

For contracts up to and including \$10,000, the grantee is required to obtain price or rate quotations from a reasonable number of sources, but no less than two, and maintain a record of the same in its files.

The only exception to this requirement is if the grantee is using the services of the regional planning commission, in which the simplified bid process is not required.

Competitive Bid Process

For contracts more than \$10,000, the grantee is required to use a competitive selection method, soliciting from an adequate number of sources. A Request for Proposals (RFP) or Request for Qualifications (RFQ) should be broadly publicized to permit reasonable competition. The grantee must maintain records in its files to document how the decision was made.

Consultants working on an earlier phase of a multi-phase project may be re-selected for the project phase funded by the MPG, to maintain continuity between phases.

Guidance on Statewide Priorities

Nearly all municipal planning projects are eligible for MPGs but those that meet the statewide priorities have the best chance of receiving funding based on the scoring system described above.

In FY17, as in recent years, MPG priorities focus on helping municipalities make their villages, downtowns and neighborhoods, vibrant places to live and work. Coordinated investment in these centers furthers all our statewide goals – economic, environmental, and social. It takes sustained local commitment and active planning to successfully revitalize and create walkable centers. For this reason, MPGs direct funding in a way that helps municipalities conduct the critical planning necessary to bring great places life. Removing conflicts between local plans and bylaws, and between the local and regional plans are also priorities for MPGs.

This guide explains the kinds of projects that will receive priority points.

a. **Municipal Plan** updates for:

- Promoting revitalization of historic centers and compact, walkable development including housing.
- Addressing inconsistencies with statewide planning goals or incompatibility with the Regional Plan, identified by the regional planning commission review of the municipal plan. (Please include documentation in the application from the regional planning commission that summarizes the inconsistencies to be addressed.)

Promoting compact, walkable places – preservation of historic villages, planning a new neighborhood near the village or retrofitting a shopping center to serve multiple uses all start with stating the intention to do so in the Municipal Plan. The plan doesn't need to solve all the problems identified in the planning process – just chart a path toward solutions. Simply identifying next steps and who is responsible makes progress possible, whether it is obtaining state designation, updating bylaws, or preparing a streetscape plan.

Promoting housing in walkable places – if people in your community have too few options for places to live in and around the villages and downtown, using your town planning process to focus on housing solutions will be a priority in FY17. The issues may vary from not enough units to the wrong kind of units, or that homes are not affordable. In the application, explain the housing problems your community faces and the process you will use to address those issues through the municipal plan including the community outreach and partnerships you will engage.

Addressing inconsistencies – priority points will be available to municipalities with a local plan that is incompatible with the regional plan or is inconsistent with the statewide planning goals. Any such conflicts are identified in the consultations that regional planning commissions (RPCs) conduct periodically with municipal planning commissions, as well as in the RPCs' municipal plan approval process. Documentation of the inconsistency in the form of an RPC consultation report or the previous municipal plan review, and a clearly expressed intent to address the conflict is necessary to obtain priority points. Since the issue causing the conflict is often controversial, explain in the application how you will keep the public and key stakeholders informed and engaged. Also describe the ways you will keep the Selectboard and other key municipal officers involved in decision-making throughout the planning process.

Applicants for municipal plan projects are encouraged to review and use the processes and tools described in the new [Planning Manual for Vermont Municipalities](#).

b. Bylaw updates for:

- Correcting clear conflicts with the Municipal Plan
- Increasing housing options in walkable places
- Promote compact, walkable development

Bylaws that Conflict with the Municipal Plan – updates that aim to correct clearly discernable conflicts between an existing bylaw and the municipal plan are especially important because Vermont statute requires that bylaws conform to the Municipal Plan. For example, if commercial strip development is prohibited or strongly discouraged in the Municipal Plan but the Zoning Map shows a commercial district lining all major highways, this could be a clear conflict. Or if a municipal plan identifies the need for a new type of housing in the community but the bylaw prohibits that kind of housing development, this is also a conflict that should be addressed.

Housing Bylaws in Walkable Places – updating bylaws to increase housing options in settlements are a priority, whether there is a conflict with the Municipal Plan or not. If your bylaws make most historic homes in your village non-conforming, prohibit the kinds of multifamily development that are needed in your community or create other barriers to meeting the demand for homes in places where there is walking and biking access to schools, shops, and services, consider applying for an MPG. In the application, clearly describe the specific housing problems that the existing bylaws create and consider ways to handle opposition to changes in the bylaw. See the [Design Guide](#) in the Neighborhood Development Area Designation Application for some simple bylaw adjustments that can improve housing options.

Bylaws for Compact Development – your bylaws may need an overhaul of the development rules governing not just housing but all parts of your village, downtown and surrounding neighborhoods. Zoning and subdivision regulations commonly date back to the 1960s-70s, requiring a suburban, auto-oriented pattern of development. Priority points are available for bylaw projects that update regulations to enable the historic pattern of development and improve the pedestrian environment, such as prohibiting large parking lots in front of commercial buildings.

While simple adjustments can be made to bylaws for this purpose without preliminary planning, major bylaw updates benefit from first conducting a study of the existing pattern of development or by creating a physical plan for development and infill. These physical planning projects are described under Priority c. below.

Public Outreach for Bylaws – priority bylaw projects will include a strong public outreach component, ensuring sustained communication between the Planning Commission and Selectboard, Trustees or City Council. Bylaws are often complex and in municipalities where the Legislative Body adopts zoning and subdivision bylaws, it is critical to maintain regular communication to make sure board members understand and buy into the changes before the proposed bylaw reaches their table. In all municipalities – but especially where bylaws are adopted through a townwide vote – the work plan and budget should include public information and outreach early and often, with special efforts to communicate directly with those most likely to be affected by the proposed bylaw changes.

c. Special Projects for Designated Areas – Downtowns, Village Centers, New Town Centers, Neighborhood Development Areas and Growth Centers – including the following:

- Plans, studies and bylaws to improve the physical and economic environment such as downtown master plans, revitalization plans and form based regulations
- Infrastructure studies and capital improvement planning in support of the designated areas
- Applications for a new designated Neighborhood Development Area or Growth Center – please contact DHCD if you are considering an application to obtain one of these designations. The designation process must be initiated before a grant will be issued for this purpose.

Vermont's [state designation programs](#) recognize locally identified compact centers, where municipal, regional and state interests align. By investing grants and other support in these areas, we can leverage the limited resources we have available to accomplish the most possible.

Physical planning – allows municipalities to arrive at images that convey a vision of what future development and redevelopment might look like and can take many forms including revitalization plans, master plans, area wide plans, streetscape plans, concept plans, etc. Physical plans are recommended as a prerequisite to a comprehensive overhaul of zoning and subdivision bylaws in a compact center, before developing policies for parking, sidewalks and other infrastructure, and to inform long term capital improvement plans. They give the public sector, landowners, businesses, and developers a picture of what the community aims to achieve over time. Physical plans often evolve as circumstances change and new information and ideas come to light so some communities may prepare multiple plans over time at increasing levels of detail. Physical plans also create opportunities for a wide range of people, especially young people and those who are primarily visually oriented, to engage in planning for their community, making it a tool for revitalizing municipal government. It focusses on visible improvements that helps translate the big-picture view of the Municipal Plan into concrete realities.

Infrastructure – planning for transportation, stormwater treatment, broadband, parks and greenspace, public gathering places, energy generation and distribution, etc. are necessary for successful centers. Before applying to the MPG program for an infrastructure project, please check first with your regional planning commission or the other state agencies to understand what programs they offer for the public facilities your community wishes to improve.

- [Transportation – VTrans Municipal Assistance Bureau](#)
- [Water, Wastewater and Stormwater Facilities and more – Department of Environmental Conservation](#)
- [Parks and Open Space – Department of Forest Parks and Recreation](#)
- [Energy and Broadband – Department of Public Service](#)

Designation applications – Municipalities applying for [Growth Center designation](#) may seek MPG funding for preparing the Growth Center application but the municipality must be involved in the preliminary application process to obtain priority points. In most cases, the [Neighborhood Development Area designation](#) can be completed without expert assistance. However, priority points will be given for an application, if after consultation with DHCD staff, it is determined that funding is needed to prepare an application.

WHAT'S THE RIGHT OF WAY?

The following descriptors of traveled ways appear in Milton's Zoning, Subdivision and Public Works Specifications, many of which are defined terms.

1. roads
2. roadway
3. drives
4. driveway
5. internal circulation
6. commercial drives
7. shared driveway
8. private road
9. private roadway
10. private thoroughfare
11. local public road
12. interconnecting road
13. public road
14. public access
15. looped road
16. class 4 road
17. trails
18. public right-of-way
19. private right-of-way
20. right-of-way
21. easement
22. alleys
23. bridges
24. street
25. arterial street
26. major streets
27. minor streets
28. collector street
29. local street
30. highway
31. town highway
32. state highway
33. dead-end streets
34. parking lot
35. parking space
36. visitor parking
37. resident parking
38. on-street parking
39. sidewalks
40. multi-use paths
41. pedestrian walkways
42. recreation paths
43. shared use paths

44. internal road
45. internal circulation road
46. curb cut
47. access/highway access
48. curb cut
49. highway access
50. access road
51. access driveways
52. common access roads
53. common access road internal to the lots
54. aisle
55. undevelopable land within restrictive easements or right of ways

RELATED Terms:

- frontage
- queue storage length
- VT A-76 Standards
- VT B-71 Standards

TO ILLUSTRATE SOME OF THE CHALLENGE IN APPLYING THESE STANDARDS:

It all starts when you pull out of your . . .

DRIVEWAY A private roadway providing access to a PUBLIC ROAD or PRIVATE RIGHT-OF-WAY from a maximum of three lots and no more than three DWELLING UNITS. The Town of Milton shall not responsible for the maintenance and repair of DRIVEWAYS.

DRIVEWAY, SHARED A driveway providing two or more DWELLING UNITS access to a PUBLIC ROAD or PRIVATE RIGHT-OF-WAY.

Is a "private roadway" the same things as a PRIVATE ROAD? ZR592.1 would say no, because:

Any excess in number of DWELLING UNITS must be served by a road and shall meet the requirements of either Section 591 (Public Roads) or Section 592 (Private Roads).

A driveway is therefore a "private roadway", but is not a PRIVATE ROAD.

PRIVATE ROAD Any road that is not offered to and accepted by the Town as a PUBLIC ROAD.

PUBLIC ROAD A road, street, or highway legally controlled or owned and regularly maintained by either the Town of Milton or the State of Vermont and which meets a Class 1, 2, or 3 road classification under State law.

What about Class 4?

CLASS 4 ROAD

Any publicly controlled or owned road, street, or highway not meeting any of the State definitions for Class 1, 2, and 3 highways. In Milton, the Select Board has determined Class 4 roads to be:

So a DRIVEWAY must access a PUBLIC ROAD or PRIVATE RIGHT-OF-WAY, but is not a PRIVATE ROAD. What's a PRIVATE RIGHT-OF-WAY?

PRIVATE RIGHT-OF-WAY Any RIGHT-OF-WAY that is not a public right-of-way. The Town of Milton shall not be responsible for the maintenance and repair of PRIVATE RIGHTS-OF-WAY. PRIVATE RIGHTS-OF-WAY are developed with the understanding that they shall never be offered for dedication to the Town of Milton.

What's a RIGHT-OF-WAY?

RIGHT-OF-WAY No definition in the ZR or SR, but a common definition is the legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another.

And, PRIVATE RIGHT-OF-WAY shows up a lot in the PRIVATE ROAD section, ZR592.

SECTION 592 Private Roads

A PRIVATE ROAD is any road that is not offered to and accepted by the Town as a PUBLIC ROAD. Responsibility for construction, maintenance and improvements shall fall entirely upon the owners and operators of each PRIVATE ROAD. The right-of-way is to remain in private ownership and is not intended for dedication as a Town road. PRIVATE ROADS must be certified by a Professional Engineer for conformance with the approved plans.

Standards

- 592.1 PRIVATE ROADS must be built to the PRIVATE ROAD specifications as defined in the Public Works Specifications.
- 592.2 Proper drainage facilities shall be constructed to ensure that PUBLIC ROADS are not subject to flooding or other damage from a PRIVATE ROADS.
- 592.3 Intersections of PRIVATE ROADS and PUBLIC ROADS shall be designed to ensure adequate visibility and safety.
- 592.4 PRIVATE ROADS shall be constructed so as to permit the safe access of emergency vehicles to all STRUCTURES.
- 592.5 Units accessed through a PRIVATE RIGHT-OF-WAY must have FRONTAGE on that PRIVATE RIGHT-OF-WAY;
- 592.6 The width of a PRIVATE RIGHT-OF-WAY shall be at least forty (40) feet, if the subdivision is a PLANNED UNIT DEVELOPMENT. The Development Review Board must approve this reduced width.
- 592.7 The maximum length of the PRIVATE RIGHT-OF-WAY for any residential subdivision shall be one thousand linear (1000) feet in its entirety; this requirement may be waived by the Development Review Board if it is determined that the roadway proposed can provide safe access for emergency vehicles. This length shall be measured from the intersection with a PUBLIC RIGHT-OF-WAY;

- 592.8 All **PRIVATE RIGHTS-OF-WAY** in excess of five hundred (500) feet shall provide at least one pullout area every five hundred (500) feet, the exact location of which shall be determined through the subdivision review process;
- 592.9 A **PRIVATE RIGHT-OF-WAY** shall be paved when the grade of the roadbed exceeds 7%;
- 592.10 No roadway within a **PRIVATE RIGHT-OF-WAY** shall be constructed with a grade greater than 10%;
- 592.11 A **PRIVATE RIGHT-OF-WAY** serving more than 30 lots or 50 dwelling units must have a **LOOPED ROAD** (roads having more than one separate connection to an existing **PUBLIC RIGHT-OF-WAY**). This requirement may be waived by the Development Review Board if it is determined that the roadway proposed can provide safe access for emergency vehicles and efficient layout of utilities. This waiver may not be allowed for **PRIVATE RIGHTS-OF-WAY** serving more than 60 lots or 100 dwelling units. This shall not render developments in existence prior to January 15, 2009 as non-conforming;
- 592.12 A dead-end **PRIVATE RIGHT-OF-WAY** shall have a suitable cul-de-sac or hammerhead at the terminus;
- 592.13 Deeds or declarations creating **PRIVATE RIGHTS-OF-WAY** approved by the Development Review Board shall contain legally binding covenants, running with the land, absolving the Town from taking over said right-of-way as a Town highway; such covenants shall be included in the recorded deeds for each parcel created through the subdivision, and this condition shall be clearly indicated on the final subdivision plat for the development; such agreements shall inform all current and future land owners that the Town shall not be asked to maintain or take over the right of way in the future; such agreement shall involve all units that utilize the right-of-way regardless of whether said lot was created through the subdivision;
- 592.14 The USE of a **PRIVATE RIGHT-OF-WAY** shall require a legally executed agreement for the perpetual maintenance of the right-of-way by future owners of lots within the subdivision or for any lot utilizing the right-of-way for access regardless of whether said lot was created through the subdivision. A Homeowners Association must be established in order to ensure proper maintenance of the right-of-way in the future;
- 592.15 When a **PRIVATE RIGHT-OF-WAY** is proposed, the applicant shall provide a roadway profile by a certified engineer guaranteeing compliance with the terms of this Section; no **PRIVATE RIGHT-OF-WAY** shall be approved by the Development Review Board without the receipt of a letter of approval from the Town's Fire Chief, Police Chief or Rescue Squad stating that the right-of-way will provide safe access to each **DWELLING UNIT** that it serves; such profile shall be submitted prior to the final public hearing for the subdivision.

As you can see, PRIVATE RIGHT-OF-WAYS and ROADS are used somewhat interchangeably in this section, but are they interchangeable? LOOPED ROAD also comes on scene.

LOOPED ROAD Roads having more than one separate connection to an existing **PUBLIC RIGHT-OF-WAY**

A PUBLIC RIGHT-OF-WAY is not defined, and could be interpreted to mean a recreational easement owned by the Town, an access easement to a cemetery, or a right-of-way hosting a Class II Road.

The challenge expand when FRONTAGE is taken into consideration:

SECTION 530 REQUIRED FRONTAGE AND APPROVED ACCESS

Land development shall only be permitted on lots having frontage on public waters, lots having access on a PUBLIC ROAD meeting Class 1, 2, or 3 state standards, or, with the approval of the Development Review Board, lots having access to a PUBLIC ROAD meeting Class 1, 2, or 3 state standards over a permanent, private easement or private right-of-way at least 60-feet wide, or 40-foot wide as permitted within these regulations. No Zoning Permit shall be issued for construction or development of any kind on a lot without FRONTAGE on a PUBLIC ROAD or waters until a permanent easement or right-of-way has been approved by the Development Review Board, in accordance with their right-of-way policy.

“Easement” is new to the scene. Is “easement” meant to be used interchangeably with PRIVATE RIGHT-OF-WAY? And is the DRB meant to adopt legislate policy on right-of-ways independent of the Regulations?

EASEMENT Not defined by the ZR, but typically classified as the right to use the real property of another for a specific purpose.

FRONTAGE That portion of a lot, required by Section 530, which abuts on a public STREET, public waters, approved private STREET, or approved public right-of-way. The minimum required FRONTAGE for a lot, as prescribed in Articles III and IV, shall be provided along a continuous front property line of a lot and shall be maintained for a depth of at least one hundred (100) feet. CORNER LOTS, which abut STREETS intersecting at an angle of less than 120 degrees, shall provide the required FRONTAGE and FRONT SETBACK along each STREET. SHORELINE FRONTAGE shall be measured from the ordinary high water mark of a lake or pond.

When you go to the FRONTAGE definition, STREET now appears. What is a STREET? It depends which set of regulations you look at: The Zoning Regulations, the Subdivision Regulations, and the Public Works Specifications all use the and classify the term.

The Zoning Regulations would say the following:

STREET A public or properly approved private thoroughfare for vehicular traffic which serves as the principal means of access to more than three DWELLING UNITS.

So, if there are more than three dwelling units , we're not talking about a DRIVEWAY, and "private thoroughfare" must mean talking about a PRIVATE ROAD and/or PRIVATE RIGHT-OF-WAY.

STREET, ARTERIAL Those STREETS defined as State highways in the *Comprehensive Land Use Plan*.

STREET, COLLECTOR Those STREETS defined as Class II Town Highways or State Aid Roads in the *Comprehensive Land Use Plan*.

STREET, LOCAL Any STREET not classified as an arterial or COLLECTORSTREET.

The Subdivision Regulations say that a STREET is:

200.12 Street - Any road, highway, avenue, street, land or other way between right-of-way lines, commonly used by the public for vehicular traffic.

The Public Works Specifications, in this case, don't have term definitions, but do include classifications and define more standards in the text.

The point here is that we have too many words being thrown around inconsistently.

When we start going through the Zoning and Subdivision Regulations to see what's pointing to these definitions and how these standards interact with each other and further point to VTRANS and Public Works Specifications standards, it can get very murky as to what the Town actually wants. Throw in some other new terms that aren't defined and decision-makers can face tough conflicts.

Bauer Gravel Farnham

Attorneys at Law

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COLCHESTER 401 Water Tower Circle, Suite 101, Colchester, VT 05446

General Phone: 802.863.5538 · Fax: 802.864.7779

Real Estate Phone: 802.879.6323 · Fax: 802.657.3566

MONTPELIER By Appointment Only · Phone 802.229.2000

October 20, 2016

VIA E-MAIL

Donna Barlow Casey, Town Manager
43 Bombardier Road
Milton, VT 05468

**RE: Karinda Elliott and Wade Bowie - Lease / Glebe Lands
62 Summit Way, Milton, Vermont**

Dear Donna:

I have attached a proposed Quit Claim Deed and Vermont Property Transfer Tax Return regarding the above-referenced matter. Please let me know if you have any questions or would like changes. I would also like a copy of the minutes of the Select Board meeting approving execution of this Quit Claim Deed and authorizing you to sign on behalf the Town/Select Board.

Please advise once the Select Board approves the execution of the Quit Claim Deed, and I will forward to your attention a check made payable to the Town of Milton in the amount of \$10.00 as consideration to the Town.

Once the Quit Claim Deed has been executed, please let me know. I will stop by the Town office with the recording fee and Property Transfer Tax Return, and will also file the Voucher and remit the transfer tax due to the Vermont Department of Taxes.

Please give me a call with any questions or concerns.

Sincerely,


Gregg M. Harris, Esq.

GMH:kcd
Enclosures

Celebrating 40 Years of Service to Our Community

VERMONT QUIT CLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS that the **TOWN OF MILTON**, a Vermont municipality, in the County of Chittenden, and State of Vermont, Grantor, in consideration of TEN DOLLARS and other good and valuable consideration paid to its full satisfaction by **KARINDA ELLIOTT and WADE BOWIE**, of the Town of Milton, County of Chittenden and State of Vermont, Grantees, does hereby **REMISE, RELEASE, AND FOREVER QUITCLAIM** unto the said, **KARINDA ELLIOTT and WADE BOWIE**, as joint tenants with rights of survivorship, and their heirs and or assigns, all right and title which the **TOWN OF MILTON**, or its successors or assigns, has in and to a certain piece of land in the Town of Milton, in the County of Chittenden and State of Vermont, described as follows, viz: Being all the right, title and interest of the Town of Milton in and to all of the same land and premises described in the Warranty Deed from Kathleen S. MacDonald to Karinda Elliott and David Bowie, dated October 14, 2016, recorded on October 17, 2016 in Volume 471 at Page 287 of the Town of Milton Land Records.

All or a portion of said lands and premises have been stated to be lease or glebe lands, so-called, as referenced in the Warranty Deed of Elmer J. Murray and Jeannette Murray to Arrowhead Land Development Corporation, dated May 27, 1966 and recorded on May 27, 1966 in Volume 38 at Page 79 of the Town of Milton Land Records.

The purpose of this Deed is for the Town of Milton to release and eliminate any and all right, title and interest it may have in and to any lease or glebe land interests in the subject land and premises by merging the underlying fee title with the leasehold interest referenced above.

In making this conveyance, the Town of Milton is acting under its authority as set forth in 24 V.S.A. § 2406.

Reference is hereby made to the above instruments and to the records and references contained therein in further aid of this description.

TO HAVE AND TO HOLD all right and title in and to said quit-claimed premises, with the appurtenances thereof, to the said **KARINDA ELLIOTT and WADE BOWIE**, as joint tenants with rights of survivorship, and their heirs and assigns forever.

The logo for Bauer Gravel Farnham features a stylized leaf icon to the left of the text. The text is arranged in three lines: "Bauer" on the top line, "Gravel" on the middle line, and "Farnham" on the bottom line. The font is a serif typeface.

Colchester • North Hero
Montpelier

AND FURTHERMORE, the said **TOWN OF MILTON**, does for itself and its successors and assigns, covenant with the said, **KARINDA ELLIOTT and WADE BOWIE**, and their heirs and assigns, that from and after the ensealing of these presents the **TOWN OF MILTON** will have and claim no right in or to the said quit-claimed premises.

IN WITNESS WHEREOF, the duly appointed agent of the **TOWN OF MILTON** hereunto sets his/her hand and seal this _____ day of October, 2016.

IN PRESENCE OF:

TOWN OF MILTON

Witness

By: _____
Donna Barlow Casey, Duly Authorized Agent

STATE OF VERMONT
COUNTY OF CHITTENDEN, SS.

At Milton, in said County, this _____ day of October, 2016, Donna Barlow Casey, Duly Authorized Agent of the **TOWN OF MILTON**, personally appeared and she acknowledged this instrument, by her sealed and subscribed, to be her free act and deed, and the free act and deed of the **TOWN OF MILTON**.

Before me,

Notary Public
My commission expires 2/10/19



TOWN OF MILTON, VERMONT 05468-3205

Town Manager's Office • 43 Bombardier Road • 802-893-6655 • FAX: 893-1005

Selectboard Legislative & Fiscal Analysis

Meeting Date: October 24, 2016

Agenda Item: FY '16 Errors and Omissions - Grandlist

Prepared By: Donna Barlow Casey, Town Manager

Requested Motions:

1. Approve the three (3) changes to Milton's Grand List identified by Ed Clodfelter and identified on the Errors and Omissions 2016 Resolution provided.

Legislative Analysis

The Town Manager's office requests that the Selectboard approve three corrections to the Grand List, as provided by Ed Clodfelter, in the attached document.

32 VSA Section 4111(f) provides for making corrections after the Grant List has become final. The changes require Selectboard approval. Property listings may be corrected until December 31.

§ 4261. Correcting omission from grand list

When real or personal estate is omitted from the grand list by mistake, or an obvious error is found, the listers, with the approval of the selectboard, before December 31, may supply such omissions or correct such errors and make a certificate thereon of the fact; provided, however, the listers may make a correction resulting from the filing or rescission of a homestead declaration without approval of the selectboard. (Amended 2005, No. 38, § 14, eff. June 2, 2005.)

The process for correcting the final grand list is: If the Selectboard approves the information provided, the information on such changes are provided to the Town Clerk. The Town Clerk makes the changes in the grand list book.

Fiscal Analysis

Upon adoption of the presented information, the net difference in the 2016 Grand List will be an increase of \$968,640.



Resolution

TOWN OF MILTON, VERMONT

Assessor' Office • 43 Bombardier Road, Milton, Vermont 05468-3205
• Phone: 802-893-4325 • Fax: 802-893-1005

Errors and Omissions 2016

WHEREAS, in accordance with the laws of the State of Vermont, changes to the Grand List must be reviewed and approved by the Selectboard; and,

WHEREAS, the Errors and Omissions are presented to the Selectboard for approval as follows:

Parcel ID: 216050.000000

Bernier Judith E

Comments: A sale of 14.51 acres and a building were to be removed from this parcel upon sale. However, the dwelling was removed instead of an outbuilding. The house is returned to this parcel.

Value Change: \$402,180 to \$580,000

Parcel ID: 216050.1000000

Bruce Howard and Wanda Combs

Comments: Purchased 14.51 acres and building. The house from 216050.000000 was inadvertently placed on this property. The dwelling is removed.

Value Change: \$328,480 to \$150,700

Parcel ID: 203008.145000

Maple Leaf Realty Trust

Comments: This property was completed before April 1, 2016 but was not added to the GL.

Value Change: \$91,700 to \$1,060,300.

10/21/16
08:03 am

TOWN OF MILTON Accounts Payable
Warrant/Invoice Report # 10

By due date and vendor name for check acct 1(GENERAL FUND) and due dates 10/25/16 thru 10/25/16

Vendor

PO Number	Invoice Number	Invoice Description	Account Number	Account Description	PO Amount	Invoice Amount	Check

27806 BUSINESS CREDIT CARD SERVICES							
00008729	091416	bckgrnd chk	10-10-416-330.00	OTHER PROFESSIONAL	30.00	30.00	
00008729	25716115842W	bckgrnd chk	10-10-416-330.00	OTHER PROFESSIONAL	30.00	30.00	
00008729	25716120842W	bckgrndchk	10-10-416-330.00	OTHER PROFESSIONAL	30.00	30.00	
00008729	25716121846W	bckgrnd chk	10-10-416-330.00	OTHER PROFESSIONAL	30.00	30.00	
00008729	25716122325W	bckgrnd chk	10-10-416-330.00	OTHER PROFESSIONAL	30.00	30.00	
00008729	25716123044W	begrnd chk	10-10-416-330.00	OTHER PROFESSIONAL	30.00	30.00	
					-----	-----	
					180.00	180.00	
Report Total						-----	
						180.00	
						=====	

THESE INVOICES HAVE BEEN APPROVED BY THE TOWN MANAGER ON THE FOLLOWING DATE:

Donna Barlow Casey, Town Manager

APPROVED ON ____/____/____

To the Treasurer of the TOWN OF MILTON:

We Hereby certify that there are sufficient vouchers supporting the amounts owed to the above mentioned vendors.

Let this be your order for the payments of the amounts totaling \$ *****180.00

SELECTBOARD:

Darren Adams, Chair

Ken Nolan, Vice Chair

John Palasik, Clerk

John W. Bartlett

John Cushing