

Newport City Planning Commission
Special Meeting
May 31, 2022
Bylaw Modernization Kick Off
Gateway Center @ 6:00 p.m.

Planning Commission Members Present: Chair John Monette, Vice Chair Denise Chennette, Carole O'Connell, Kevin Mead

Regrets: Amanda Chaput

Other's Present: PlaceSense Consultant Brandy Saxton, Pam Ladds, Anne Charillo, Heidi Eichenburger, Mike Welch, Karen Geraghty, John Wilson, Alison Low, Agathe Coburn, Patrick Shattuck, Deb Harlamert, John Harlamert, Paul Monette, Melissa Pettersson, Helen Lefever, Jennifer Hoplins, Laura Dolgin

1. **Call the Meeting to Order:** Chair John Monette called the meeting to order at 6:00. This is a Special meeting of the Planning Commission for the purposes of kicking off the Bylaw Modernization Project. Chair Monette introduced Consultant Brandy Saxton.
2. **Welcome & Introductions:** Brandy Saxton is from <https://placesense.com/> and is the consultant working with the City of Newport's Planning Commission through a planning grant. Ms. Saxton explained that it has been more than a decade since the zoning regulations have been reviewed and these types of documents are working documents that do need regular reviews.

Meeting attendees introduced themselves and shared their favorite building and described the most profound changes in the city during the last 10 years from their perspective. The Goodrich Library and the former Federal Courthouse were clear favorites among the audience, along with St. Mary's Church, the Gateway Center, the Bigelow Building, the Jail, the Curtis Britch Funeral Home, the Firehouse, the Pick and Shovel, and the State Office Building. The installation of the Newport Recreational Trail and the demolition of the Main St. block are major changes in the city during the last 10 years.

Ms. Saxton pointed out a common thread in the responses is that everyone enjoys spaces that are accessible and well maintained, have connectivity and that contribute to the character and quality of the community. Land use regulations are tools for bringing this forward. The Bylaw Modernization Logo showing gears meshing together was deliberate to show that various city policies can align internally to make for zoning regulations that are easier and clearer to work with.

3. **Steering Committee Formation & Charge:** We will hold out the steering committee formation until we get deeper into the project.
4. **Consultation Presentation:** Ms. Saxton provided a little bit of background to the overall project: It is anticipated that this project will go through the year and be wrapped up by the summer of 2023. It is more than a 12 month process. A number of components are involved including conducting an inventory, auditing, looking at what is working and what is not working with the regulations, and looking at how we are currently developed and making sure what is currently happening is working and aligned with our various plans. Regulations are always in need of ongoing tuneups due to things like changes in state and federal laws and technology often leads to needing to change and check in.

After this process of diagnosis, then we figure out the amending language to achieve the regulations we want, and this is anticipated to go through the rest of this year into 2023. Then we will go out into the community in the early months of 2023 with a draft. We will get feedback and refine as necessary and hopefully by next summer, we'll be ready to move forward with adoption of the regulations.

The second element tonight's meeting will walk us through a little zoning 101 class. For the PC members who are hands-on in the writing and revision process, I hope this will be helpful, and for community members who want to be involved will help to understand how the regulations work and what you might be able to achieve. The DRB operates underneath the zoning regulations to review applications. Oftentimes the PC members are separated from DRB although sometimes there is overlap.

ZONING 101

1. 1920s
 - a. Euclidean zoning emerges to address "public health, safety and welfare"
 - b. Separate noxious uses from residential neighborhoods
 - c. Owner-occupied residential / income-producing property
2. Euclidean zoning
 - a. Zoning districts
 - b. Dimensions, lot size, frontage, setbacks, coverage, building size
 - c. Table of uses
3. Site plan review
 - a. Site function
 - b. Compatibility with surroundings
 - c. Income-producing property (multi-family residential, commercial, industrial, institutional)
4. Performance standards
 - a. Off-site impacts
 - b. Noise, light, dust, smoke, vibration
 - c. Often not applied to one and two-unit residences
5. Post-WWII
 - a. Zoning and subdivision regulation spreads out of urban areas with suburbanization
 - b. Zoning and federal-backed mortgage lending become linked
 - c. Other federal programs also create incentives for land use regulation at the county or municipal level
6. Vermont
 - a. Dillons Rule vs. Home Rule
 - b. Chapter 117 (1967)
 - c. Authorizes zoning, site plan review, conditional use, variances, waivers, etc.
7. Newport
 - a. Adopts zoning in 1971 (probably in response to enactment of Act 250 in 1970)
 - b. Comprehensive revision in 1996
 - c. Major re-write in 2006 in response to Chapter 117 changes
 - d. Adoption of FBC in 2010
 - e. General residential district – that district and its standards probably date back to the original adoption, a classic suburban zoning district
8. 1980s
 - a. Planned unit development
 - i. Flexibility to rigid Euclidean dimensional requirements
 - ii. Accommodate multi-building, multi-use sites
 - b. Performance zoning
 - i. Broad use categories with specific standards for off-site impact
 - ii. Often heavily focused on environmental and nuisance impacts
9. Late-1990s
 - a. Form-based code

- b. Comes out of the field of architecture not planning/land use law
- c. Emphasizes the building and its relation to the street
- d. Detailed design standards
- e. Streamline development review and permitting in fast growing jurisdictions

10. Development Review Process

- a. Permitted (YES) vs. conditional use (MAYBE)
- b. Permitted with site plan review can look at parking, access, circulation, landscaping, screening, lighting, signs
- c. Site plan review – minor (admin) vs. major (DRB)
- d. Conditional use can look at impact on character of area, traffic, community services, natural environment

5. **Problem Identification:** The audience volunteered various things to be concerned with such as the definitions of variances, waivers, conditional uses; finding the midway for having room for flexibility but not being left with no tools. Minimum lot sizes and municipal services to those lots, how to address waterfront properties with the various state overlay conditions that apply; built form, restrictions on first floor retail; working to get commercial and residential to match; housing, tiny houses, homelessness, workforce housing, trailer or motor homes having hookups, and adding definitions to different types of housing and the services that go along with the housing will speak to success. Tourism, outdoor recreation economy, climate change and an aging population is also impacting housing. Form Based Code does create an administrative burden that may not be appropriate for Newport. There is a lot of proliferation and it all needs to be looked at.

6. **Next Steps:** The diagnosis piece. Ms. Saxton will come back in August or September with a written audit report that contains recommendations, and then more regular meetings will need to take place. Ms. Saxton plans to review several layers of policies and statutes as part of this work. She may call on ZA John Harlamert or the Planning Commission members for support during the next few months. When her work is complete, another public meeting will be held as it is always useful to hear from folks who use the regulations on a regular basis; whether they be engineers, real estate agents, or developers. Understanding their experiences helps refine the final product.

7. **Adjourn:** Carole O'Connell motioned to adjourn at 8:06 p.m., with Denis Chenette seconding.

Respectfully submitted by ~~Laura Dolgin~~, Unofficial Until Approved.

Approved this 7th day of June, 2022.

John Monette, Chair