

## ZONING BOARD MEETING-TUESDAY, APRIL 25, 2023 AT 5:30PM

Zoning board members present were: Glenn Foster, Bruce Sargent, Ernest Choquette, Jeff Hall, Ed Champine, Zoning administrator Oscar Roberts

Present from Rural Edge: Becky Masure director of real estate, Bob Hanson senior construction manager, by phone call Tyler Barnard of Engineering Ventures, one of the project engineers

Members of the public: Barry and Jayne Sahagian, Derek Royer

Chair of the board, Glenn Foster, called the meeting to order at 5:30PM. The board voted to approve the minutes of April 11, 2023 meeting as printed.

The parking at 4127 was discussed. Rural Edge presented a new parking plan. The new plan meets the zoning criteria of two spaces per apartment for a total of 28 parking spaces. Oscar Roberts asked about the variance distances. Jayne Sahagian asked if there would be enough parking for guests. Becky Masure said that Rural Edge's experience at their other buildings was that seldom are all parking spaces used. In response to the variance distances Ernest Choquette suggested that the board walk down and see the proposed parking changes. The board members agreed so everyone except Jayne Sahagian walked down to address this at the 4127 VT Route 105 location. Oscar Roberts took some measurements, Ernest Choquette thought Rural Edge needed less space and suggested widening the proposed parking area next to the recycling center and the town park. The engineer Tyler Barnard stated the elevation is 766' on Route 105 down to 755' near the pond for an elevation change of 7' over a distance of 112'. Three out of the four board members agreed with Ernest. The meeting on the parking at 4127 was recessed until Tuesday May 2, 2023 at 5:30PM at the town clerk's office to give Rural Edge time to make parking changes once again.

The next order of business was for the variance needed for 4116 VT Route 105 property. Rural Edge would like to demolish this building but use the existing foundation to re-build. So the new building will be set back 24" from the present building. This will make the new construction 6" from the Sahagian property line. Barry passed out what he called "statement of facts" which is attached to these minutes. Barry's main concern is the 25' requirement in section 205.2 single/multi/rental dwelling. He stated he would not accept less than a 25' set back. Bob Hansen from Rural Edge pointed out Section 404 subject to conditional use approval by the zoning board of adjustment.

Section 206.1 – no capacity of town services issues

Section 206.2 – the proposed will improve the area

Section 206.3 – no traffic issues, parking plan should help traffic

Section 206.4 – no effect on by laws or ordinances in effect

Section 206.5 – will heat with pellet boilers

Section 206.6 –a – none

Section 206.6 – b - considering a setback variance

Section 206.6 – c – no discussion

Section 206.6 – d – no discussion

Section 206.6 – e – considering parking plans

Section 206.6 – f. Only sign will be on the building

Section 206.6 – g – no discussion

The board moved onto section 505.1 – variances. No discussion and no decision was made on the 5 criteria of section 505.1. The board moved and voted to recess the meeting on the variance for 4116 and 4127 VT Route 105 until Tuesday May 2, 2023 at 5:30PM at the town clerk's office.

Ed Champine, Secretary  
Town of Newport Zoning Board

April 25 2023

## Newport Center - Zoning Issue Statement of Facts .....

Last night I spoke to Bob from Rural Edge who informed me his company plans to tear down the building in question and rebuild with new construction 6" from property line.

There is a Statute on "Vermont Statutes Online" that states there is a mandatory 25' Set back from the nearest property line which is owned by myself Barry Sahagian and my wife Jayne Sahagian. The 25' set back is also included on the Application for Zoning permit that Rural Edge submitted for the project. ( setback from nearest property line min 25 ').

2. On a recent phone call to Denise Daigle ( Town Clerk) I asked for more information on the zoning of this project. She gave me the phone number the Zone administrator of Newport Center (Oscar Roberts) to answer my questions on the zoning details. I called him and he refused to provide any information. This would be a 1st amendment violation ( Public servants are by law required to be accountable at all times to the people). There is also an open meeting law ( VSA 312) that states the same except with the OML you can file a formal complaint and Superior Court action.

There are penalties for non compliance of these laws stated on VSA 315 which state if there is a non compliance of this law it could result in in a superior court trial with a maximum penalty of \$500 fine and a misdemeanor record.

Jodi who currently owns the property could have a Small Claims action for trespassing by way of the junk that is now on my property, Small toy building, sandbox, Chainlink fence, Bicycle, Lawmower and other smaller debris.

Bob (from Rural Edge) who I spoke to last night stated Rural Edge after closing on the property was going to tear down the existing building and rebuild it 6" from my property line which would be in non compliance with the statute above of the mandatory 25' setback.

How ever since Rural Edge has yet to close on the property, there is no action possible at this time. but will be addressed if and when they do close. This is getting to be quite a mess and I question Rural Edge's Integrity by creating this confusion.

Each conversation the setback gets less feet. This is turning out to be a one sided deal.

We are looking at legal options if this cannot be worked out.

Barry and Jayne Sahagian

Town of Newport  
Orleans County, Vermont 05857  
APPLICATION FOR ZONING PERMIT

Parcel ID 1054124 Fee Paid \_\_\_\_\_ Date 4-11-2023  
PARCEL 2

The undersigned hereby request a zoning permit for the following use and swears that to the best of his/her knowledge all information contained is true and correct. Any changes, revisions, or misrepresentations automatically void such permit. Applicable fees must accompany each zoning permit.

Location of Property (Road) 4116 VT. RTE 105, NEWPORT CENTER, VT

Name of Landowner JODY MARQUIS

Address of Landowner 326 PALM FARM RD., DERBY, VT 05809

Phone Number 802-673-7405


Name and Address of Applicant if different than the land owner:  
RURALEDFE, PO BOX 259, LYNDONVILLE, VT 05851

Adjoining Land Owners BARRY & JANE SAHAGIAN; DEANEK ROY - UNIQUE PROPERTIES

Nature of Work: New Construction  Addition  
Structural Alteration \_\_\_\_\_ Other DEMOLITION

Existing Use and occupancy MULTIFAMILY

Proposed Use and occupancy MULTIFAMILY

Lot size \_\_\_\_\_ Sq.ft. 14465 Acres .33  
Frontage on Public Road (feet) 133'3" - VT RTE 105  
Building: Length 104-0 Width 30-0" # of Stories 4  
Setback from Street SEE DRAWINGS (Min. 40 ft.)  
Setback from nearest property line 0' (min. 25 ft.) 

Sanitation: SEWAGE DISPOSAL SHALL CONFORM WITH REGULATIONS OF VERMONT  
DEPARTMENT OF HEALTH.

PROCEDURES FOR ACCESSING PUBLIC ROADS:

Prior to commencing construction over any public or private road ways, the appropriate agency or person shall be contacted.

WATER \_\_\_\_\_

SEWER \_\_\_\_\_

ROADS \_\_\_\_\_

PRIVATE UTILITY OWNER VT ELECTRIC

DIG SAFE (underground) 811

SEE BACK OF THIS PERMIT FOR COMPLETION OF SAID PERMIT