1. Call To Order
2. Approval Of The Agenda
3. Comments From The Chair
4. General Business
   (comments from the public about something not on the agenda.)
5. Update On Official Map Progress
   Documents:
   OFFICIAL_MAP_IMPLEMENTATION_MANUAL.PDF
6. New Commission Members To Be Seated February 14th By Council
7. Consider Minutes From January 22nd
   Documents:
   PLANNING COMMISSION 01_22_18.PDF
8. Adjournment
Overview

The official map is a powerful tool available to Vermont municipalities to control community design by identifying the locations of future public facilities. The map—which can show future street alignments, planned trails, sites reserved for public buildings, and areas reserved for stormwater and flood control—provides a clear picture to property owners, developers, and the public of the municipality’s intentions with regard to its future physical form and design.

Based on the official map, a municipality has the authority to require the reservation of easements or land sufficient to accomplish an intended public purpose, such as completion of a road connection or creation of a park, and if necessary to have time to initiate condemnation (eminent domain) proceedings to take the affected property if an agreement cannot be reached. The most common use, however, is in the development review process where the map can be used to inform applicants of the proposed locations of public roads, trails, and other corridors going through the property to be developed and requires that the development be designed to accommodate them. This is especially useful in ensuring that any public facilities are coordinated between multiple properties being developed and results in a well-planned network of roads and other corridors.

As a planning tool, the official map has been around for more than forty years—and even longer if historical plans and surveys for laying out cities, towns, and villages are considered. Official maps are not widely used today, perhaps because of a belief that the map unconditionally commits the municipality to purchase designated lands. In Vermont, the adoption of an official map identifies those sites or locations that the community deems appropriate for specified public facilities and also establishes a procedure by which sites can be acquired before they are developed for other uses.

At any point during that process, a municipality can choose not to acquire property and allow the proposed development to proceed.

Application

While the official map is not widely used in Vermont, it has been successfully applied in areas experiencing rapid growth—for example, in the planning and development of South Burlington’s new city center. The Vermont Planning and Development Act (24 V.S.A., Chapter 117) authorizes municipalities that have a municipal plan in effect to prepare and adopt an official map (§4421). The official map must conform to the municipal plan, including the required utilities and facilities section of the plan. As a type of bylaw, an official
map is prepared under the direction of the planning commission and adopted by the legislative body following warned public hearings. (See related topic papers.) It can be amended, however, through other means as specified in statute for official maps.

Before formal hearings take place, however, holding informal meetings with affected landowners and a public design workshop to explore options and arrive at a design for the facilities to be shown on the map is always a good practice. In situations where the community has already undertaken a design or master planning study of areas to be developed and have incorporated that detailed plan into the municipal plan, the official map can be the next step in making that plan a reality.

An official map should identify, as accurately as possible, present and future locations of facilities, such as roads, recreational paths, utility rights-of-way, parks, schools, and other municipal structures. The mapping process is especially useful in defining and establishing interconnected infrastructure and facilities spanning multiple properties. GIS mapping greatly eases the task of creating an official map: layers showing existing and proposed facilities and utilities should be available from municipal plan map(s). Where mapped locations aren't as precise as needed for administration, the legislative body can have a survey prepared that, upon resolution, becomes part of the official map.

The official map may be used by the municipality to identify and schedule needed capital expenditures—for example, in association with an adopted capital budget and program. But it is most often used in the review of proposed development. No zoning permit may be issued for any land development proposed within the lines of any facility designated on the official map without further municipal review and action.

As long as no development is proposed on a designated site, nothing changes as a result of designation. Any unapproved development that occurs within a designated area must be removed by the property owner, at the owner's expense. When a property to be developed includes a planned right-of-way or site that is designated on the official map, additional subdivision or conditional use review may be required under local land use regulations. If the landowner or developer can demonstrate that the proposed development will accommodate the planned public facility, the development can be approved as long as it meets all other applicable regulations. Local regulations may also include development incentives (such as density

Avoiding Takings Claims

Use of an official map can help prevent regulatory “takings” claims. In many situations, such claims are without merit because under most regulations property owners retain some reasonable use of their properties. But for facilities that are specifically intended for public access and use (for example, recreation trails), the courts have given property rights—and specifically the right to control public access on private land—more weight in takings claims. In these circumstances, regulatory takings have been considered sufficient to justify fair compensation.

The official map provisions of Chapter 117 clarify that the designation of mapped public facilities on an official map does not, in itself, constitute a taking of land, nor does it constitute the opening or establishment of land or facilities for public use. The private dedication or public acquisition of a mapped facility is still required prior to public use.

This official map from Colchester shows the locations of proposed roads, paths, and emergency access corridors for the town as a whole. The proposed corridors, shown as dashed lines, overlay the town’s existing public facilities map, showing the location of parks, schools, and other facilities, including public conservation land. When development is proposed on a parcel that is affected by a corridor shown on the official map, the developer is required to accommodate the corridor in the design of the project to obtain approval. Map provided by Colchester Planning and Zoning Office.
bonuses or waivers) in return for the
dedication of land or facilities for
public use.

If the proposed development does
not accommodate the planned public
facility—for example, proposing
buildings blocking a road corridor
shown on the official map—the appli-
cation must be denied. The munici-
pality then has 120 days from the date
of the denial to institute proceedings
to acquire the property. If action is
not taken within that time, the appli-
cation must be reviewed again with
no regard to official map designation.

The official map process thus
informs all interested parties of po-
tential public facility sites and estab-
ishes a process for the municipality to
acquire property through dedication
or acquisition, or decide that it really
isn't interested in the property
after all.

**Considerations**

Adopting an official map does not
commit the municipality to purchase
properties on which capital projects
are shown, nor does it impinge on
the normal budgeting and acquisition
process. Some local officials may feel,
however, that providing advance
notice of municipal intent gives the
landowner an unfair bargaining
advantage.

Since uncertainties increase over
time, it may make sense for the
official map to include only facility
and utility improvements that are antici-
pated over a reasonable period of
time—for example, those improve-
ments included in the community’s
six-year capital improvement
program. On the other hand, some
long-term improvements, such as
proposed street networks, may justify
mapped designation beyond this six-
year period. If so, such designations
should be clearly supported by
municipal plan objectives and
recommendations.

The acquisition of a designated
property is not limited to public pur-
chase. As noted, it may be possible to
acquire easements or other limited in-
terests in the property that will ac-
commodate the planned facility or to
obtain a portion of the property
through dedication; for example,
property owners may agree to dedi-
cate land, easements, or facilities to
the municipality that benefit their de-
velopment project to avoid long-term
infrastructure maintenance costs or in
return for other development incen-
tives.

The most important administrative
aspects of the official map are
keeping it up to date and making sure
it’s used wherever applicable. The of-
icial map should be consulted as a
standard part of development review.
Major amendments to the map,
including major changes in the loca-
tion of mapped facilities or newly
mapped facilities, should be made
through the bylaw adoption and
amendment process. The planning
commission, however, may recom-
 mend minor location changes for the
legislative body to adopt by resolu-
tion. Also, whenever an approved
subdivision or development alters
public facilities shown on the official
map, those changes—as recorded in
the land records—automatically
modify the official map. It’s important
to make sure such changes are
recorded on the official map.

**Official Map in State
Designation Programs**

24 V.S.A. §2793b (b)(1)

**Designation of a New Town
Center Development District.** An
official map showing proposed
public facilities in the new town
center area is a prerequisite for
designation.

24 V.S.A. §2791 (12) & (13)

**Growth Center Designation.**
An official map is recommended in
the Growth Center Planning Manual
(DHCA, 2007) as a tool for satisfy-
ing a number of the growth center
application requirements dealing
with planning future infrastructure
for growth centers.
Montpelier Planning Commission Meeting
January 22, 2018

Subject to review and approval

**Present:** Leslie Welts, Kim Cheney, Barbara Conrey, Kirby Keeton, John Adams, Michael Miller.

**Also present:** Stephanie Smith, Jim Libby

**Call to order by the Chair:** The meeting was called to order by the Chair, Leslie Welts.

**Approval of the agenda:** The agenda was approved by consensus.

**Comments from the Chair:** Leslie stated she wasn’t sure if Jon and Tina would be present, Mike said that Tina would not be there.

Leslie apologized for the lateness of the distribution of the sprinkler ordinance, but she sent it out as soon as she received it. She also thanked Stephanie for attending again.

Barbara asked what the process was for getting Stephanie on the commission. She said she wasn’t sure when the openings were or if they’ve been posted.

Leslie welcomed Mike back and said he was missed at the last meeting.

**General business (comments from the public about something not on the agenda):** There was one member of the public in attendance, but he wished to talk about the sprinkler ordinance, but he did thank the commission for their hard work on the zoning update.

**Continue discussion of next steps in 2018. Prioritizing possible projects including the official map, design review rules, e911 road naming and numbering, loan fund reorganization, and beginning new City Plan:** LandWorks has been hired by the Historical Preservation Committee to work on the design review rules. Kim expressed interest in attending the first meeting. Kirby had expressed interest, but he has a meeting conflict.

e911 road naming and numbering is going to be done by the Planning & Development Office, but Mike wanted to give the Commission a heads up about it.

Community Development is working on the loan fund reorganization.

The grant for the design review rules is about $8,000. It will mainly be used to set the standards. Where should the boundaries be and what do they want to accomplish is the first part of it and needs to be done by August, which is when the money runs out. The boundaries need to better align with the National Register.

Kirby mentioned that coming out of the last Regional Planning Commission, they had a presentation from Fish & Wildlife, a lot of the resources that Montpelier residents think of as great community resources, such as Hubbard Park, weren’t even on the State map as something that wanted preserved, the rivers were their only concern.

Mike and the other staff are finding some glitches in the new zoning regs. They’re being tagged and will be brought back to the Planning Commission.
The energy chapter might be priority, depending on what the Regional Planning Commission and the Energy Committee developments work out. It will be put on the agenda for discussion at the next meeting. Mike will check to see if any of the other chapters are close to being finalized. Kirby will bring something he will write up something to get feedback from others.

The next meeting will be to discuss things and to prioritize. A new City Council will be in place in a few months, so it might be worth it to wait and see what they want for priorities about the Master Plan.

**Discussion of sprinkler ordinance and possible vote to make recommendations to City Council:** Jim Libby joined the table for the conversation on the sprinkler ordinance amendments. The document about the amendments was discussed, it was written by Councilperson Rosie Krueger.

There is no requirement that the Commission offer feedback, but they can provide thoughts and see how they weigh with the Council.

Jim Libby was on the Housing Task Force for about ten years. When the sprinkler ordinance was first proposed, they were told the cost would be about $2,500 – in reality, it’s around $10,000. Barb attended a few of the sprinkler committee meeting and asked for statistical data but didn’t receive it. The amendments are to relax the requirements, but very little. Barb has seen information that people have died from smoke inhalation because smoke doesn’t activate the sprinklers, actual heat from flames does. The information that she saw indicates that sprinklers do save property, but not necessarily lives. She also discovered the properties not on city water don’t need to be sprinkled, a lot of that is because of the cost of holding tanks, but the sprinkler ordinance isn’t based on proximity to the fire station.

Some of the Councilpeople were very interested in repealing the sprinkler ordinance, but then heard from other people and changed their minds and now want to tone the ordinance down, but not repeal it.

John made a motion that the Planning Commission recommends to the City Council repeal the sprinkler ordinance because we have Fire Safety rules that should be followed and doesn’t want to create a separate regulatory structure that is unique to Montpelier. Barb seconded. The motion passed unanimously.

**Discussion of proposed charter changes and impacts on the Planning Commission seats:** This was discussed during the Chair’s comments.

**Consider minutes from January 8, 2018:** Kim made a motion to approve the minutes as printed, Kirby seconded.

**Adjournment:** Kim made a motion to adjourn, Barb seconded.

Respectfully submitted,

Tami Furry
Recording Secretary