

Council Minutes

January 7, 2019

A duly warned meeting of the Newport City Council was held on Monday, January 7, 2019 in the council room in the Newport Municipal Building. Present were Mayor Paul Monette, Council President Denis Chenette, Council Members Kevin Charboneau, Julie Raboin and Daniel Ross, City Manager Laura Dolgin, City Clerk/Treasurer James D. Johnson, Jessica Booth, Thomas Bernier, Seth DiSanto, Jamie LeClair, Rebecca Therrien, members of the Press and Public.

Mayor Monette called the meeting to order at 6:45 PM immediately following a Public Hearing.

Mayor Monette amended the agenda by adding item number 4A, the approval of VCDP funds.

Approval of Minutes

Mr. Chenette moved to approve the minutes of December 17, 2018 as presented. Seconded by Ms. Raboin, motion carried unanimously.

Comments by the Public

None

By-law Amendment (attached)

Mr. Charboneau moved to approve the proposed By-law changes. Seconded by Mr. Ross, motion carried unanimously.

Approval of VCDP Funds (attached)

Ms. Raboin moved to authorize the Mayor to sign for the VCDP Planning Grant – 2016. Seconded by Mr. Charboneau, motion carried unanimously.

Out of the Darkness Event Debrief (attached)

Mayor Monette read a letter from Amanda Chaput, Chairperson for the Out of the Darkness Walk.

Executive session, 1 VSA 313 (3)(a)(3)

Mr. Ross moved to enter executive session to discuss employment of an employee. Seconded by Mr. Chenette, motion carried unanimously.

No action.

Budget Review

The council reviewed the 2019-20 proposed budgets for the Recreation Department, Other and Capital Expenditures.

New Business

Mr. Chenette asked about the light on the Access Road and the street light on Pine St. Mr. Bernier stated the Access Rd. light would arrive on Wednesday the 9th. The light on Pine St. has not been fixed yet.

Mr. Ross noted that the federal guidelines for arsenic have been lowered again and asked if it would effect the treatment plant. Mr. Bernier stated it would not.

Old Business

None.

Next Meeting Date

January 21, 2019

Executive Session, Personnel

Mr. Ross moved to enter executive session for employee evaluations. Seconded by Mr. Charboneau, motion carried unanimously.

No action.

Adjournment

Mr. Ross moved to adjourn at 8:43 PM. Seconded by Mr. Charboneau, motion carried unanimously.

Attested: James Johnson This 25th Day of January 2019

[Signature]
Mayor

Certification for Final Requisition of
VCDP Grant Funds

I hereby certify that the Project funded by the Vermont Community Development Program Grant Agreement #PG-2016-Newport City-00004 is 100% complete as outlined in Attachment B Description of Activities of the grant agreement. The City has received and is satisfied with the Final Work products.

By:



Paul Monette, Mayor

City of Newport, Vermont

Date: January 7, 2019

On this 7th day of January, 2019, Mayor Paul Monette personally appeared to me known to be the person who executed the foregoing instrument, and he there upon duly acknowledged to me that he executed the same to be his free act and deed.

Dated this ___ day of January, 2019,



Notary Public

2/1/19

City Manager..... (802) 334-5136
334-3891
City Clerk / Treasurer..... 334-2112
334-3892
Public Works..... 334-2124
Zoning Adm. / Assessor..... 334-6992
Recreation / Parks..... 334-6345
Fax..... 334-5632



City of Newport
222 Main Street
Newport, Vermont 05855

November 16, 2018

PROPOSED ZONING AND SUBDIVISION BYLAW AMENDMENTS

Enclosed for your review and comments is a copy of Newport City's proposal to make four amendments to the City's current Zoning and Subdivision Bylaw.

Comments and/or questions can be made by attending the Public Hearing on December 4, 2018 or by contacting the Zoning Administrator prior to December 4, 2018.

Charles Elliott, Zoning Administrator

Charles.elliott@newportvermont.org

(802) 334-6992

NOTE: December 14, 2018

The attached four proposed amendments to the Zoning and Subdivision Bylaw were approved by the Newport City Planning Commission for forwarding to the Newport City Council on December 11, 2018.

The City Council, after holding at least one Public Hearing on the proposed changes, will decide if the proposed changes should be implemented or not. A public hearing is tentatively scheduled during January 2019.

NEWPORT CITY

Proposed Zoning Bylaw Changes

December 4, 2018 Public Hearing

Service List

Chairman of Planning Commission, Town of Coventry (emailed)
P.O. Box 104, Coventry, VT 05825
selectboardclerk@coventryvt.org

Chairman of Planning Commission, Town of Derby (emailed)
P.O. Box 25, Derby, VT 05829
derbyza@derbyvt.org

Chairman of Planning Commission, Town of Newport (emailed)
5876 VT Rte. 105, Newport Ctr., VT 05857
nctownclerk@comcast.net

David Snedeker, Executive Director (emailed) NVDA,
P.O. Box 630, St. Johnsbury, VT 05819
dsnedeker@nvda.net

DHCA (certified mail)
National Life Building, Drawer 20, Montpelier, VT 05620

James Johnson, Newport City Clerk (email)

Laura Dolgin, City Manager (email)

Paul Monette, Mayor (email)

City Council Members (email)

Planning Commission Members (email)

Individual Property owners affected by the Zoning District Change Item No. 1

Theodore C. and Joellen Carlson
195 Johns River Road,
Newport, VT 05855

Metal Flex Welding Bellows, INC
c/o Barrie Hume
149 Lakemont Road,
Newport, 05855

James and Mary Ann Mulkin
P.O. box 34,
Newport, VT 05855

Hogan Real Estate, INC.
235 Lakemont Road.
Newport, VT 05855

City Manager (802) 334-5136
334-3891
City Clerk/Treasurer 334-2112
334-3892
Public Works 334-2124
Zoning Adm./ Assessor ... 334-6992
Recreation/Parks 334-6345
Fax 334-5632



City of Newport
222 Main Street
Newport, Vermont 05855

CITY OF NEWPORT NOTICE OF PUBLIC HEARING

Notice is hereby given to the residents of the City of Newport, VT that the Newport City Planning Commission will hold a public hearing in the Council Room of the Municipal Building on Tuesday December 4, 2018 at 7:00 p.m. This hearing will be held for public review of and comment on the revised zoning bylaw pursuant to Title 24 VSA, Chapter 117.

The purpose of the proposed zoning bylaw revision is to provide for the future growth and development of the City of Newport. The proposed revisions to the zoning bylaw, if adopted, will affect all lands within the City of Newport as described with each proposed revision.

Proposed Zoning Bylaw Amendments

- 1. Change the Zoning at Lakemont Industrial Park from Light Industrial to Public Health/Office District. The change is primarily motivated at this time to accommodate a proposed Senior Citizen Assisted Living Facility that would be located at that facility. The location between the Public Health Zone on the west and south and General Residential zone on the north and east makes an ideal location for the Assisted Living Facility and other health care providers, such as the physical therapy facility that is already there. This affects all owners of property in the Lakemont Industrial Park.**
- 2. FEMA required an update to bring Newport's Zoning Bylaw up to date and consistent with the National Flood Insurance Program (NFIP) existing standards. The update will qualify City residence in the flood zones for lower flood insurance rates.**
- 3. Residential Short-Term Room Rental Business shall be treated as a Home Occupation and be required to obtain a Zoning Permit to rent spare rooms to transient tenants. They will be permitted as a Home Occupation and required to meet the requirements for a home occupation including adequate parking. This will affect all residential properties within the City.**
- 4. Eliminate 5th Paragraph of section 705.02 Certificate of Occupancy. The fifth paragraph requires the new owner of an existing property obtain a Certificate of Occupancy prior to occupying the building. Attorneys have raised several legal issues with this requirement. Upon review the decision was made to eliminate it. It affects all properties within the City.**

Copies of the proposed zoning bylaw revision may be obtained from the office of the Zoning Administrator. Dated in Newport City, Vermont November 16, 2018

Newport City Planning Commission

Newport City
Planning Commission
Report for Bylaw Amendment

Change Zoning at Lakemont Industrial Park from Light Industrial to Public Health

This Report is in accordance with 24 V.S.A. Chapter 117 Section 4441 (c).

Below is a brief explanation of the proposed bylaw amendment.

The proposed amendment is to change the zoning in the Lakemont Industrial Park from Light Industrial to Public Health. The change is primarily motivated at this time to accommodate a proposed Senior Citizen 218 unit Assisted Living Complex at that location. In recent years the park has been sought after by various Health related businesses. It's location between the Public Health Zone on the west and south and General Residential zone on the north and east make the location an ideal location for the proposed Assisted Living Facility and other health care providers, such as the physical therapy practice that is already there.

Findings regarding how the proposal:

1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.

The facility will provide 218 safe and affordable Assisted Living housing units for people over 55 years of age. The facility is being designed to accommodate all income levels from those that have no ability to pay to those that can afford to pay the full cost.

The facility meets the economic development goals of the existing Light Industrial Zone in that the facility will create 50 direct jobs to operate the facility as well as provide a significant economic boost to the local service businesses such as food, health and public transportation. Future health care businesses that choose to locate there will also create jobs as well as expand the number of available healthcare facilities available locally.

The assisted living facility may result in a number of single-family homes becoming available for those looking for a place to live.

2. Is compatible with the proposed future land uses and densities of the municipal plan.

The General Residential Zone surrounds the property on the North, and East sides while the South and West sides border the Public Health Zone. While the proposed Assisted Living Facility is a lot of units in a small space, the tenants are mostly single senior adults, one for each unit. This unique population is very compatible with the General Residential and Public Health neighborhoods that surround them. This project is fully compatible with the proposed future land uses and densities of the Municipal Plan.

3. Carries out, as applicable, any specific proposals for any planned community facilities.

Supports Section IV: Objectives, Priorities, and Policies:

Under Priorities No. 8; "Support and encourage above average quality, yet affordable, housing for the elderly." And,

Policy No. 2: "Support good quality housing being available to the elderly..... ."and,

Policy No. 8: "Preserve the character and quality of the City's residential neighborhoods.

The proposal does not have any impact on any specific planned community facilities.



Lakemont Ind. Park

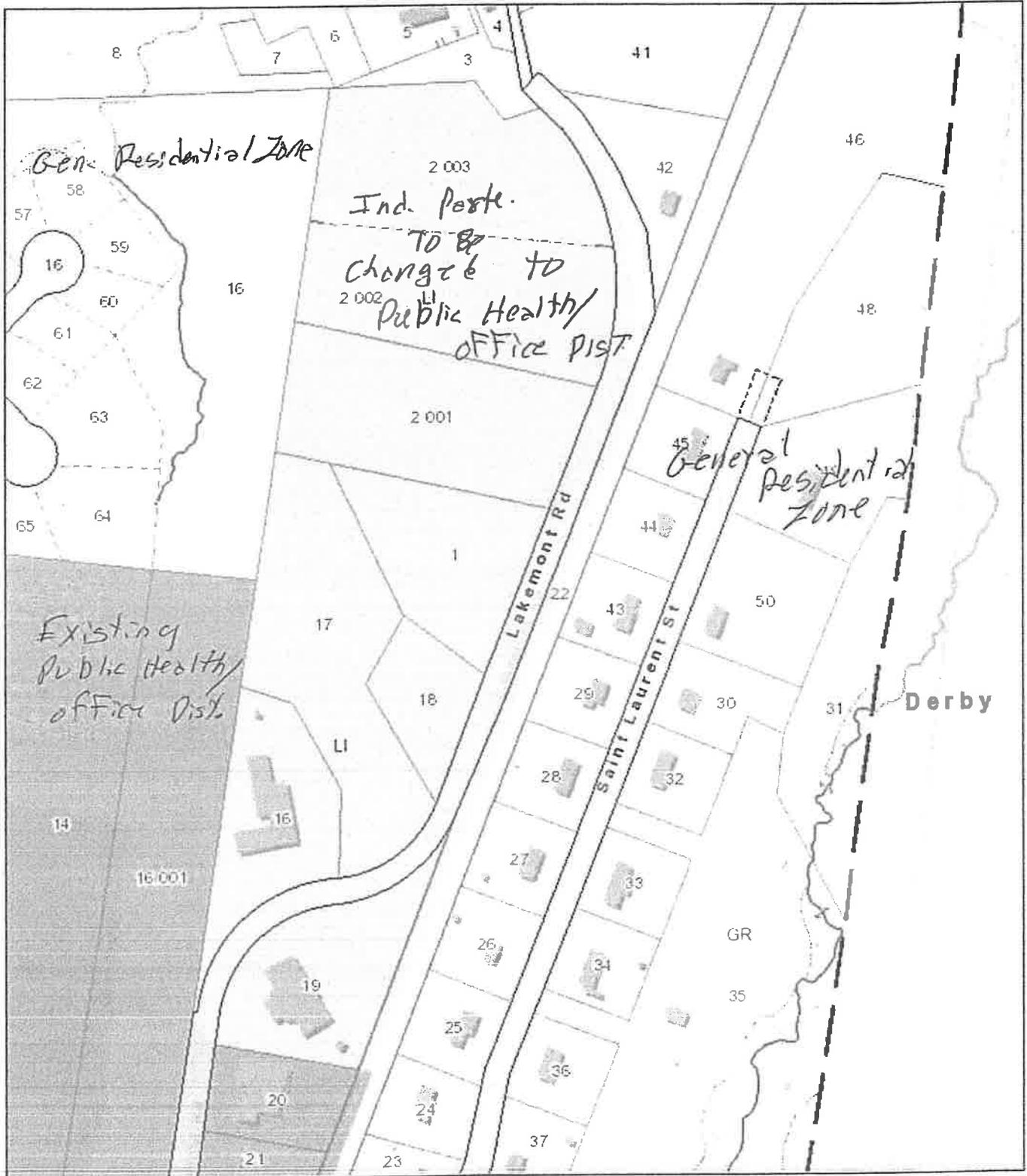
Newport City, VT

1 inch = 268 Feet



November 16, 2018

www.cai-tech.com



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Newport City
Planning Commission
Report for Bylaw Amendment

FEMA Required Update to Zoning Bylaw Flood Plain Regulations

This Report is in accordance with 24 V.S.A. Chapter 117 Section 4441 (c).

Below is a brief explanation of the proposed bylaw amendment.

The proposed amendment is required by the National Flood Insurance Program (NFIP) to bring Newport City's Zoning Bylaw up to date and consistent with those of the NFIP.

Findings regarding how the proposal:

1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.

The change is consistent with the City Plan and the goals of making safe and affordable housing available to all citizens. Unless the zoning requirements are up to NFIP standards City residents living in the flood prone areas will have to pay a higher premium payment for flood insurance or not have flood insurance available at all. The City's ability to get disaster financial assistance is also impacted.

2. Is compatible with the proposed future land uses and densities of the municipal plan.

The change is compatible with the City's promotion of recreational development along the water front and other low-lying flood prone areas.

3. Carries out, as applicable, any specific proposals for any planned community facilities.

The change will have a positive impact on the City's plan to assist with building the planned recreational bridge between the Scott Farm and the City's Prouty Beach recreational park. It will have a similar effect on future recreational developments along Lake Memphremagog and other water ways.

Newport City
Planning Commission
Report for Bylaw Amendment

Residential Short – Term Room Rental Business

This Report is in accordance with 24 V.S.A. Chapter 2117 Section 4441 (c).

Below is a brief explanation of the proposed bylaw amendment.

The rental of unused rooms on a short-term basis to transient tenants, by single family home owners, shall be considered a home-based business. The home owner will be required to obtain a Zoning Permit and meet all requirements for a home-based business including adequate parking.

Findings regarding how the proposal:

1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.

The proposal supports the following goals and policies in the municipal Plan by;

Protecting the rights of property owners which do not impact negatively on the rights of others,

Preserve the character and quality of the City's residential districts,

Supports growth in the tourist industry.

2. Is compatible with the proposed future land uses and densities of the municipal plan.

The proposal allows business income to home owners in the existing homes without changing the existing density and overall character of our existing residential neighborhoods.

3. Carries out, as applicable, any specific proposals for any planned community facilities.

The proposal has no impact on any planned community facilities.

Residential Short-Term Room Rental Business

Definition:

A "Residential Short-Term Room Rental" is a "Home Based Business" that is operated by the Owner of a single-family home that chooses to rent unused rooms and may also provide breakfast to transient tenants by the day or week. A "Residential Short-Term Room Rental" business shall meet all the following criteria.

First, the home owner must obtain a City Zoning permit to operate the "Residential Short-Term Room Rental" business as a home-based business and meet all criteria for a home-based business, (See Section 408 B – Protection of Home Occupations) including adequate parking.

Second, the home owner must live in the building on a fulltime basis and be home during all periods of rental. The building may not be rented to transient tenants during times when the home owner is absent.

Third, the number of transient tenants is limited to a maximum of eight (8) tenants at the same time.

Newport City
Planning Commission
Report for Bylaw Amendment

Eliminate 5th Paragraph of Certificate of Occupancy Requirement

This Report is in accordance with 24 V.S.A. Chapter 2117 Section 4441 (c).

Below is a brief explanation of the proposed bylaw amendment.

The Fifth paragraph of section 705.02 Certificate of Occupancy requires that the new owner of any existing property obtain a Certificate of Occupancy prior to occupying the building. Upon attempts to require a Certificate of Occupancy at time of sale, attorneys raised several legal issues regarding the requirement. Upon review it was decided, not to enforce this requirement of the Certificate of Occupancy and to remove this requirement from the Bylaw the next time amendments to the bylaw were being made.

Findings regarding how the proposal:

1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.

This conforms with the City Plan by removal by an unintended encumbrance to the orderly transfer of property ownership within the City. This change has no impact on the availability of safe and affordable housing.

2. Is compatible with the proposed future land uses and densities of the municipal plan.

This change has no impact on future land uses and densities.

3. Carries out, as applicable, any specific proposals for any planned community facilities.

This change has no impact on any specific proposals for any planned community facilities.

reapplication and approval shall be required to continue development. The Administrative Officer may administratively renew a permit for a period not to exceed one (1) additional year upon finding that there was reasonable cause for delay in the start of the development.

702.05 Certificate of Occupancy

A. It shall be unlawful to use or occupy or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure after the effective date of this bylaw, within the area affected by this bylaw, until a certificate of occupancy is issued therefore by the administrative officer, stating that the proposed use of the structure or land conforms to the requirements of this bylaw. Provision of a certificate as required by 30 V.S.A. Section 51 (residential building energy standards) or 53 (commercial building energy standards) shall be a condition precedent to the issuance of any such certificate of occupancy.

Certificates of occupancy are only issued to property owners. It is the responsibility of the property owner to obtain certificates of occupancy for new tenants when required.

Certificates of occupancy are required for all new structures or additions to existing structures and change of allowed use of the structure in whole or in part that is not incidental and subordinate to the primary use.

Certificates of occupancy are required for all new non-residential tenants regardless of similarities to previous tenants in all commercial rental properties. A certificate of occupancy is not required for a change of residential tenants in a residential rental property.

Certificates of occupancy are required for all new owners of existing properties. The new owner is responsible for obtaining a certificate of occupancy before occupying or allowing others to occupy and property they purchase.

The certificate of occupancy is a local certificate for the City of Newport only. It is the property owner's responsibility to obtain all State, Federal, Army Corp of Engineers and any other permits that may be required. All required permits must be obtained prior to the local certificate of occupancy being issued. In the event that the local certificate of occupancy is issued prior to other valid permits being obtained, the local certificate of occupancy is automatically voided.

§703 Penalties

Violations of this bylaw shall be regulated as prescribed in Title 24 VSA §4451 - §4454.

§704 Development Review Board

The Development Review Board (DRB) shall consist of not less than five (5) nor more than nine (9) members appointed by the City Council for specified terms in accordance with Title 24 VSA §4460(b) and §4460(c). The City Council also may appoint alternates, for specified terms, to serve on the DRB in situations when one or more members of the DRB are disqualified or are otherwise unable to serve. Any member of the DRB may be removed for cause by the City Council upon written charges and after public hearing.

The DRB shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its