

Aaron Frank

From: Cathyann LaRose
Sent: Friday, December 6, 2024 12:12 PM
To: Aaron Frank; Renae Marshall
Cc: Scott Crady; Seth Lasker; Peter Hull; Boyd, Chris; Zachary Maia; Norm Baldwin; Robert Vickery
Subject: Emergency Notice to Vacate 182 Hegeman Avenue
Attachments: 182 Hegeman Ave Unsafe Building Notice 12 05 2024 final letter with mailed photos.pdf; 28 Vermont Ave Unsafe Building Notice 09 18 2024.pdf

Good morning.

Attached please find a copy of the notice mailed via certified copy yesterday to the owner of the property at 182 Hegeman Avenue, affiliated with Vermont Construction, with an emergency order to vacate a portion of the building. This notice was prepared immediately upon learning that the property was housing up to 19 people in a storage space, without any local or state approvals and in a grossly hazardous and unsafe space. The details of the visit are outlined in the notice.

This is the second such discovery in the area by these property owners, with the previous occurring in September at a property at 28 Vermont Avenue where it was discovered that that more than 50 people were sleeping in a similarly perilous space. That notice is also attached for your history and reference.

Thank you to the State of Vermont Division of Fire Safety for alerting the Town to this matter and for working collaboratively to take the actions available to us.

We will continue to monitor this situation and will be pursuing zoning enforcement as well other separate authority. Our goal is life safety, including those of our emergency service workers who would be called upon to respond to these buildings.

Regards,

Cathyann



Cathyann LaRose, AICP
Planning & Zoning Director

Town of Colchester
781 Blakely Rd.
Colchester, Vermont 05446
P: 802.264.5602
colchestervt.gov

Notice – Please be advised that your email communication with the Town may be considered a public record and may be subject to disclosure under the Vermont Public Records Act.



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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

December 5, 2024

Vermont Construction Real Estate
182 Hegeman Avenue
Colchester, VT 05446

EMERGENCY ORDER TO EVACUATE AN UNSAFE BUILDING

182 Hegeman Avenue
Parcel 21-002040-00000

Dear Property Owner:

Municipal records indicate that you own the property located at 182 Hegeman Avenue in Colchester.

On the evening of December 4, 2024, the Colchester Planning & Zoning office was advised by Chris Boyd, Assistant State Fire Marshall with the Vermont Division of Fire and Safety, that the subject property was actively in use to house an estimated 17 people despite having no approvals or life safety features for human occupancy of a public building. The communication from Mr. Boyd expressed additional concerns regarding the condition of the structure on the property and described that structure as unsafe for overnight residency and as having no detection for smoke or carbon monoxide in the space. On that same date, Mr. Boyd, with the authority granted to him, issued a report delivered to the building owner and copied to the Town of Colchester stating that no one can use the space for living quarters, that anyone living there must be relocated immediately, and that administrative penalties will be issued.

Colchester Building Inspectors (BI) Cathyann LaRose and Seth Lasker visited the property the very next day, December 5, 2024, joining Mr. Boyd, and Michael Boutin from Vermont Construction Co. We also met briefly with Mr. Dana Kamencik, one of the owners of the business, as Mr. Boyd delivered the administrative fines.

Mr. Lasker documented the visit with photographs of the interior of the structure.

The inspection found:

- The structure is a very large, two-story structure that spans the entirety of the lot from Troy Avenue to Hegeman Avenue. The space nearest Troy Avenue is primarily renovated office space. The middle section of the structure is primarily storage space which is inaccessible from the other portions of the building. The portion of the building nearest Hegeman Avenue has been converted sometime since its last Town inspection and now includes an unpermitted area being used for living and sleeping.
- A door to this residential area is locked with coded access known to VT Construction staff and residents of the space;
- A resident of the space was present at our visit;
- Three (3) rooms are being used as congregate sleeping quarters, some with bunk beds and mattresses, for a total of fifteen (15) such beds. There were also two air-filled mattresses in a common area that appeared to be set up for sleeping.
- There was clear evidence of current human occupancy, including toiletries, clothing, food, and personal belongings;
- Notices were posted on the interior doors advising people not to smoke, but smoking materials, including discarded cigarettes, were found throughout;
- A cooking facility space in poor condition with concerning electrical and plumbing fixtures was present which was not present at the time of CO inspection in 2023;
- Newly finished space for bathrooms and showers with exposed plumbing;
- No smoke detectors, carbon monoxide alarms or fire extinguishers were present in any of the spaces;
- There was no emergency or exit lighting;
- There were open junction boxes and exposed electrical wiring;
- There was overuse of extension cords, including to temporary space heaters;
- There were several space heaters, many of which were actively in use at the time of our visit on the day when the outside temperatures were 35 degrees;
- There was visible trash close to these space heaters;
- There were signs, including wet towels, that the space had been slept in the previous night and used that day;
- There were a lack of building safety systems including sprinkler system;
- There was only one egress point.

Chapter 4, Section 4-14 of the Colchester Code of Ordinances (“Code”) related to Unsafe Buildings and Structures defines an “unsafe building or structure” as those deemed by the Building Inspector to be structurally “unsafe; unstable; unsanitary, constituting a fire hazard; unsuitable or improper for the use or occupancy to which they are put.”

We find, on behalf of the Town of Colchester, that the front portion of the building, as described herein, at 182 Hegeman Avenue is an Unsafe Structure as it is unsuitable and improper for the existing use and occupancy by overnight residents, which further constitutes a fire hazard.

Section 4-15 of the Code states that “when a building or structure, or any portion thereof, is found unsafe upon inspection by the BI, the BI shall order such building or structure, or any portion thereof, to be made safe, or closed and secured, or taken down and removed.”

We order, on behalf of the Town of Colchester, the closure of this portion of the building to all uses except for duly permitted repairs and rehabilitations. The building is ordered to be secured immediately against overnight occupancy.

The term “unsafe building or structure” shall apply to buildings or structures, or portions thereof, existing or hereafter erected, as follows:

Per Section 4-20 of the Code, it is ordered that the portion of the structure as described herein, shall be vacated and remain so until it can be made safe and permitted by the State of Vermont and Town of Colchester for a use-specific.

Per Section 4-21 of the Code, where, in the opinion of the BI a structure would be especially unsafe in case of a fire, the BI shall notify the owner who shall, within twenty-four (24) hours of the day following the service of such notice, commence to secure or remove such structure.

We find, on behalf of the Town of Colchester, that the building would be especially unsafe in case of a fire. Securing the building as ordered herein under Section 4-15 of the Code is sufficient remedy with removal not necessary, provided action is taken within twenty- four (24) hours of the day following the service of this notice.

You are reminded of your rights to appeal this decision per Chapter 4 of the Colchester Code of Ordinances, within five days of receipt of this letter. An appeal pursuant to this section may be made to the Board of Arbitrators or to the Criminal Division of the Vermont Superior Court. Should you wish to appeal to the Board or Arbitrators, please follow the appeal process in Section 4-6(c) of the Code and send a notice of appeal to the Building Inspector with a copy to the Town Clerk at 781 Blakely Road, Colchester, VT 05446.

The Building Inspector reserves the right to check that violations have been cured. Continued violation may result in fines beginning at \$200 for the first offense, pursuant to Section 4-7 of the Code. Please feel free to contact the Town of Colchester Planning



and Zoning office at 802-264-5606 or in person at the Town Office at 781 Blakely Road, if you have questions on any of the above issues.

Sincerely,

Seth Lasker

Seth Lasker
Building Inspector

Cathyann LaRose

Cathyann LaRose, AICP
Assistant Building Inspector
Director of Planning and Zoning



12/05/2024

12/05/2024





12/05/2024



12/05/2024





12/05/2

Inspection Notes for Vermont Construction, 182 Hegeman Avenue, Colchester – DFS Site # 28366
Anonymous complaint regarding unsafe housing.







VERMONT
CONSTRUCTION^{CO.}
ROOFING DIVISION


FUTURE FLOORS
www.futurefloorsinc.com

Dining area inside of entryway.



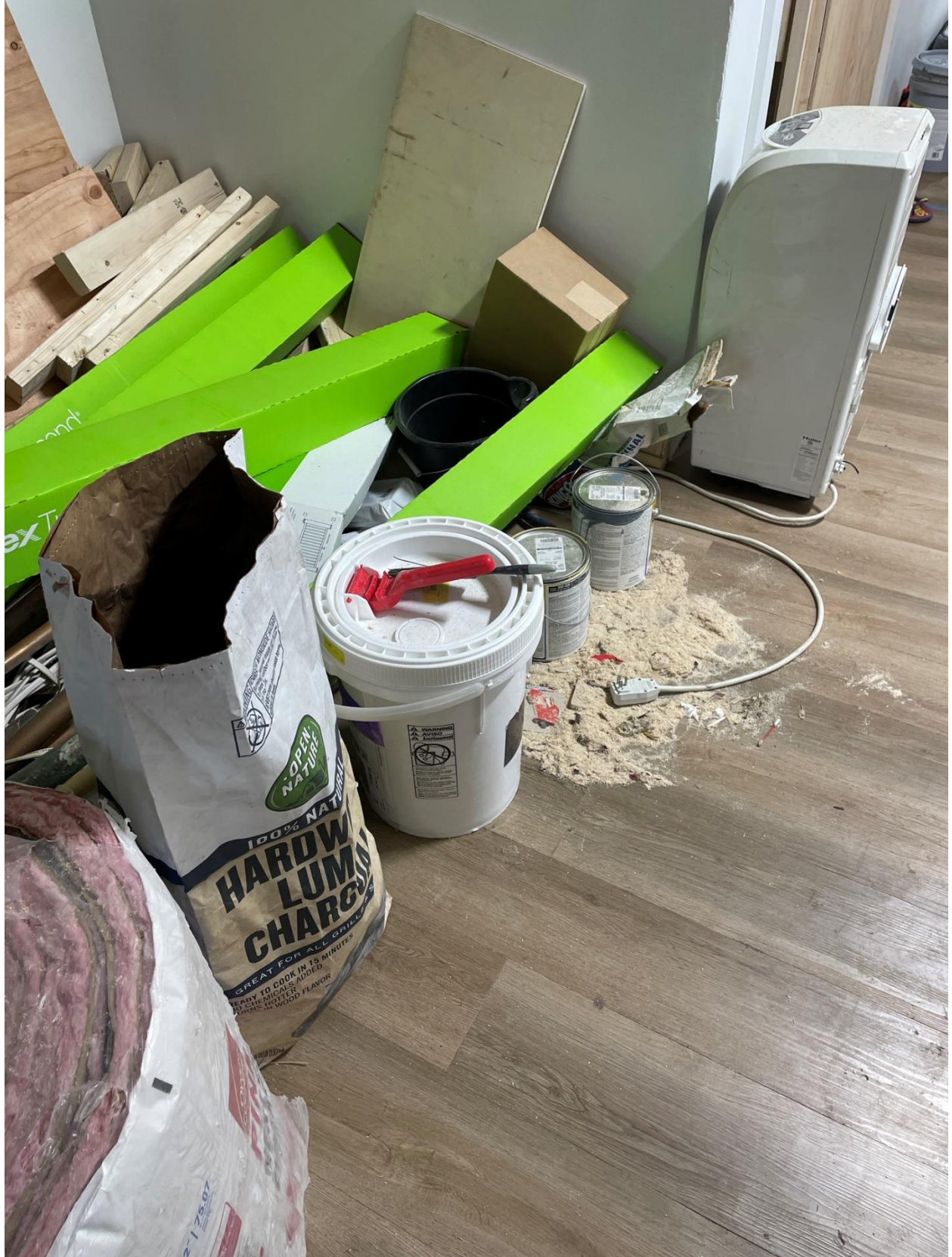






Common hallway from the entryway dining area.





Doorway to bedroom on left side of hallway.















Hallway door to 1st bedroom on the right.















Entry to 2nd bedroom on the right (last door).





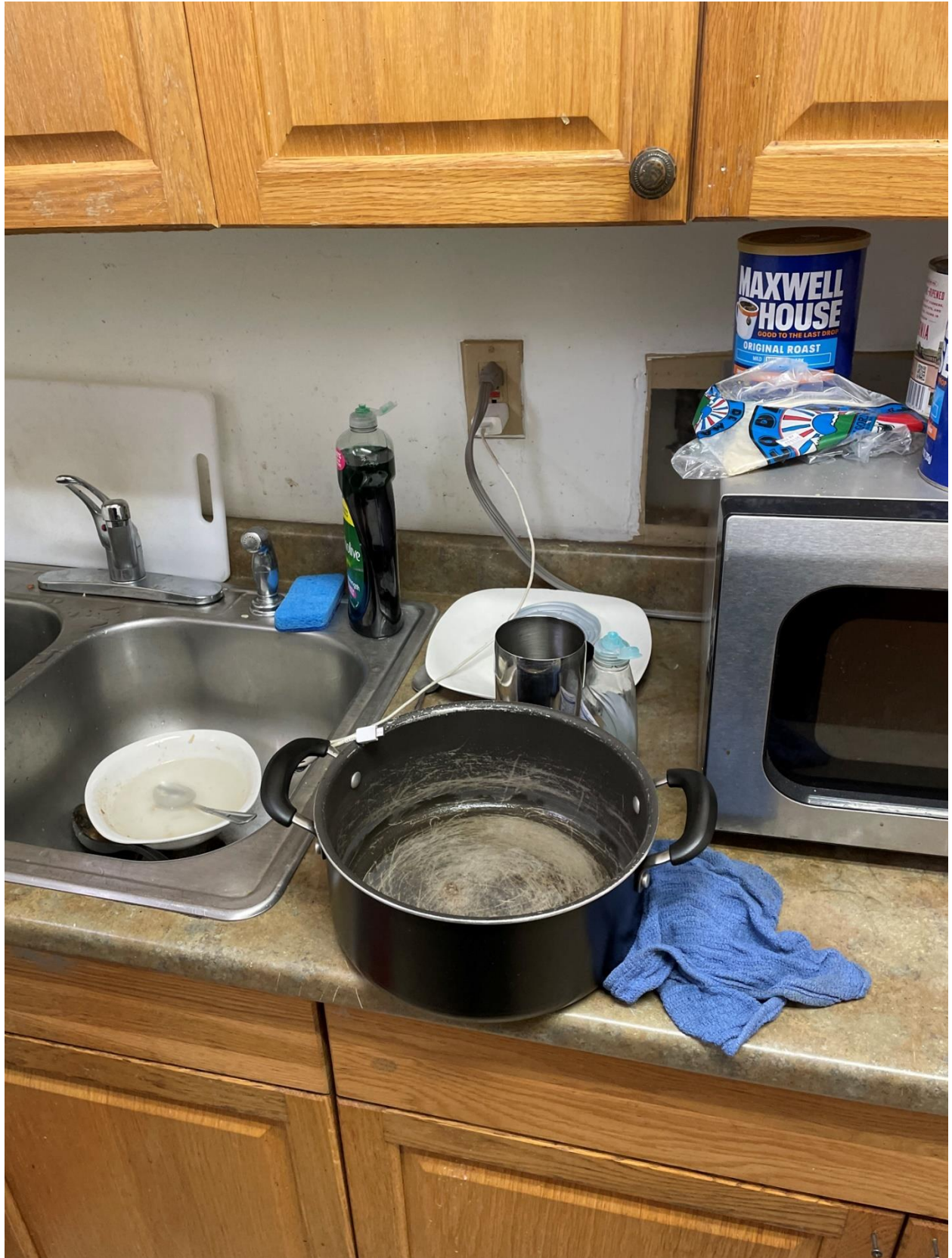




Entry to kitchen, 3rd door on the right.







Common hallway looking back at entryway.









Inspection Notes:

- No Smoke or Carbon Monoxide detection was found anywhere within the area used as living quarters.
- 17 beds were set up for workers to sleep in these quarters.
- Multiple electrical violations were observed throughout the area.
- No fire extinguishers were found in the living quarters.
- Evidence of improperly discarded smoking materials were found in multiple locations in the living quarters.
- No permits or approvals were ever obtained for the conversion of this area into living quarters.
- The area adjacent to the living quarters is S-1 storage for Vermont Construction and some of their sub-contractors.
- The area on the second floor above the living quarters is office space for Vermont Construction.
- There are no rated fire separations from any of these areas.



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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

September 18, 2024

28 Vermont Ave LLC
182 Hegeman Avenue
Colchester, VT 05446

EMERGENCY ORDER TO EVACUATE AN UNSAFE BUILDING

28 Vermont Ave
Parcel 21-008010-00000

Dear Property Owner:

Municipal records indicate that you own the property located at 28 Vermont Ave in Colchester.

On September 12, 2024, the Colchester Planning & Zoning office was advised via email by Chris Boyd, Assistant State Fire Marshall with the Vermont Division of Fire and Safety, that the subject property was actively in use to house an estimated 57 people despite having no approvals or life safety features for human occupancy of a public building. The email from Mr. Boyd expressed additional concerns regarding the condition of the structure on the property and described that structure as unsafe for overnight residency. The September 12th message stated that “the building must remain vacant until all permits are applied for, approved, work completed and approved, and a written occupancy is issued from [the Division of Fire and Safety] office”.

Colchester Building Inspectors (BI) Cathyann LaRose and Seth Lasker visited the property on September 17, 2024, joining Mr. Boyd, building and business owner Dana Kamencik, and Byron Gokey from Vermont Construction Co. Both Mr. Boyd and Mr. Lasker documented the visit with photographs of the interior and exterior.

The inspection found:

- Nineteen (19) rooms, with thirteen (13) of those on the upper floor and six (6) in the basement, including rooms being used as bedrooms with congregate sleeping

- quarters, some with bunk beds and mattresses to fit up to six (6) or more in a room located on the ground level and below grade floor;
- Clear evidence of current human occupancy, including toiletries, clothing, food and personal belongings located on the ground level and below grade floor;
 - Doors to rooms being used as bedrooms were locked with coded access known to Mr. Gokey and the residents;
 - Notices were posted on the interior doors advising residents (in Spanish language) to vacate;
 - At least one resident was in the building at the time of the visit;
 - Multiple cooking facility spaces in poor condition with concerning electrical and plumbing fixtures were located both on the ground level and below grade;
 - Newly finished spaces for bathrooms and showers with exposed plumbing were located both on the ground level and below grade;
 - Visible mold;
 - Smoke detectors which were on site were standalone; most were located on the floor; those tested did not have batteries and did not function;
 - No carbon monoxide alarms, and only one visible fire extinguisher, located on the first floor;
 - The building's emergency lighting was not working;
 - No egress doors or windows located in the below grade level;
 - Lack of building safety systems including sprinkler system.

Chapter 4, Section 4-14 of the Colchester Code of Ordinances (“Code”) related to Unsafe Buildings and Structures defines an “unsafe building or structure” as those deemed by the Building Inspector to be structurally “unsafe; unstable; unsanitary, constituting a fire hazard; unsuitable or improper for the use or occupancy to which they are put.”

We find, on behalf of the Town of Colchester, that the building is an Unsafe Structure as it is unsuitable and improper for the existing use and occupancy by overnight residents, which further constitutes a fire hazard.

Section 4-15 of the Code states that “when a building or structure, or any portion thereof, is found unsafe upon inspection by the BI, the BI shall order such building or structure, or any portion thereof, to be made safe, or closed and secured, or taken down and removed.”

We order, on behalf of the Town of Colchester, the closure of this building to all uses except for duly permitted repairs and rehabilitations. The building is ordered to be secured against overnight occupancy.

The term “unsafe building or structure” shall apply to buildings or structures, or portions thereof, existing or hereafter erected, as follows:

Per Section 4-20 of the Code, it is ordered that the structure shall be vacated and remain so until it can be made safe and permitted by the State of Vermont and Town of Colchester for a use-specific.

Per Section 4-21 of the Code, where, in the opinion of the BI a structure would be especially unsafe in case of a fire, the BI shall notify the owner who shall, within twenty-four (24) hours of the day following the service of such notice, commence to secure or remove such structure.

We find, on behalf of the Town of Colchester, that the building would be especially unsafe in case of a fire. Securing the building as ordered herein under Section 4-15 of the Code is sufficient remedy with removal not necessary, provided action is taken within twenty- four (24) hours of the day following the service of this notice.

You are reminded of your rights to appeal this decision per Chapter 4 of the Colchester Code of Ordinances, within five days of receipt of this letter. An appeal pursuant to this section may be made to the Board of Arbitrators or to the Criminal Division of the Vermont Superior Court. Should you wish to appeal to the Board or Arbitrators, please follow the appeal process in Section 4-6(c) of the Code and send a notice of appeal to the Building Inspector with a copy to the Town Clerk at 781 Blakely Road, Colchester, VT 05446.

We understand you may have cured these violations. Please contact the Building Inspector to set up a site visit to confirm that the violations have been cured. Continued violation may result in fines beginning at \$200 for the first offense, pursuant to Section 4-7 of the Code. Please feel free to contact the Town of Colchester Planning and Zoning office at 802-264-5606 or in person at the Town Office at 781 Blakely Road, if you have questions on any of the above issues.

Sincerely,

Seth Lasker

Seth Lasker
Building Inspector

Cathyann LaRose

Cathyann LaRose, AICP
Assistant Building Inspector
Director of Planning and Zoning



Colchester
VERMONT

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BY CERTIFIED MAIL – RETURN RECEIPT REQUIRED

November 15, 2024

28 Vermont Ave LLC
182 Hegeman Ave
Colchester, VT 05446

RE: 28 Vermont Ave – Colchester, VT
Account #21-008010-0000000

Dear Property Owner:

I am following up on our office's previous email correspondence and numerous site visits regarding the violation of the Colchester Development Regulations at property referenced above. The purpose of this letter is to provide you official notice pursuant to 24 V.S.A. 4451(a) that there is a violation of the Development Regulations at the property referenced above. The nature of this violation includes the following:

1. Operation of a Contractor's Yard (Use 4.210) on the subject property without Site Plan and Conditional Use Approval as required under §8.03-A(1) and §8.10 of the Colchester Development Regulations. This includes the placement and erection of multiple structures without relevant approvals.

For reference, I have attached photo documentation from two (2) site visits that occurred on September 17, 2024 and September 24, 2024 that depict the nature of this unpermitted use on the property. Town Staff also observed the violation ongoing and continuing on October 28, 2024 and November 15, 2024.

This notice is provided to allow you the opportunity to address the violation. To cure the violation, the following must be completed within seven (7) days:

1. The use of the property as a Contractor's Yard (Use 4.210) shall be ceased immediately and, materials stored on the property and unpermitted structures shall be removed from the above-referenced property within the 7-day timeframe; and
2. A complete application for Site Plan and Conditional Use approval shall be submitted to the Planning & Zoning Department if you intend to seek approval to conduct this use on the above-referenced property.

You are reminded of your rights under Title 24, Chapter 117, Section 4465. You may appeal to the Colchester Development Review Board this finding of violation related to the above



referenced Development Regulations and the aforementioned Findings of Fact and Order. Such appeal must be filed within fifteen days of receipt of the letter. Failure to file an appeal within this period will render the notice of violation the final decision on the violation addressed in this notice.

Pursuant to Title 24, Chapter 117, Section 4451, you will not be entitled to an additional warning notice for a violation occurring after seven (7) days from receipt of this letter. If you fail to correct this violation, you may be subject to fines up to \$200 per day. You are also hereby advised that the omission of references to other applicable Town regulations should not be considered a waiver of any such regulations.

Sincerely,

Cathyann LaRose, AICP
Director of Planning & Zoning
Assistant Zoning Administrator

Enclosures