

NEWPORT CITY
DEVELOPMENT REVIEW BOARD

MINUTES

Public Meeting December 16, 2015

Meeting called to order at 7:00 PM.

Members present:

John Harlamert, Agathe Colburn, Dan Ross, Harriet Hall, Denise Bowen

Others Present:

Charles Elliott, ZA; Luke Fontaine, NKHS; Martin Bertolini, NKHS; Peter Kostruba, NKHS.

1. Approve the minutes of the October 28, 2015 and November 18, 2015 meetings.

Motion to approve the minutes of the October 28, 2015 meeting by Harriet Hall, 2nd by Denise Bowen, approved unanimously.

Motion to approve the minutes of the November 4, 2015 meeting by Harriet Hall, 2nd by Denise Bowen, approved unanimously.

Motion to approve the minutes of the November 18, 2015 meeting by Harriet Hall, 2nd by Denise Bowen, approved unanimously.

2. Reopen the Public Hearing held on November 18, 2015 to consider Item number 3 that was tabled on November 18, 2015 pending further information from the City Attorney.

The Chairman reopened the Public Hearing.

A discussion of the letter from City Attorney, Bill Davies (copy attached) and its implication for the DRB review of the application was held.

Chairman Harlamert read zoning application No. 15073 by Northeast Kingdom Human Services (NKHS) requesting that their application for a State Licensed Residential Care Home be considered a multifamily residence instead of a single family residence per Bill Davis letter. Permit No. 15073 will supersede Permit No. 15026 that was previously issued May 26, 2015. The permit was complete.

Conditional Use Review was held.

CONDITIONAL USE REVIEW

In considering its action, the DRB shall make findings on general and specific standards, hold hearings and attach conditions if any, as provided for in Title 24 VSA, 4414(3).

705.01 The standards shall require that the proposed conditional use shall not result in an undue adverse effect on any of the following;

I. General standards,

A. 121 Kingdom Way is in an Urban Residential Zone.

B. The proposed use is in addition to the Residential Care Home on the abutting lot also owned and operated by NKHS.

C. The combined total number of handicapped or disabled residents will be more than ten.

D. Section 405.01, Residential Care Homes, of the City's Zoning Bylaw requires that a Residential Care Home serving 9 or more handicapped or disabled residents shall be reviewed as a multifamily dwelling and shall be subject to conditional use and site plan review.

II. The capacity of existing or planned community facilities,

A. This facility will have no negative impact on existing or planned community facilities.

III. The character of the area affected, as defined by the purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan,

A. Residential Care Homes with more than nine residents are a permitted conditional use in the Urban Residential Zone under Section 405.01, Residential Care Homes, of the City's Zoning Bylaw.

IV. Traffic on roads and highways in the vicinity,

A. This expansion of the Residential Care Facility will not have any significant impact on the roads and highways in the vicinity.

V. Bylaws and Ordinances then in effect,

A. Meets all criteria of the Bylaw.

VI. Utilization of renewable energy resources.

A. The proposed facility will not have a significant impact on renewable energy resources.

Motion was made by Denise Bowen to grant Conditional Use for application 15073, 2nd by Harriet Hall, approved by 3 yes votes , 1 no vote, 1 abstaining.

Site Plan review was conducted.

Permit No. 15073 – NKHS – Res. Care Home

SITE PLAN REVIEW – SEVEN CRITERIA

Section 708.02 E. The DRB shall conform to the requirements of Title 24 VSA section 4416 before acting upon any application. In considering its action the DRB shall consider and may impose appropriate conditions and safeguards, in a manner that is consistent with the intent of this bylaw and the City Plan, with respect to:

I. The adequacy of parking, traffic access, and circulation for pedestrians and vehicles with particular attention to safety;

The additional lot and building will provide adequate additional parking for the additional staff required, two to three spaces. The residents do not have cars, therefore no additional parking is required for them.

II. The adequacy of landscaping, screening, and setbacks with regard to achieving maximum compatibility and protection to adjacent properties;

No change is being proposed to the existing landscaping, buildings and screening, all are adequate at the present time. They will not be changed or altered by this project.

III. The protection of the utilization of renewable energy resources;

Adequate

IV. Exterior lighting;

Adequate, energy efficient lighting already exists.

V. Harmonious relationship between proposed uses and existing adjacent uses;

No change in neighborhood uses are proposed. The adjacent property is already a Residential Care Home, the proposed expansion will only add approximately six more residents.

VI. The adequacy of drainage control;

No change from existing.

VII. Compliance with all parts of this bylaw.

Complies with Bylaw Section 405.01, Residential Care Homes. The proposed use change is to an existing property and therefore no building requirement changes.

Motion to grant Site Plan approval for application 15073 by Agathe Colburn, 2nd by Denise Bowen, approved by 4 yes votes, 1 no.

3. Local Act 250 Review for Northeast Kingdom Human Services to convert existing three bedroom house to a Level III Residential Care Facility. Newport City Permit No. 15026 was issued by the Zoning Administrator on May 26, 2015. The facility is located at 121 Kingdom Way.

Chair Harlamert read through the application for Local Act 250 Approval.

A review of Act 250 Criteria 6, 7, and 10 was held and the following Findings of Fact and Conclusion of Law developed.

**NEWPORT CITY DEVELOPMENT REVIEW BOARD
Local Review of Act 250 Criteria 6, 7, and 10
Findings of Fact & Conclusion of Law
December 16, 2015**

OWNER: Northeast Kingdom Human services, Inc.
MEETING DATE: December 16, 2015
APPLICATION No.: 15073

This decision pertains to local Act 250 review of criteria 6, 7, and 10 for application 15073 by Northeast Kingdom Human services, Inc. to convert a 3 bedroom house to a Level III residential care facility.

FINDINGS OF FACT

Based upon the information contained in the exhibits for this application and the evidence adduced at the Development Review Board hearing on November 18, 2015 the Newport City Development Review Board makes the following Findings of Fact:

General Information:

1. The property owner is Northeast Kingdom Human Services.
2. The property is located at 121 Kingdom Way, Newport, VT.
3. This application is for converting an existing 3 bedroom house to a Level III residential care facility. No new buildings, or accessory uses are involved, all other previously approved conditions of operation for the adjacent Residential Care Home will remain as previously approved. This proposal is to allow expansion of the existing facility services.
4. This Permit 15073 will supersede Permit 15026 that was issued on May 26, 2015.

This Application:

5. This project will not impact schools.
6. The project will not adversely impact municipal services.
7. The project is consistent with Municipal and Region Plans
8. The project will have no impact on the City's Capital Program.

CONCLUSION OF LAW

Based on the foregoing Findings of Fact, the Newport City Development Review Board concludes that the proposed project:

Criterion 6) Educational Services: This project will not impact on the City of Newport's educational services.

Criterion 7) Municipal Services: This project will have no adverse impact on the City of Newport's municipal services.

Criterion 10) Local and Regional Plans and Capital Program: This project conforms to the Municipal Plan and

