
APPLICATION GUIDELINES FOR THE

**Downtown transportation
and related capital
improvement fund**

THROUGH

THE VERMONT
DOWNTOWN DEVELOPMENT ACT



Vermont Downtown Program

Division for Historic Preservation

Department of Housing and Community Affairs

Agency of Commerce and Community Development

www.historicvermont.org

July 2009

Application Guidelines for the Downtown Transportation and Related Capital Improvement Fund for FY2010

The Downtown Development Act (24 V.S.A. chapter 76A) creates the Downtown Transportation and Related Capital Improvement Fund (Downtown Transportation Fund). Any municipality with a Designated Downtown District may apply to the Downtown Development Board (Board) for financial assistance from this fund to finance eligible transportation-related capital improvements in support of economic development, within or serving the downtown district.

This program will have approximately \$360,000 available for new grants in fiscal year 2010. The funds will be awarded for projects on a one-time basis, and no municipality can receive more than \$75,000 in any fiscal year.

Eligible projects must be publicly-owned, capital improvement projects and may include, but are not limited to:

- construction or alteration of roads and highways
- parking facilities
- pedestrian and streetscape improvement
- rail or bus facilities or equipment
- underground relocation of electric utility, cable and telecommunications lines

NOTE: Operating and maintenance costs are not eligible under this fund.

Awards may be made by the Board to any eligible municipality through:

- grants, not to exceed 50% of the overall project cost;
- loans;
- loan guarantees.

NOTE: In determining overall project cost, the Board may include the costs of a related economic development project when the eligible project is required as a permit condition to the related project, or when the Board determines that the related project cannot be done without the eligible project.

General Conditions for all Applicants:

- **The downtown development district must be designated prior to application;** the Board will not consider applications for designation at the same meeting as requests for the Downtown Fund.
- **Applicants must show that projects can be under construction within 18 months of the date of award and will be completed within 30 months of the date of award.**

- **All applications for necessary permits must be made prior to application to the fund.**
- **Applicants may propose phased projects with more than one award from this fund**, provided that the grant amount shall not exceed the annual municipal limit in any one year, and that each phase of the project be self-contained and not require the next phase be finished in order to serve the project's intended function. Applications for any subsequent phases will have to compete with other applications on an equal basis in that application round.
- **Applications are for capital improvement projects only** - maintenance projects like repaving are not eligible. Questions about whether a project is a maintenance activity should be directed to Downtown Program staff (828-3211).
- **Applicants must demonstrate that the project supports economic development in the downtown district.**
- **Applicants must notify the Board if there are changes to the project scope after the grant has been awarded.**
- **If an application is not approved, the applicant may re-apply at a future round.** If an application is resubmitted, it will be considered competitively with any other applications at that time, and should address any deficiencies as noted by the Board in the original application in a resubmitted application.

Pre-application Requirements:

All applicants to the Transportation Fund must submit certain project information to the Division for Historic Preservation to ensure that the project will meet historic preservation standards, in compliance with 22 V.S.A. Chapter 14. Even if your project does not involve a historic building, this pre-application review must be completed. Due dates for Pre-applications are listed in the Schedule section of these guidelines.

The proposed work must meet the ten *Secretary of the Interior's Standards for Rehabilitation*, included in these guidelines. It helps the review of your project if you state how it will meet the Standards, where applicable, when preparing the review materials described below. The Division for Historic Preservation will notify you and the Downtown Board of the results of the review.

Step 1 Determine Project Category

Determine all the project categories that apply to your project:

- Any changes or repairs to exterior building features are **Exterior Alterations**.
- Any changes or repairs to interior building features are **Interior Alterations**.
- Any project that involves any amount of digging, trenching, or regrading is **Ground Disturbance**, regardless of the condition or location of the existing site.

Projects may fit into multiple categories. If you are unsure about which category or categories your project belongs to, please contact Judy Ehrlich at 828-3049 or judith.ehrlich@state.vt.us prior to completing your pre-application.

Step 2 Prepare Pre-Application

- 1) Cover Memo to include the following information:
 - a. Statement that the application is for the "Downtown Transportation Fund"
 - b. Date
 - c. Name of Municipality

- d. Project Name and Address
- e. Project Contact Person (name, address, phone, fax, email)
- f. Statement whether the project or any part of the project has been or is expected to be reviewed under Act 250 or Section 106 of the National Historic Preservation Act, or if federal Rehabilitation Investment Tax Credits will be applied for. Include review schedule and results of review, as applicable.
- g. Project category(ies) (from step one, above) that apply to the project.

2) Historic Preservation Review Materials as detailed below:

Required Items	Exterior Alterations		
		Interior Alterations	
			Ground Disturbance
Detailed project description	✓	✓	✓
Proposed methods and materials	✓	✓	
Exterior Photographs	✓		
Interior Photographs		✓	
Context Photographs	✓		✓
Elevations	✓		
Site plans	✓	✓*	✓
Location map	✓		✓
Description of previous land use			✓

* See descriptions below.

Detailed project description: Narrative description of all work to be completed as a part of this or any related project. Include a brief history of property; the current condition, ownership and use; the proposed condition, ownership and use after completion of the project; and any long-range plans for the property. Please include the building’s original construction date, if available.

Proposed methods and materials: Detailed description of methods and materials to be used in the repair, replacement, or cleaning of historic features.

Exterior Photographs: Photographs (or clear reproductions thereof) of any facades to be altered, with details if appropriate. Specific attention should be paid to any elements or materials that will be removed , altered or repaired.

Interior Photographs: Photographs of all interior spaces that will be altered. Specific attention should be paid to elements or finishes that will be removed, altered or repaired.

Context Photographs: Photographs that show the project area and its surroundings, especially adjacent or nearby buildings. If your project is located within or near an historic district, be sure to include a view of your project from the district.

Elevations: Detailed drawings of any changes to be made to exterior facades or surfaces.

Site Plans: Detailed drawings of any changes that will be made to the landscaping at or around your project. Clearly indicate the extent and depth of any excavation to be done. Dimensions should be clearly marked. *For Interior Alterations, if interior walls, partitions, or other major features (doorways, stairs, plumbing fixtures, etc.) are to be removed, added or moved, you **must** include a drawing that clearly depicts those alterations.

Location Map: A map of the Designated Downtown with the location of the project clearly indicated.

Description of previous land use: Provide as much detail as possible about any previous use of

the area to be disturbed. Particularly include information about past ground disturbance and any structures that were previously on the site.

Step 3 Submit Pre-Application

Submit **one (1) copy** of all Pre-Application materials prior to the pre-application deadline to the address below. Be sure to retain a copy of the Historic Preservation Review Materials, as many of those items will also be required for the Application.

Vermont Downtown Program
Department of Housing and Community Affairs
National Life Building
Drawer 20
Montpelier, VT 05620-0501
(802-828-3211)

Application Requirements:

Sixteen (16) copies of the application are required. The application must contain the following:

1. A cover page, with:
 - signatures of a majority of the legislative body, or municipal resolution or minutes showing the application has been authorized by the municipality;
 - name, title, address, e-mail and phone for primary contact person;
 - name and (if applicable) street address of the project.

2. A written project description including each of the following:
 - Brief summary of project;
 - Written scope of work;
 - Explanation of how the project meets the definition of an eligible project (see page 1);
 - Explanation of how the project supports economic development within the designated downtown district;
 - Statement of ownership by the project owner, or terms of site control, if the property or properties are not owned outright;
 - If this is a project that will be done in several phases, explain the overall project and how it will be phased consistent with the Board's phasing policy (see page 2).
 - If the project includes a related economic development project as part of its "overall project," (see page 1) please include a brief summary of that project, written scope of work, and demonstration that the eligible project is required as a permit condition to the related project or that the related project cannot otherwise be done without the eligible project.

Note: the following information must be provided for the project *and*, if applicable, for the "related economic development project" (see definition on page 1):

3. A map of the designated downtown, with the location of the project clearly marked on it. If the project is not within the district, a map showing where it is located in relation to the designated district and a written description of how the project will serve the designated district.
4. A site plan, and design drawings of all work to be performed. The Board needs enough detail in a site plan and design drawings to show specifically what will be done, and to provide assurance that budget estimates are reasonably accurate. However, for small and simple projects like in-kind sidewalk replacements, this requirement might be reduced – please call staff if you would not otherwise plan to do site plan and design drawings for your own purposes as part of your project.
5. Photographs of the project, surrounding area, and any properties that will be demolished or affected by the project, mounted on paper and clearly labeled with address and description. (Clear photocopies can be used rather than original photographs for the 15 copies).
6. An itemized construction budget based on the scope of work. Along with capital construction costs, the budget may include the following types of activities as eligible costs, where they are an essential element of an otherwise eligible project: acquisition; demolition; design and engineering; project management; permitting; and environmental remediation..
7. The sources and amounts of all necessary funds for the project. The applicant should indicate which funds are committed to the project and, for those sources that are not yet committed, should provide an explanation of their status (including schedule) in seeking such funds. The applicant must request a specific amount of funding from the Downtown Transportation Fund, whether it is to be a grant, loan, or loan guarantee, and indicate what percentage of the total project cost the request represents. The amount requested may not exceed 50%, and in-kind costs can be used as part of the required 50% match.
8. A construction schedule, which must demonstrate that the project will be under construction within 18 months of the date of award and completed within 30 months of the date of award.
9. A status report of all permit applications – all local and state permits must be applied for before an application to this Downtown Transportation Fund can be made. If the project includes a building that will require a review for compliance with building codes, then a Plan Review Letter from Labor and Industry (or local code official, if relevant) should be included in the application.
10. A written response to the “Competitive Criteria under the Downtown Development Act,” included in these Guidelines.
11. A signed copy of the conflict of interest Notice and Waiver form included in these Guidelines, indicating whether the municipal members of the Downtown Development Board should score and vote on your application in situations where their own municipality has a competing application. They will in no case vote on an application from their own community.

Application Schedule (Must be received by these dates, not postmarked)**First Round**

Pre-application Due September 8, 2009
 Applications Due October 5, 2009
 Board meeting date October 26, 2009

Second Round (if funds are available)

Pre-application Due February 1, 2010
 Applications Due March 1, 2010
 Board meeting date March 22, 2010

Third Round (if funds are available)

Pre-application Due May 3, 2010
 Applications Due June 7, 2010
 Board meeting date June 28, 2010

Sixteen (16) copies of the application, including the original, are required.

Selection Criteria

The Board will score projects using the Competitive Criteria included with these Guidelines. Applicants are encouraged to fully address each criteria in their response to Item 10 in the Application Requirements above, as funding decisions will be made based on this score. The Board may choose to award only from the top scoring pool of applications, and may not fund all eligible projects.

Key Grant Agreement Provisions

- Payments will be made as a reimbursement, to be made only after construction has commenced, with 50% paid after project expenditures have reached 50% of the project cost, and the final 50% paid upon completion of the project and acceptance of a close out report.
- An open and competitive procurement process is required for any grant-assisted work.
- Upon completion of all grant funded activities, the municipality shall provide a close out report certifying completion of the project as agreed to in the grant agreement, photographs of the completed project, and a detailed budget report listing all income and expenses for the project.
- For a period of 5 years after completion of the project, approval must be given by this Agency for any changes in physical appearance, use, ownership, or function of the funded facility.
- Construction must begin within 18 months of award, and be completed within 30 months of award.

Applications (16 copies) shall be submitted to:**Vermont Downtown Program**

Department of Housing and Community Affairs
 National Life Office Building, Drawer 20
 Montpelier, VT 05620-0501
 Phone: 800-622-4553 or 802-828-3211

Vermont Downtown Program Staff

Joss Besse Phone: 802-828-5212 email: joss.besse@state.vt.us
 Leanne Tingay Phone: 802-828-3220 email: leanne.tingay@state.vt.us

Competitive Criteria under The Downtown Development Act

Statement of Purpose: The awards given by the Vermont Downtown Development Board are intended to support local downtown revitalization efforts by preserving and enhancing historic downtown areas through compatible development, and supporting the variety of diverse uses that define their quality of life. The goals include the encouragement of private and public investment in small businesses, transportation systems, infrastructure, housing, historic resources, and human services.

Consistent with the above statement of purpose, the Board will use the following criteria when applications for competitive based financial benefits exceed the funds available:

- 30 Points max. 1. The effectiveness and impact of the project, including but not limited to:
- A demonstration that the project offers a reasonable solution to the identified opportunity or problem;
 - A demonstration that the project will have a significant and long lasting impact on the overall issues facing the downtown; or
 - Other pertinent considerations.
- 25 Points max. 2. The degree of the integration of the project within the existing district, and with any coordinated plan for the downtown district and surrounding area, including but not limited to:
- The extent to which the project best preserves features and character of the designated downtown, including especially the downtown historic resources and streetscape, in terms of materials, features, size, scale, proportion and massing of buildings;
 - The importance of the project to the revitalization effort, particularly as expressed in the Capital Improvement Plan, the downtown organization's strategic or master plan, or the municipal plan; or
 - Other demonstrations of compatibility and importance of the project.
- 25 points max. 3. Community Need factors, including but not limited to:
- Vulnerability of the downtown district to economic decline due to competing development in adjacent areas;
 - Degree of any deficiency in the downtown district of transportation infrastructure, including parking facilities;
 - Desirability of prompt action to secure the benefits of the project for the downtown district;
 - Vacancy rate of downtown buildings, expressed as a percentage of the total available space;
 - Current or projected unemployment rate within the labor market area in which the municipality is located; or
 - Other community need factors.

- 15 Points max. 4. The extent to which the project is likely to begin construction within 18 months, including, but not limited to:
- Status of funding necessary to complete the project;
 - Status of permits necessary to construct the project;
 - A realistic schedule that will lead to the construction of the project; or
 - Other factors that give assurance that the project will be under construction in a timely manner.
- 5 Points max. 5. The municipality has adopted ordinances or bylaws that support the preservation of the downtown's vitality, including but not limited to:
- An ordinance or bylaw requiring that new construction in the downtown development district shall be compatible with the buildings that contribute to the integrity of the district, in terms of materials, features, size, scale and proportion, and massing of buildings, and that exterior rehabilitation shall respect the historic and architectural significance and its exterior features;
 - A conditional use provision in a town zoning ordinance that supports adaptive reuse of historic properties; or
 - Other pertinent provisions in the bylaws or ordinances.
- 5 Points max. 6. The Board will review the amount of investment from individual Vermont taxpayers that has been committed to projects in the downtown district. In considering this factor, the board shall recognize the value of individuals (individual is defined as a “natural person”) participating in downtown projects by giving preference to applications for incentives from individual Vermont taxpayers, and projects coordinated by developers who have encouraged the participation of such investors, based on the degree of investment from individual Vermont taxpayers.

Finally, for competitive decisions under the Downtown Transportation Fund, the Board will also consider geographical distribution in awarding funds, particularly in circumstances where projects are otherwise of equal merit. (Reference 24 V.S.A., section 2796(c)).

MEMORANDUM

TO: Applicants to the Downtown Transportation Fund
DATE: July 15, 2004
SUBJECT: Board Conflicts of Interest

The Downtown Development Board is responsible for making award decisions under the Downtown Development Act, including the Downtown Transportation Fund. There are nine members who serve on the Board. They include six representatives from state agencies and, by statute, three members representing local government – two appointed by the Governor, and one appointed by the Vermont League of Cities and Towns. The participation of these municipal representatives has greatly strengthened the deliberations of the board, particularly because of their considerable hands-on experience with downtown revitalization.

The board members have established bylaws, in addition to the Governor’s Executive Order, requiring that a board member must abstain from a vote on an application where there is either a direct conflict or appearance of conflict. All board members have been extremely forthright about these issues and on many occasions members have recused themselves from discussions and voting.

In an effort to minimize the times when a member might not vote on applications because of an appearance of conflict, the board has taken the following steps:

1. Members representing local government will not vote on applications that are from their own communities.
2. In the tabulation of scores for competitive rounds of applications, the lowest score will be discarded. If members do not score an application, the average will be calculated accordingly.
3. We have developed the attached Notice and Waiver form for you to indicate whether the Board’s local government representatives may score your application, in meetings when that Board member’s municipality has a competing application pending. This form should be included in the application package you submit for review.

We have worked hard to develop these strategies to ensure that all applicants will have full confidence in the fairness of the Downtown Development Board process. We hope we have succeeded.

Thank you all for the tremendous work you are doing in your communities. If you have any questions or concerns, please don’t hesitate to call.

***DOWNTOWN DEVELOPMENT BOARD
NOTICE AND WAIVER***

1. NOTICE. In its appearance(s) before the Vermont Downtown Development Board (“Board”), the municipality seeking designation or incentives (“Applicant”) understands the following:

- (a) pursuant to statute, the nine member Board includes three public members representative of local government, one of whom is designated by the Vermont League of Cities and Towns, and two of whom are appointed by the Governor;
- (b) such public members described in subpart (a), above, may be municipal employees or may have some other connection to, or affiliation with, municipalities appearing before the Board;
- (c) in assessing the strength of each municipality’s application for an incentive in a competitive funding round, the Board discards the lowest score of the members present and voting, regardless of whether any member has recused themselves from scoring another application related to the same incentive during the same Board meeting; and
- (d) all public members who: (1) are employees of a municipality appearing before the Board, (2) have any other significant interest in the outcome of the business of such municipality before the Board, or (3) know of a significant interest of a member of his or her immediate family or household, or of a business associate, in the outcome of the business of such municipality before the Board, will recuse themselves from all scoring of, or voting directly concerning, applications from such municipality, but will vote on other applications pending at that Board meeting.

2. WAIVER. By checking the appropriate indication below and signing this form, Applicant indicates whether it agrees or disagrees that the above described processes and procedures are sufficient, in its judgment, to avoid both conflicts of interest and the appearance of conflicts of interest by any member of the Board, who may have a connection to, or affiliation with, a municipality that has submitted an application and who is present and voting during the particular meeting at which the Board is to consider such application.

APPLICANT

Please check one: () APPROVAL OR () DISAPPROVAL of the above.

By: _____

Title: _____

Municipality: _____

Date: _____

The Secretary of the Interior's Standards for Rehabilitation

The Standards apply to historic buildings of all periods, styles, types, materials, and sizes. They apply to both the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired