City of Newport Planning Commission Minutes
Tuesday, May 3, 2022

Members Present: John Monette, Chair
Denis Chenette, Vice-Chair (Vice Chair)
Amanda (Mandy) Chaput, Secretary
Carole O'Connell
Kevin Mead

Guests: Alison Low, NVDA
Laura Dolgin, City Manager

Absent: N/A

1. **Call to Order:** Commission called to order at 6:01pm.
2. Approval of the Minutes of the Tuesday, April 19, 2022 Planning Commission Meeting. Ms. O'Connell moved with Mr. Chenette seconding the motion. Minutes are approved unanimously.
3. **Public Comment:** None
4. **Bylaw Modernization Grant Update:** The request for qualifications process was carried out and 2 applications were received. Both were interviewed by a small vetting committee comprised of Carole O'Connell, John Harlamert, Alison Low, Chris Vachon, and Laura Dolgin. The reference checks were extremely favorable for the chosen applicant. The firm is named 'PlaceSense,' and the consultant's is named Brandy Saxton. Plans are underway for a formal kickoff meeting on May 31 @ 6:00 pm at the Gateway, which will be hosted by the Planning Commission as a Special Meeting. This way, the public will be invited as will area landlords, real estate agents, and developers. The event will be lightly catered, and Brandy Saxton will facilitate.
5. **Resolution of the Lakemont Zoning District Question:** (Attached) Mr. Chenette presented the Commission with a detailed and thorough memo confirming his research, along with supporting documentation. The Planning Commission understands and agrees that the building that formerly held the RDI business and is owned by Jim Mulkin (lot 19) was intended to be grandfathered as light industrial. The matter is considered resolved, with thanks to Mr. Chenette.
6. **City Development Plan:** The Commission reviewed the draft sections on Community and Stewardship. Ms. Low will reach out to Ben Copans who can assist with data confirmations regarding Lake Memphremagog. Discussion ensued about the Forever Young Club, Meals on Wheels (Northeast Council on Aging), Umbrella, levels of care for seniors, as well as the Community Gardens, and the Farmer's Market.

   The commission verified the accuracy of information for city services and public safety. It was noted that ambulance services are contracted out. All resources support each other. The City of Newport offers 24/7 dispatch services and covers all of Orleans County.

   Ms. Low suggested organizing a community symposium on addiction and recovery services. The goal would be to identify the gaps in support services that is needed within the community and hearing it from those who may need it and who it directly affects would be most useful and

allow for voices to be heard. 5G service came up regarding internet and cell phones as they are a necessity for better connectivity and means of communication. The city is a member of the Communication Union District.

7. **Old Business**: None
8. **New Business:** None
9. Set a draft agenda for the next regularly scheduled Planning Commission Meeting on Tuesday, May 17, 2022 at 6:00pm. Agenda will be similar to the agenda for tonight with the exception of the follow up information about the Lakemont Zoning Change as that has been addressed.
10. **Adjourn.** Motion made to adjourn by Mr. Chenette and seconded by Ms. O'Connell at 8:21 pm

Respectfully Submitted by Amanda (Mandy) Chaput, Secretary
Unofficial Until Approved

Approved this 17th day of May, 2022

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Chair, City of Newport Planning Commission

RE: Clarification of Zoning District for former ~~RCI~~ RDI Building on Lakemont Road.

22 April 2022

To all whom it may concern,

Following, is information based upon records and my person participation in the hearings of the Newport City Planning Commission regarding the change of zone on Lakemont Road from Light Industrial to Public Health.

A meeting was held on 2 October 2018 to discuss the possible changing of zoning for properties on Lakemont Road because Ms. Heidi Eichenberger was interested in erecting a facility which would cater to housing and caring for elderly people. Mayor Paul Monette attended the meeting. A few days after that meeting, Mayor Monette contacted me to ask if I would be interested in joining him at the next meeting since it involved changing the zone and I could answer, and ask, any questions that might be pertinent to the proposal.

At the next meeting, held on 23 October 2018, the planning commission reviewed Ms. Eichenberger's proposal. Ms. Eichenberger's architect, Mr. Paul Dreher, was also in attendance to answer questions. It should be noted at this time that the concept of changing the zoning for the Lakemont Road area was first considered at the 18 September 2018 meeting where it was originally considered to be changed from Light Industrial to Urban Residential. On 23 October, after some discussion between the commission and public in attendance, the topic of spot zoning was addressed. Public Health was a better fit for most of the current and proposed businesses and would tie in with said zone as in already encompassed the North Country Hospital, Birchwood Medical and the Newport Health Care facilities. The problem being Metal Flex Welded Bellows Inc., the incubator building and the IRS building at the corner of Prouty Drive and Lakemont Road. I believe that it was determined that the IRS building was already in the Public Health Zone so that only left the incubator building and Metal Flex as the odd properties out. The properties that would fit well in the new zone would be Ms. Eichenberger's project, the health facility run by Mr. & Mrs. Hogan, VNA and the IRS building. It was determined by the commission that, if the proposed change was made, the Metal Flex business should continue doing business as usual, being "grandfathered" in the Industrial Park. At this time, I made mention that the incubator building should have the same consideration as it was currently in use in the Industrial Park. It was agreed upon by the commission members.

On 4 December 2018, a public hearing was held to further discuss changing the zone based upon evidence provided to the commission. No decision was made at this meeting.

On 11 December 2018, a decision was made to go ahead and change the area to Public Health according to the attached map.

Having said all of this, it is my opinion (having served on the Newport City Zoning Board for 25 years) that, since Metal Flex and the incubator building (aka the RDI business) properties are currently grandfathered as light industrial due to their use, they have the right to continue on conducting business. In the case of the incubator building, where the building is subdivided into approximately four sections, should any businesses comprise less than 51% of the approved light industrial use, the lot would then fail to comply and would then have to comply with whatever types of businesses could locate withing the Public Health zoning district.

Respectfully submitted,

Denis A. Chenette

DRAFT

NEWPORT CITY PLANNING COMMISSION MINUTES
SEPTEMBER 18, 2018

MEMBERS PRESENT: Chair Clark Curtis (CC), Woodman Page (WP), Colleen Moore-Ortiz (CMO), Ruth Sproull (RS), Bob Currier (RC)

MEMBERS ABSENT: None

OTHERS PRESENT: Pam Ladds, Geoff Edick, Anne Page

7:00 p.m. Chair Clark Curtis officially called the Planning Commission meeting to order. Minutes of Sept 4, 2018 were reviewed. WP made motion to accept as written, CMO second. All approve.

7:02 p.m. AirBnB language. ZA presented some language as a first stab at the issue. We want to call the units in question "Short-Term Residential Rentals." First sentence will change to say, "...unused rooms and may provide…" A copy of this draft language is attached separately.

7:04 p.m.

Article 7:

701. ZA will verify VSA 4448 for relevance.

Also, same for VSA 4449

702. ZA check all state statute references for accuracy.

702.01. ZA will check all state statute references.

702.02 B. Second sentence changes to: "...one or more approvals from the Development…" Third sentence, " Secretary of Development Review Board" changes to "Newport City Clerk and/or Treasurer."

ZA will check all state statute references

702.03 A. First sentence, remove comma between materials and fees- replace with "and." ZA will check state statute references for accuracy.

B. is fine

DRAFT

Set date and agenda for next meeting

Oct. 2, 2018 at 7 p.m.

1.Call to order
2.Approve minutes of the Sept. 18, 2018
3. AirBnB
4.Review Bylaw starting with Article 702.05

5.Other business
6. Set date and agenda for next meeting
7. Adjourn

Minutes taken and transcribed by Ruth Sproull

Approved_____Date_____

NEWPORT CITY PLANNING COMMISSION MINUTES
OCTOBER 2, 2018

MEMBERS PRESENT: Chair Clark Curtis (CC), Woodman Page, Colleen Moore-Ortiz (CMO), Ruth Sproull (RS), Bob Currier (RC)

MEMBERS ABSENT: None

OTHERS PRESENT: Pam Ladds, Anne Page

7:00 p.m. Chair Clark Curtis officially called the Planning Commission meeting to order. Minutes of Sept 18, 2018 were reviewed. RC made motion to accept as written, WP second. All approve.

7:02 p.m. Residential Short-Term Rental language as presented. First sentence of second paragraph should add "city" before "zoning permit." It will be listed in "definitions" and will refer to home occupations, 408 B.

Under parking 422.12, Residential Short-Term Rental will be listed as a use between Reservoir and Restaurants and will have the letter "I" after it.

WP made motion to accept as per noted in the minutes. RS second. Unanimous approval.

7:52 p.m. 702.05. ZA will check statute references but WP moved to adopt after removing the second to last paragraph and that we also approve 703. RS second. WP, CC, RS aye. RC no. CMO abstain.

RC made motion to accept changes notated in the minutes from 701 to 702.04. CMO second. Unanimous approval.

8:10 p.m. In Other Business

ZA discussed proposal to change zoning of remaining undeveloped property of Lakemont Industrial Park to Urban Residential to accommodate a proposed assisted-living facility. Lead architect said that they would design as a PUD and it would go before the DRB. CC wanted the developer to come and make a presentation of the project.

DRAFT

NEWPORT CITY PLANNING COMMISSION MINUTES
Oct. 9, 2018

MEMBERS PRESENT: Chair Clark Curtis (CC), Vice Chair Robert Currier (RC), Woodman Page (WP), Colleen Moore-Ortiz (CMO), Ruth Sproull (RS)

MEMBERS ABSENT: None

OTHERS PRESENT: Pam Ladds, Anne Page, Paul Dreher, ZA Charlie Elliott, Heidi Eichenberger (HE), Brian Thompson, Mayor Paul Monette, Alderwoman Julie Raboin

7:10 p.m. Chair Clark Curtis officially called the Planning Commission meeting to order. Minutes of Oct. 2, 2018 were reviewed. CMO made motion to approve WP seconded. Unanimous approval

7:12 p.m. Presentation for zoning change to Urban Residential from Light Industrial on Lakemont for proposed assisted living facility. Heidi Eichenberger, who provides hearing aids to many elderly in the area, said that there is a dearth of senior housing. She would like to build the facility. She likes it because of its proximity to the hospital and other services. Need higher density zoning for the project to be economically feasible so they are asking for a change to Urban Residential. Close to physical therapist. Newport is attractive because of public/private grants and other incentives. It will be a non-profit. She would like to build next spring/summer and do it modularly for the least disruption. 80ksf/building. Four stories would make it more dense and possible view of lake. Paul Dreher said that there isn't much need for light industrial in this area and time, which was corroborated by the ZA and mayor. Low-impact development in keeping with city plan. Act 250 review would be a part of the process. There would be 200 units and corresponding amenities would provide economic gain for community. Three of four lots will be built upon (10 acres, more or less) but there are four lots in the group that HE would like us to rezone totaling 13 acres. Would be presented as a PUD.

Height and density are the two main reasons to go to Urban Residential rather than General Residential.

About 50 employees. Parking for everyone. Mixed income.

NEWPORT CITY PLANNING COMMISSION MINUTES
Oct. 23, 2018

MEMBERS PRESENT: Chair Clark Curtis (CC), Vice Chair Robert Currier (RC), Woodman Page (WP), Colleen Moore-Ortiz (CMO), Ruth Sproull (RS)

MEMBERS ABSENT: None

OTHERS PRESENT: Pam Ladds, Anne Page, Paul Dreher, ZA Charlie Elliott, Heidi Eichenberger (HE), Brian Thompson, Mayor Paul Monette, Councilmember Denis Chenette, Jean Condon,

7:04 p.m. Chair Clark Curtis officially called the Planning Commission meeting to order. Minutes of Oct. 9, 2018 were reviewed. RC made motion to approve WP seconded. Unanimous approval

7:08 p.m. CC said that our committee agreed that Public Health was a better fit for proposed assisted living facility. ZA said he had spoken to Hogan PT facility which liked it. We are thinking of changing lots 2.003, 2.002, 2.001, 17 for new facility..Also, Hogan's lot is #1 which would be a good fit. This would leave lots 16, 18 and 19 but they should also be changed to Public Health to make one contiguous zone, eliminating spot zoning. It was made clear in the meeting that although MetalFlex would continue to be a light industrial use, being in the Public Health zone would not inhibit their ability to do or sell the business as such. Public Works Director Bernier told ZA that water and sewer is adequate for the proposed facility.

RS made motion to change 2.003, 2.002, 2.001, 18, 16, 1, 17 and 19 to Public Health. WP second. Unanimous approval.

Motion to skip item 4 by RC, WP second. Unanimous approval.

8:25 p.m Other business

Item #5. ZA presented us with draft wording to eliminate the 5th paragraph of Certificate of Occupancy. WP made motion to approve this report. RC second. Unanimous approval.

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, 2018at 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 PUBLIC HEARING MINUTES
December 4th, 2018

MEMBERS PRESENT: Chair Clark Curtis, Vice Chair Robert Currier, Woodman Page and Coleen Moore-Ortiz.

MEMBERS ABSENT: Zoning Administrator (ZA) Charles Elliott and Ruth Sproull.

OTHERS PRESENT: Mayor Paul Monette, Council Member Julie Raboin, Robert Guyer, Pam Ladds, and Anne Page.

7:03 p.m. Review Notice of Public Hearing and the Proposed Zoning and Subdivision Bylaw Amendments: Chair Clark Curtis called the Public Hearing to order and began by stating that the hearing had been properly publicized for public dissemination. The Planning Commission meeting that was supposed to be held immediately following the public hearing had not been warned at all. ZA Elliott had simply forgotten to warn the meeting. Each member of the public present was provided copies of the Newport City's proposal to add four amendments to the City's current Zoning and Subdivision Bylaw. Chair Curtis also saw fit to read aloud the entire Notice of Public Hearing along with each individual amendment and called for public comment from those in attendance. The first amendment was a change to the zoning at Lakemont Industrial Park from Light Industrial to Public Health/Office District. Mr. Robert Guyer had concerns for his place of work on whether this would have an effect on the current or future work performed there and should the business be sold if the present work could continue there. Chair Curtis and others on the Planning Commission assured Mr. Guyer that the proposed amendment would not hinder what work was currently being performed and that even if the business was sold that the work would continue since the business of manufacturing would be grandfathered for its current use along with other similar types of manufacturing. Chair Curtis provided an example where the exemption would not be allowed for a business such as COSTCO moving into the facility whereas a welding shop would fit the previous existing circumstances. Mr. Guyer was advised that he and his company would be kept informed of the process and that ZA Elliott would write a letter stating the exemption from the proposed amendment. An additional question of whether sewer lines had been placed in the Lakemont area which it was confirmed that they had been. It was also confirmed by Chair Curtis that at least one resident of Lakemont was in favor of the change in zoning.

7:22 p.m. Review Proposed Amendment that the Federal Emergency Management Agency (FEMA) Requires an Update to Zoning Bylaw Flood Plain Regulations: Chair Curtis again read verbatim the second proposed bylaw which is required by the National Flood Insurance Program (NFIP) to bring the Zoning Bylaw up to date and be in compliance with those of the NFIP. Additional written comments from Alison Low from the Northeastern Vermont Development Association (NVDA)and Sacha Pealer from Vermont's Department of Environmental Conservation were read aloud which provided inputs and deletions for the proposed bylaw along with the comment that the changes would not lower home owners insurance but would not cause them to raise either. This update essentially ensures continued enrollment in the NFIP.

NEWPORT CITY PLANNING COMMISSION MINUTES
DEC. 11, 2018

MEMBERS PRESENT: Chair Clark Curtis (CC), Vice Chair Robert Currier (RC), Woodman Page (WP), Colleen Moore-Ortiz (CMO), Ruth Sproull (RS)

MEMBERS ABSENT: None

OTHERS PRESENT: Pam Ladds, Paul Dreher, Mayor Paul Monette, ZA Charles Elliott

7:15 p.m. Chair Clark Curtis officially called the Planning Commission meeting to order. Minutes of Nov. 6, 2018 were reviewed. RC made motion to approve CMO seconded. RS abstained. Passed.

7:17 p.m. Minutes of Dec. 4 Public Hearing meeting were reviewed. CMO said her name needs to be spelled correctly as Colleen in 8:16 p.m section. RC made motion to accept, second by CMO. RS abstained. Passed.

7:18 p.m. Discussion about public hearing.

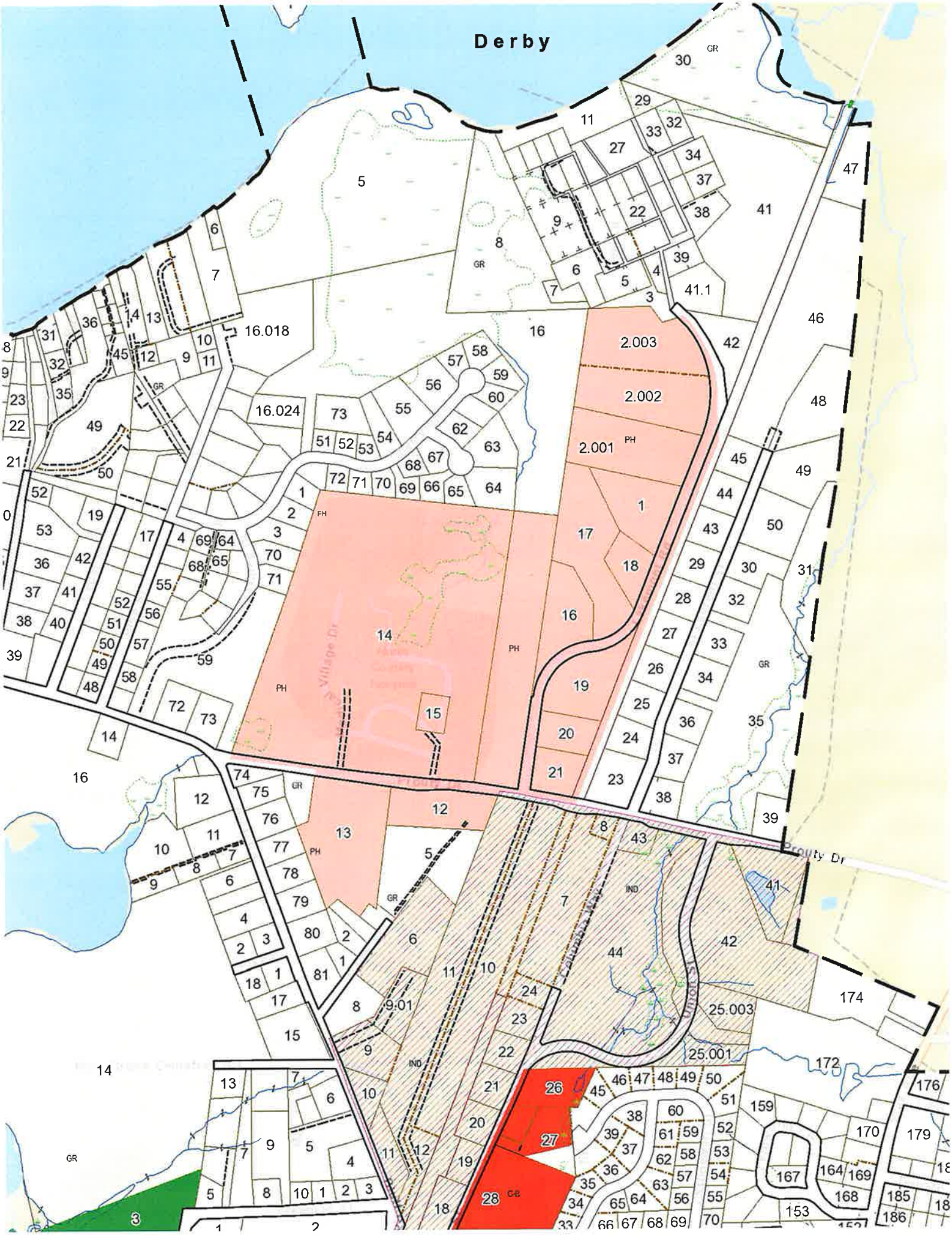
Regarding rezone on Lakemont. Only concern was from Mr. Guyer and ZA will be sending him written assurances to assuage his worries. We need to have assisted living definition and ZA presented us with language. We proposed: "A system of housing and limited care that is designed for elderly or disabled people who need some assistance with daily activities, while still maintaining some independence, but do not require care in a nursing home."

7:32 p.m. FEMA discussion of public hearing on this subject.

7:35 p.m. Short-term rental discussion.

7:50 p.m. Certificate of occupancy discussion.

8:05 p.m. Motion to accept the four items on the table from public hearing with definition of assisted living and that comments of Sasha and Alison be forwarded to city council as well made by WP. RC seconded. Pam Ladds wanted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