

DRB Minutes

PUBLIC HEARING

Wednesday February 21, 2018

Members Present: John Harlamert, Agathe Coburn, Denise Bowen, Dan Ross

Members Absent: Harriet Hall

Others Present: Charles Elliott, Zoning Administrator: Doug Spates, Donald Piette, Maurice Brasseur

1. Call hearing to order.

Chairman called the meeting to order at 7:00 pm.

2. Approve the minutes of the January 23, 2018 public hearing.

Motion by Agathe Coburn to approve the minutes of January 23, 2018 was seconded by Denise Bowen and approved unanimously.

3. **To continue consideration of application No. 17045, tabled at the January 3, 2018 hearing, by Maurice and Linda Brasseur to obtain a Conditional Use Permit to convert their existing home into a four (4) unit multi-family home in the General Residential Zone. NOTE: NO NEW CONSTRUCTION IS INVOLVED.**

-Review the proposal

The proposal was reviewed and confirmed that it was a minor application.

-Conditional use review (General Residential Zone)

Conditional use review was performed, and it was determined that the project complies with all conditions (see attached Conditional Use review).

-Site Plan Review of the project

Site Plan review was performed, and it was determined that the project complies with all seven (7) criteria (see attached Site Plan Review).

Motion by Dan Ross to approve Conditional Use and Site Plan Review and grant approval for Permit No. 17045 was seconded by Denise Bowen and approved unanimously.

4. Consider application No. 18002, by Spates Family LLC., to raze an existing four (4) unit apartment house and construct a new eight (8) unit apartment house at 102 West End Avenue.

-Review the proposal (Note: This is a PUD development)

The proposed development was reviewed with the developer, site plan maps were reviewed for compliance with the bylaw and technical completeness.

-conditional use review (Urban Residential Zone)

Conditional Use Review was performed and determined that it satisfied all six (6) criteria. (see attached Conditional Use Review). A motion to grant Conditional Use for Permit No. 18002 made by Agathe Coburn was seconded by Denise Bowen and approved unanimously.

-Site Plan Review of the project

Site Plan Criteria was performed and determined that all seven (7) criteria were satisfied (see attached Site Plan Review). A motion made by Dan Ross to grant Site Plan Approval for Permit No. 18002 was seconded by Agathe Coburn and approved unanimously.

-Local Act 250 Review

Local Act 250 Review was performed. Completed Municipal and School Impact Questionnaires signed by the City Manager and School Superintendent were enclosed. A motion by Dan Ross to grant Local Act 250 approval for Permit No. 18002 was seconded by Denise Bowen and approved unanimously (see Local Act 250 Review).

5. Other business

There was no other business.

6. Adjourn

At 8:30 pm a motion to adjourn made by Agathe Coburn was seconded by Denise Bowen and approved unanimously.

Minutes approved by:


Chairman of the Development Review Board

Date:

4/11/2018

DEVELOPMENT REVIEW BOARD

Permit No. 17045 – Brasseur, Maurice & Linda – Conditional Use – Multi-family

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;

1. General standards,

The project has no impact on general standards.

2. The capacity of existing or planned community facilities,

The project has no impact on existing or planned community facilities.

3. 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,

The project has no impact on the area and complies with zoning and other standards of the area.

4. Traffic on roads and highways in the vicinity,

The project has little or no impact on roads and highways.

5. Bylaws and Ordinances then in effect,

The project conforms to the Zoning Bylaw and other Ordinances for the area.

6. Utilization of renewable energy resources.

No impact on renewable energy resources.

Granted: _____ Denied: _____ By: John Anderson

Chairman of The Development Review Board

Date: 2-21-18

DEVELOPMENT REVIEW BOARD –

Permit No – 17045 – Brasseur, Maurice & Linda – Conditional Use - Multifamily

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::

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

The parking spaces available exceed those required by the bylaw and allow for safe access.

2. The adequacy of landscaping, screening, and setbacks regarding achieving maximum compatibility and protection to adjacent properties;

Landscaping, setbacks and screening are compatible with the neighborhood.

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

No impact on utilization of energy resources.

4. Exterior lighting;

Existing exterior lighting is adequate and does not light beyond the property.

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

The project is harmonious with the residential neighborhood.

6. The adequacy of drainage control;

Drainage control is adequate.

7. Compliance with all parts of this bylaw.

Complies with all pertinent parts of the Bylaw.

Granted: X Denied: _____

By: _____



Chairman of the Development Review Board

Date: 4/11/2018

DEVELOPMENT REVIEW BOARD

Permit No. 18002 – Spates Family – 102 West End Ave – 8-Unit Apt Building

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;

1. General standards,

Complies with all general standards for the type of structure and use in the zone it is in.

2. The capacity of existing or planned community facilities,

Will not have an undo burden on existing and planned community facilities.

3. 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,

This is a multi-family residential development in an Urban Residential Zone that allows multi-family developments as a conditional use.

4. Traffic on roads and highways in the vicinity,

This 8-Unit development will not place a burden on the roads and highways in the vicinity.

5. Bylaws and Ordinances then in effect,

Complies with all Urban Residential Zoning Bylaws and Ordinances for a multi-family development.

6. Utilization of renewable energy resources.

Has no impact on renewable energy resources.

Granted: _____ Denied: _____

By: _____


Chairman of The Development Review Board

Date: 2-21-2018

DEVELOPMENT REVIEW BOARD –

Permit No – 18002 – Spates Family – 102 West End Ave – 8-Unit Apt Building

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:

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

The parking spaces available exceed those required by the bylaw and allow for safe access.

2. The adequacy of landscaping, screening, and setbacks regarding achieving maximum compatibility and protection to adjacent properties;

Landscaping, setbacks and screening are compatible with the neighborhood.

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

No impact on utilization of energy resources.

4. Exterior lighting;

Exterior lighting is located on the buildings and is "down lighting" to control the lite area.

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

The project is harmonious with the residential neighborhood.

6. The adequacy of drainage control;

Drainage control is adequate.

7. Compliance with all parts of this bylaw.

Complies with all pertinent parts of the Bylaw.

Granted: Denied: By: Paul Noullet
Chairman of the Development Review Board

Date: 2-21-2018

CITY OF NEWPORT
Application for Local Act 250 Review of Municipal Impacts
Criteria 6, 7, & 10

NAMES:

1. Applicant(s) Name Spates Family LLC
Address 89 Third St. Newport, Vt. 05855
Email: _____ Phone 802-334-8480

Legal form: [] individual [] partnership [] municipal gov't [] state gov't
[X] corporation: date formed 7-15-13 place formed Newport date registered in Vt. 7-15-13
Legal interest in land: [X] ownership in fee simple [] lease agreement [] contract to purchase
[] other: _____

2. Landowner(s) Name Spates Family LLC
Address 89 Third St. Newport, Vt. 05855
Email: _____ Phone 802-334-8480

3. Names of others with significant interest(s) in the property:
Name NA
Address _____
Phone _____ Description of Interest (easement, right-of-way, etc.): _____

4. Contact person Doug Spates
Address 89 Third St. Newport, Vt. 05855
Email: _____ Phone 802-334-8480 FAX _____

PROJECT DESCRIPTION:

5. Type: [X] new project; [] expansion of project previously exempt from Act 250; [] amendment of existing Act 250 permit or permit condition (permit # _____)

6. General description of project (include number and size of buildings; use of buildings; number of lots; length of roads; etc.): Tear down the existing 4 unit apartment building and construct a New 8 unit apartment building with 8 unit garage (DSS)

7. Construction duration 9 - 10 months; Duration of Permit Request (if project involves earth extraction or solid waste disposal) _____

LAND:

8. Total acres owned or controlled by applicant and landowner at project site 1.16; Acres in additional easements or rights-of-way _____; Acres committed to this project _____

SCHEDULE B
Response to Criteria 6, 7 & 10

Criterion 6) Educational Services: Demonstrate that the project will not cause an unreasonable burden on the ability of local governments to provide educational services:

- a) Estimate the number of additional students who may attend the local schools as a result of this project. 2
- b) Provide evidence that area schools will be able to accommodate these additional students. (Narrative response or School Impact Questionnaire)

Criterion 7) Municipal Services: Demonstrate that the project will not cause an unreasonable burden on the ability of local governments to provide municipal or governmental services:

- a) Check the municipal services that will be utilized: Police, Fire Protection, Solid Waste Disposal, Water Supply, Sewage Disposal, Road Maintenance, Ambulance.
- b) Attach letters from representatives of any of the services checked above which indicate that the services are available and will not be unreasonably burdened by the project or submit a completed Municipal Impact Questionnaire or explain why the project will not result in a burden on municipal services.

DBS Already an existing 4 unit apartment building. City sewer and city water have the capacity to take on 4 more units

Criterion 10) Local and Regional Plans: Demonstrate that the project conforms to the municipal plan and regional plan.

- a) Does the municipality have a duly adopted plan? If so, explain how the project conforms to this plan.
Yes. Supports good quality housing. Preserves and improves the character and quality of the city's residential districts.

b) Have local approvals/permits been obtained? Yes No. (Attach copies)

c) Explain how the project conforms to the regional plan.

- b) Explain how the project conforms to a duly adopted capital program, if the town has one.

Does not create any additional impac on municipality

**ACT 250
MUNICIPAL IMPACT QUESTIONNAIRE**

This questionnaire is intended to help applicants gather evidence to submit under Criterion 7 - Municipal Services. A letter or narrative from the Town Manager, Selectboard Chair or appropriate official may also serve as evidence.

APPLICANT TO COMPLETE:

Applicant Name: Spates Family LLC
 Municipality: Newport, Vt
 Title and Date of Site Plan Submitted: _____

TOWN MANAGER, DEPARTMENT HEADS, OR EQUIVALENT TO COMPLETE:

a) Does the municipality have the capacity to provide the following services without unreasonable burdens for the above project:

DBS

- | | | | |
|----------------------|---|-----------------------------|---|
| Fire Protection | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | Mun. does not provide this service. |
| Police Protection | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | Mun. does not provide this service. |
| Rescue Service | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> Mun. does not provide this service. |
| Solid Waste Disposal | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> Mun. does not provide this service. |
| Road Maintenance | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | Mun. does not provide this service. |
| Water Supply | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | Mun. does not provide this service. |
| Sewage Disposal | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | Mun. does not provide this service. |

b) If "no", what are the deficiencies? _____

c) If the service is unavailable from the municipality, who provides the service so that the town doesn't have to? _____

d) Would the deficiencies occur without this project? Yes or No? If "no", what measures can the applicant take to alleviate the deficiencies? _____

e) If the deficiencies are common to many projects, does this project create burdens which are disproportionate to the taxes and user fees to be paid to the municipality? Yes or No? If "yes", does the municipality recommend the imposition of an impact fee or other means to mitigate any unreasonable burdens? _____

f) Are you available, after sufficient notice, to answer questions related to the above statements at an Act 250 hearing? Yes or No

I certify that the above information is true and accurate to the best of my knowledge.

[Signature]
 Name City Manager
 Position February 6, 2018
 Date

ACT 250
SCHOOL IMPACT QUESTIONNAIRE FOR RESIDENTIAL PROJECTS

This questionnaire is intended to help applicants gather evidence to submit under Criterion 6 - Educational Services. A letter or narrative from the Superintendent or appropriate school official may also serve as evidence.

APPLICANT TO COMPLETE:

Applicant Name: Spates Family LLC
Municipality: Newport City
Number of Lots or Units: 8 Unit Apartment Unit
Estimated Number of Students 2 Source of estimate: Recently completed 9 Unit Apt. Bld.

SCHOOL SUPERINTENDENT OR EQUIVALENT TO COMPLETE:

a) What schools under your supervision will provide educational services for families who will live in this project?

Elementary school Newport City Elementary School
Middle school North Country Union Junior High School
High school North Country Union High School

b) Do these schools have the capacity to accept the additional students listed above? (assume equal grade distribution) Yes or No


c) If "no", what is the deficiency? _____

d) What plans are in place to correct the problem, including any capital construction projects?

e) Do you have other comments? _____

f) Are you available, after sufficient notice, to answer questions related to the above statements at an Act 250 hearing? Yes or No

I certify the above information is true and accurate to the best of my knowledge.

Name 
Position NCSU Superintendent of Schools
Date 2/3/18

9 Location: Town Newport City Road West End Ave.
nearby landmark _____

10. Deed(s): Grantee's name as recorded Spates Family LLC
Book(s) 234 Page(s) 228 Date(s) 10/26/16 Town Newport City

OTHER INFORMATION:

11. Attach the following unless waived by the Zoning Administrator:

- Site plan or plot plan
- Schedule A - Adjoiner information
- Schedule B - Response to Criteria 6, 7, & 10.
- Municipal Impact Questionnaire
- School Impact Questionnaire

SIGNATURES:

12. I hereby swear that the information provided above or attached to this application is true and accurate to the best of my knowledge.

Signature of applicant(s) *[Signature]* Date 2-6-2018

Please clearly print name(s) _____

13. I hereby authorize the processing of this application for the above project on land(s) that I own, control, or have significant property interest in. (attach letter if easier)

Signature of landowner(s) _____ Date _____

Please clearly print name(s) _____

For Administrative Use Only - 4/08		
Application Number: <u>Newport # 18002</u>	Submitted on: <u>2-6-2018</u>	Fee: <u>\$250.00</u>
Referred to Development Review Board on <u>2-6-2018</u>	Meeting Date: <u>2-21-2018</u>	
Granted: <u><i>[check]</i></u>	Denied: _____	By: <u><i>[Signature]</i></u> Chair, Development Review Board

The decision regarding local Act 250 review is a rebuttable presumption under the provisions of 10 VSA Chapter 151 and this presumption may be overcome in proceedings under 10 VSA Chapter 151.

NEWPORT CITY DEVELOPMENT REVIEW BOARD

Local Review of Act 250 Criteria 6, 7, and 10

Findings of Fact & Conclusion of Law

February 21, 2018

OWNER: Spates Family LLC

MEETING DATE: February 21, 2018

APPLICATION No.: 18002

This decision pertains to local Act 250 review of criteria 6, 7, and 10 for application 18002 by Spates Family LLC to raze a four (4) unit apartment building and construct an eight (8) unit apartment house with eight (8) unit garage at 102 West End Avenue.

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 February 21, 2018 the Newport City Development Review Board makes the following Findings of Fact:

General Information:

1. The property owner is Spates Family LLC.
2. The property known as 102 West End Avenue is the corner lot on the East side of West End Avenue and the south side of West Main Street.
3. This application is for razing a four (4) unit apartment house and building an eight (8) unit apartment building and eight (8) unit garage.
4. The property is in the Urban Residential zone.

This Application:

5. A local permit was acquired August 2, 2017.
6. This project will not impact schools.
7. The project will not impact municipal services.
8. The project is consistent with the development of new low and middle-income housing goals of the Municipal and Regional Plans.
9. 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 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 Regional Plan and will have no impact on the Capital Improvement Program.

Those in favor: John Harlamert, Agathe Colburn, Dan Ross and Denise Bowen. Those in opposition: None. Harriett Hall absent.

Dated in Newport City, Vermont this 21th day of February 2018.

Newport City Development Review Board

By 

John Harlamert, Chair

This conclusion/decision regarding local Act 250 review is a rebuttable presumption under the provisions of 10 VSA Chapter 151 and this presumption may be overcome in proceedings under 10 VSA Chapter 151.

EXHIBIT LIST

Hearing Date Description:

February 21, 2018 **Newport City Zoning Application, - Permit No.18002**

February 21, 2018 **Application for Local Act 250 Review of Municipal Impacts, Criteria 6, 7 & 10**