

Montpelier Planning Commission
April 14, 2003
City Council Chambers, City Hall

Subject to Review and Approval

Present: Chair David Borgendale, Vice-Chair Sara Teachout, Members Bryan Mitofsky, Anne Campbell, Irene Facciolo, Curt McCormack, Carolyn Grodinsky, Planning Director Valerie Capels, Planner Stephanie Smith.

Call to Order

Mr. Borgendale called the meeting to order at 7:05 p.m.

Approval of Minutes

Ms. Campbell moved to approve the March 24, 2003 minutes. Ms. Teachout seconded. Mr. Mitofsky requested a correction to page 5. In the sentence that reads: "Mr. McCormack made a motion to amend the reconsidered motion to hold a public hearing on April 14 and April 17, seconded by Ms. Teachout." Instead of "Mr. McCormack made a motion ..." it should read "Mr. Mitofsky made a motion..." The minutes were approved unanimously as corrected, 7-0.

Comments from the Chair

Mr. Borgendale commented that the evening's meeting should be interesting. Present at the meeting was the largest audience the Planning Commission in its current configuration has faced. The new Commission is still finding its way in terms as what the new Commission was all about.

Review of Agenda

Mr. Borgendale reviewed that there were basically two items on the agenda and asked if any Commission member wished to add anything. No one did.

Enhancing Our River Environment

A Proposed Plan for the Management of the Winooski Riverbank Vegetation in Montpelier

Stephen Syz, Conservation Commission member, stated that the vegetation management plan report was written by the Montpelier River Corridor Restoration Committee, which grew out of the Montpelier Conservation Commission. The report makes recommendations for the management of the main stem of the Winooski River as it flows through Montpelier. The river was broken down into segments. The committee looked at each segment in terms of existing problems and opportunities and looked for how the river could be enhanced.

The Conservation Commission has been focusing on the rivers over the years, as well as on parks, such as North Branch River Park, Gateway Park, and Confluence Park. They have also sponsored festivals such as Celebrating the Winooski, but they had not focused on beautifying the main stem of the Winooski River, which is a centerpiece of the community.

The report sets forth a pro-active plan and identifies areas for parks and plantings of trees and shrubs. The result will be to create an environment in which a generation or two hence will have a different character than it has now, with some dramatic trees and shrubs and made significantly more beautiful.

The report also contains policies that the Planning Commission could consider adopting and could use in reviewing applications having to do with setbacks. The policies are not yet fully developed, but there is the beginning of ideas for that kind of thing. It also includes policies for maintaining the vegetation and character, and ways of taking advantage of the plants that are there naturally. The Winooski River can be seen as a conveyor belt of seeds and bits of vegetation that are constantly coming downstream

and renewing itself. There are many interesting types of woody vegetation which just need to be identified, selected, and nurtured so that even planting is not necessarily an important thing.

The Assistant City Manager was asked a month or two ago at the State House to produce a proposal from the City for a planting plan for enhancing the Winooski River as it goes through Montpelier. The Commission is now in the process of responding to that request with a plan and a budget. They can use the information and ideas in this report as a basis for responding to that request.

The report should be reviewed annually by the participants of the Montpelier River Corridor Restoration Committee, which included the Parks Director, Natural Resources Conservation Service, Friends of the Winooski, Public Works Director, Superintendent of Green Mount Cemetery, Conservation Commission, Tree Board and Tree Warden, and Planning and Development Department should review the report annually and assemble a program for the coming year including, strategies for purchasing nursery stock, maintenance of areas along the river, or additional surveys of the tributaries that are not in the report, such as North Branch River, Stevens Branch River, and Dog River. Eventually, the report will grow to include neighboring communities. The Berlin Conservation Commission expressed interest in including a chapter about tributaries and the main stem within their town's boundaries.

The creation of the report is a collaborative project including many agencies and members of the community. It is a start, not a final blueprint. It inspired the Conservation Commission last year to do hundreds of plantings along the river and they have a large large program planned for this year. The Conservation Commission hopes that the Planning Commission will consider adopting the plan, amending it, or consider it for incorporation into the Master Plan.

The Conservation Commission hopes the report serves as a guide to the long-term enhancement of the beautiful asset Montpelier has running through the city.

Mr. Mitofsky thanked Mr. Syz and Anne Sarcka for their work on the project. He asked how Mr. Syz wanted the Planning Commission to proceed in fine-tuning proposed policies. Should they set up a subcommittee or ask for staff recommendations? Should the commission implement the policies? Mr. Syz replied that the report was the beginning of a dialog, which should encourage interaction between the Planning Commission, Conservation Commission, Tree Board, Park Commission, and Cemetery Commission. These commissions could develop strategies that could be enumerated in the Master Plan, or perhaps incorporated in this report and then referenced in the Master Plan.

Ms. Grodinsky complimented the Conservation Commission for all their good work, especially near the High School. She asked about the effect of salt from the snow banks on the river banks in the Pioneer Street area, and the area underneath Interstate 89. Mr. Syz said he had not seen any mortality of plantings in those areas due to salt. The Conservation Commission selects salt tolerant plant material when necessary. In addition to planting, there are plenty of naturally occurring plants in these areas.

Mr. McCormack asked if there was anything in the current master plan that was inconsistent with this report. Mr. Syz replied that at this point he did not know. He suggested that the Conservation Commission needs to look at the Master Plan and determine three things:

1. What in the Master Plan is consistent with this report.
2. What areas of the Master Plan are consistent but deficient.
3. What areas of the Master Plan are completely inconsistent with the report.

Mr. Syz commented that Ms. Grodinsky and Ms. Campbell were liaisons to the Conservation Commission and could begin part of this process.

Ms. Campbell thanked Mr. Syz for the report and commented that it was an interesting beginning. The report identifies opportunities for plantings. Does the report address the impact of the plantings on buildings, walls, or bridge abutments? Mr. Syz commented there specific policies addressing conflicts with the built environment were overlooked in this iteration of the report.

Ms. Campbell asked if the committee that created the report could draft some policies that could be used in revamping the Master Plan. Mr. Syz replied that they began to touch upon that in the report, but had not addressed it in a comprehensive way. He suggested it might be something that could be done jointly with Ms. Campbell and Ms. Grodinsky.

Public Hearing - Zoning Map Amendment Petition

Mr. Borgendale advised that a petition was submitted on March 7, 2003 that proposes substantial changes to the zoning map in the area commonly known as Sabin's Pasture and some adjacent areas. The Planning Commission will be holding a public hearing this evening and another one on Thursday, April 17, 2003, both meetings starting at 7:00 PM. The proposal impacts most, if not all, of the topic areas in the current Master Plan. The Commission is obligated to look at this petition in that context. To the extent that they can get testimony and input on the various aspects of the Master Plan, that would be helpful.

Mr. Borgendale then opened the public hearing.

David Kidney, resident of 4 McKinley Street, stated that he was one of the 300+ people who signed the petition. On behalf of all the people who signed the petition, he thanked the Planning Commission for scheduling the two hearings in a timely manner. He also thanked Ms. Capels and the Planning Department for the effort to review the proposed change in a short amount of time. Although, he has not had a chance to review staff's report thoroughly, he appreciated the department's effort.

Mr. Kidney stated that the heart of the matter for most petitioners is that Sabin's Pasture, according to the Conservation Commission's report *Montpelier Open Space Plan Views and Vistas*, "is an extraordinary piece of property" and should be designated the city's #1 priority in terms of preserving open lands and views and vistas. The scenic importance of this property makes conservation of the upper meadow critical. The report suggested that any development should be compact and along Barre Street leaving the upper pasture protected. He sensed that most of the people who signed the petition agreed with the Conservation Committee's view of Sabin's Pasture. The petitioners wanted a way to implement that view and preserve this extraordinary piece of property.

Mr. Kidney felt that the proposed zoning change would accomplish this while still allowing for reasonable development, leaving the landowners with an economically viable use for their land. He then distributed a memo, on behalf of the Friends of Sabin's Pasture, to the Commission detailing how the proposed zoning change would accomplish preservation of the upper pasture.

Mr. Kidney reviewed some of the main points of the memo. The first issue is the current mishmash of zoning. The General Business (GB) district runs 1,500 feet off Barre Street, allowing commercial development up the pasture's hillside. The current zoning would allow for 552 housing units to be built on Sabin's Pasture. This is calculated for the 99 acre Zorzi property (not including the Vermont College property) minus the acreage in the steep areas and minus 20% of the acreage for roads. According to the City's report, the current zoning would allow for 742 units to be built, 360 in General Business with a 25% bonus for clustering, and 292 in the remaining Medium Density Residential (MDR) and Low Density Residential (LDR) districts. It is the petitioners' position that allowing that many housing units, is a license for enormous and unreasonable growth essentially leaving no open space. The opinion of most of the petitioners is that this does nothing to achieve the recommendations of the Conservation Commission.

Mr. Kidney suggested that the proposed zoning would come closer to meeting the Conservation Commission recommendations in the report. However, it is not a panacea. The proposal reduces the size of the General Business District (GB) and locates it along Barre Street where it is most appropriate. It re-zones the rest of the pasture from Medium Density Residential (MDR) to Low Density Residential (LDR). These changes will promote cluster development along Barre Street. According to their conservative calculations, the proposed changes will allow development of 162 housing units on the Zorzi property. The proposed change would limit the amount of development, but it would not prohibit development. The petitioners think it would promote reasonable development. Some comment that this proposal could encourage a house per acre over the entire parcel. Mr. Kidney's response is that according to developers, that type of development can be cost prohibitive. What a developer would lower his infrastructure cost by developing along the street.

Mr. Kidney felt their zoning change proposal was reasonable. As an example of that, Stuart Chase's last proposal contained 114 units: 13 would be in what would be their proposed GB district and 100 in their proposed LDR district. Mr. Chase's development proposal would be possible under their zoning change proposal if he moved 28 houses off what they call the sledding hill down to the GB district. He thought that was an indication of how reasonable their zoning change proposal was. Mr. Chase could tweak a few things to reach his proposed density.

There was a report done by the Central Vermont Community Land Trust entitled *Sabin's Pasture - A Vision for Development and Conservation*. That plan calls for commercial development along Barre Street backed by 125 housing units, with 85 acres of undeveloped land. Their preliminary assessment of that plan is that this concept would work with the proposed zoning change. The two proposals put out to the community would fit - with a little tweaking - under the proposed petition.

Mr. Kidney went on to address the question of how the petition promotes cluster development more than the current zoning. Under the current zoning, a developer could build 114 houses in Phase I. They could then take the profit from Phase I and build another 114 housing units in Phase II. They could continue to build through various phases until they reach the allowed density of 500-700±, covering the pasture as they went. He suggested that under their proposal, if 114 houses were built in Phase I, only a total of 48 houses would be allowed to be built in subsequent projects. There would not be Phases II, III, IV, and V and the pasture would remain open, promoting reasonable, clustered growth along Barre Street.

Mr. Kidney stated this is an extraordinary piece of property, a real gem. The city needs the tools to protect it. The proposed zoning will provide a tool, which can prevent the pasture from looking like a development in Williston or elsewhere in Chittenden County. He urged the Planning Commission to review all comments with respect to this petition carefully.

Ms. Grodinsky asked about the change of the High Density Residential (HDR) to Medium Density Residential (MDR) around the Vermont College/Union Institute and University area. Mr. Kidney replied the City Councilor Jim Sheridan pointed out to the Friends of Sabin's Pasture the issue with the proposal. The understanding of the Friends Board, was that the people who signed the petition cared about the pasture. The petitioners do not have issues with the Sibley/Sabin neighborhood remaining High Density Residential (HDR). They did not intend to cause problems for people by changing the zoning in that neighborhood.

Mr. Mitofsky asked that if they don't touch that zone, wouldn't it be considered spot zoning. Mr. Kidney replied no, not at all. The Vermont Supreme Court defines spot zoning as "zoning that singles out a small parcel or perhaps even a single lot for a use classification different from the surrounding area and inconsistent with any comprehensive plan, for the benefit of the owner of such property". This is

not the situation. The Supreme Court said that to prevail on a claim that alleges impermissible spot zoning, a landowner has the burden of demonstrating all four of the following:

1. That the use allowed under the zoning is very different from the prevailing use of the other parcels in the area. Mr. Kidney said the petition allows for General Business on Barre Street and residential on the remainder of the parcel.
2. That the re-zoning only covers a small parcel. Mr. Kidney said that this one parcel alone is 99 acres, not to mention affected adjacent parcels.
3. That the rezoning is not for the benefit of the community, but only to provide a specific advantage to a particular landowner. Mr. Kidney stated that there was nothing about the proposed zoning change that would help any one particular landowner; it is for the benefit of the whole community.
4. That the change in the zoning classification does not significantly conflict with the City's Master Plan. Mr. Kidney stated that it was an extremely difficult burden for any landowner to meet. The Vermont Supreme Court has consistently denied complaints of spot zoning. He said this will not be an issue for the Planning Commission.

Mr. Mitofsky stated that the Master Plan and the Conservation Commission talk about specifically protecting ridgelines. He did not see any of the ridgelines specifically protected as in park or recreation zone reference. Why was that not considered by the petitioners?

Mr. Kidney replied that the City does not have an existing conservation district or open space zone. The Friends did not think they could ask the Commission to rezone this and ask the Commission to create a new zone. Mr. Mitofsky asked if the current Recreation zoning district would provide better protection. Ms. Capels replied that the Recreation district limits the types of uses allowed, but is not specifically a conservation zone.

Mr. McCormack asked Mr. Kidney to clarify his point about the number of units in Stuart Chase's last proposal, and that this density would be permitted with the proposed zoning boundary change. Mr. Kidney replied that according to the Friends' calculation for allowable housing units, if Mr. Chase moved 28 of the proposed units from the top of the "sledding hill" near the north end of the current GB triangle, the Friends' proposed GB district, he could achieve a density of 114 units.

Mr. McCormack asked how the petitioners feel about the area that Vermont College owns. Mr. Kidney replied that they had not discussed the implications of re-zoning the Vermont College property and he did not want to respond without conferring with the Friends board. The density calculations both they and the City tabulated relate to the Zorzi property only, not the college's property. They developed their numbers only for the Zorzi property because the existing proposals from Mr. Chase and the CVCLT focused only on the Zorzi property and did not include the College.

Mr. Borgendale confirmed with Mr. Kidney, as a representative of the petitioners group, that the border of the High Density Residential be left as it was in the existing zoning. Mr. Kidney replied that he thought the answer to that question was yes but wasn't sure. He requested that he be allowed to wait until the next hearing on Thursday, April 17, 2003 to give an answer.

Ms. Campbell stated that Mr. Kidney had referred to a phased development of 162 units and suggested moving those 162 units down to the proposed General Business district with 48 houses remaining after Phase I was completed and doubted that there would be a Phase II. She suggested

that there was nothing in the petition to prevent those 48 houses from being spread across the upper pasture. Mr. Kidney replied that under current zoning a house an acre would be allowable. Their proposed change would not be a panacea, perhaps a new zoning district – Conservation zone would provide preservation of the land.

Ms. Campbell asked Ms. Capels for clarification whether there is latitude for either the petitioners or the Commission to propose a new zone beyond LDR, HDR, GB, etc. Ms. Capels replied that as result of this public hearing process, the Commission can choose to forward to the Council a recommendation that includes either altered district lines or the creation of a new district that responds to the issues.

Mr. Kidney added that under either the current zoning or under their proposed zoning, they could end up with a house per acre all over the property. He thought the Friends of Sabin's Pasture proposal promoted development along Barre Street more so than the current plan.

Mr. Borgendale asked what the current threshold was for a Planned Residential Development (PRD), how many houses have to be part of the project for it to be required to be considered a PRD. Ms. Capels replied that she would have to look that up and get back to the Commission.

Richard Hansen, West Street, representative of Vermont College/Union Institute and University, had three concerns. He asked that the Vermont College property retain its High Density Residential (HDR) designation. They are comfortable with the corner being General Business (GB) as proposed by the petitioners, but they do not want the property re-zoned as Low or Medium Density Residential (LDR or MDR) as proposed. He requested that the Design Control District, which they are a part of, not be impacted by the proposed changes. Their campus is in the Design Control District and it is very important to them and their planning to retain that designation. Lastly, Dr. Hansen informed the Committee that Vermont College is part of an Academic Institution Planned Unit Development (AI-PUD). They developed a long-term plan with the City about potential growth and development. Vermont College wanted to make sure the changes in the underlying zoning did not impact their plan and the city's Master Plan.

Mr. McCormack confirmed that Vermont College wanted the current HDR district to remain, but that the College did not have a problem with the proposed GB district and that the College realized that the GB district became smaller. Dr. Hansen replied yes and added that the change in GB just took out the sliver of GB along the western property line.

Mr. Borgendale asked if the College was OK with the portion of their land that would be changed to LDR. Dr. Hansen replied no. They would prefer to have it all be a HDR zoning designation. Ms. Capels added that it would be most advantageous to the College for that parcel to remain HDR. The types of impacts to its AI-PUD status would be related to allowable uses and the dimensional requirements. The Design Control District would remain unaffected.

Mr. Mitofsky confirmed that Dr. Hansen's request is that the sliver of the Vermont College property that is proposed to be LDR be changed to HDR. Dr. Hansen replied yes. Mr. Mitofsky confirmed with Mr. Kidney that this alteration would be acceptable to the Friends of Sabin's Pasture. Mr. Kidney replied that he suspected it would be fine, but he would like to discuss it with the Friend's Board and reply to the Commission at the Thursday, April 17th hearing.

Jim Libby, Liberty Street, Chair of the Montpelier Housing Task Force (MHTF) and Polly Nichol, member of the MHTF introduced themselves. Mr. Libby confirmed that the Planning Commission received the MHTF's letter of April 10, 2003 with the Task Force alternative proposal. Mr. Borgendale replied yes. Mr. Libby distributed a handout to the commission entitled *Housing Findings for Montpelier*

with recently updated findings. Mr. Libby also provided the Commission a copy of a booklet produced by the Vermont Housing Awareness Campaign entitled *Between a Rock and a Hard Place: Housing and Wages in Vermont*.

Mr. Libby stated that for the last 18 months the MHTF and Friends of Sabin's Pasture were working together. The Task Force agrees with the petition that the zoning districts should be changed on Sabin's Pasture. The Task Force wanted show an alternative to the Map amendment petition, but the goals of the Task Force and the Friends are same. He added that the zoning the a portion of the parcel Recreational is not an option because the definition of the Recreation District in the zoning regulations reads "public land".

Mr. Libby stated that the Task Force shares the goal of protecting a major part of Sabin's Pasture for conservation and recreation, but there is no direct path. They also share the goal of supporting development in the lower left (southwest) quadrant, close to Barre Street. A group of them including the MHTF, Central Vermont Community Land Trust, and the Friends of Sabin's Pasture got together to explore different concepts and designs. The groups developed some conceptual ideas, but without any economic reality in terms of what housing or commercial development would cost on that land, it was an exercise in a vacuum. They ceased meeting because they did not have site control, and Stuart Chase would not participate. Jim Libby stated that removing up to 100 acres of potentially developable land from Montpelier of was a big move in the face of the housing crisis.

Mr. Libby stated that the Housing Task Force hopes that the Planning Commission will not just exercise its statutory authority and say yes or no to the petition and send it up to the City Council. They hope the Commission will take the best of the petition, the best of the alternative, and other ideas from your staff or from a consultant and really find a solution that works on Sabin's Pasture. That is what the Task Force is asking the Commission to do and to do in a relatively fast time period. They agree with the Friends on the goals of encouraging mixed development along Barre Street. They disagree on how many acres, and how many units. However, neither group can bring any economic reality to the equation.

Mr. Libby informed the Commission that according to realtors there is a strong demand for both owner-occupied homes and apartments in Montpelier. However, there is a shortage of affordable owner-occupied units in Montpelier. Between 1980 and 2002, Montpelier has seen a net loss of 37 rental units. At a breakfast sponsored in part by the MHTF last Tuesday, a number of community and business leaders assembled to discuss housing issues. The New England Culinary Institute spoke of their interest in building some student housing on the six acres off Main Street. The attitudes of neighbors have discouraged their pursuit of the project; however, building housing in that part of town for the 180 students who currently live in apartments in this city might help alleviate the housing crisis. Others stated that people are not accept jobs in the area because of an inability to find housing. Some organizations were interested in moving programs to Montpelier, but were hesitant to do so because of the difficulty in finding housing. The housing crisis is affecting people across the economic spectrum.

Mr. Libby said that in August 2000, the State of Vermont commissioned a study of housing needs in the six northwest counties of Vermont which included Washington County. The study concluded that the need was for 7,400 housing units: 2,100 rental units and 5,300 owner-occupied units in those six counties. More recently in November of 2001, the Central Vermont Chamber of Commerce, the Central Vermont Regional Planning Commission, and the Central Vermont Economic Development Corporation commissioned a study called the Economic and Demographic Forecast which tried to estimate the need over the next twenty years in the study area which included Washington County plus Williamstown, Orange, and Washington. The study determined that the housing need will increase by about 8,000 units. Mr. Libby asked the Commission to think about the impact of any proposed change

on the potential for housing or any other commercial development. Chapter 117 (Vermont Statute Title 24: Municipal and County Government, Chapter 117: Municipal And Regional Planning And Development) gives clear guidance on what the Master Plan should address. It clearly says that housing should be encouraged to meet the needs of a diversity of social and income groups in each Vermont community, particularly those citizens of low and moderate income.

Mr. Libby said that the MHTF shares many of the goals of the Friends of Sabin's Pasture, but the MHTF believes there should be latitude in the zoning designations to make a proposal economically feasible. Any developer who proposes a project has to satisfy the requirements of local zoning and Act 250. They hope that any developer who proposes development on that site would use a Planned Residential or Planned Unit Development which gives both the developer flexibility and the city a lot more protection.

Ms. Campbell asked Mr. Libby if he was suggesting "either/or" or "both/and" on the use of a Recreation Zone on this property. Mr. Libby replied that some sort of Recreation or Conservation zone would be appropriate, but the Commission does not have the legal authority to do it today because the property in question is not public land.

Ms. Campbell asked Mr. Libby how the fifth point in the MHTF's memo to the Planning Commission, which states "Provide incentives to conserve or sparsely develop the upper pasture", do that more appropriately than the petitioners' proposal? Mr. Libby replied that the ability of a developer to build more units closer to Barre Street would be an important incentive, so they could get some of their value back by negotiating on the open space. However, he suggested that the presentation by Ms. Nichol might answer these kind of questions.

Polly Nichol stated that the Housing Task Force would like to present an alternative proposal which they think recognizes the community's desire to avoid sprawl and in keeping with the existing development patterns. Their proposal is meant to be conceptual. They hope the Commission or the city staff will take the time to locate the district boundaries more precisely to allow for the type of development the city would hope to see. The Task Force agrees with the Friends that the upper pasture should be conserved or sparsely developed and that any new development should be concentrated in the lower pasture along Barre Street. They also agree that the existing zoning is illogical and should be amended. However, the area along Barre Street is a logical place for the city to grow. For example, it has public water and sewer. They would like to see growth happen in a smart way and incorporates the values of the community.

In order for such growth to happen, the zoning must allow for development that is economically viable, which provides incentives for the developer to do the right thing. For a private developer, the incentives are economic. Where their proposal differs from the Friends' is that you have to give an incentive for clustered development along Barre Street, otherwise they will not develop in such a way and will build houses on one-acre lots across the meadow. They are presenting this alternative because they are concerned that rather than lead to the preservation of the pasture, the Friends' proposal would lead to development across the pasture of large expensive homes on one-acre lots. That type of land use promotes sprawl, is incompatible with the existing neighborhood, and does little to address the city's need for diversity and affordable housing. The MHTF's alternative proposal is based on four Smart Growth or anti-sprawl principles:

- encourages concentrated development
- provides for a mixture of uses
- allows for development in an area that is already served by a public street
- allows for development consistent with the character of the surrounding neighborhood.

The MHTF thinks their proposal can meet the multiple goals of the community including housing, conservation, and business development. Ms. Nichols reviewed the five basic elements of their proposal as described in the Task Force's April 10, 2003 memo to the Planning Commission.

In summary, she suggested that the MHTF's proposal would allow for significantly fewer units than the existing zoning allows, would give incentives to preserve the upper pasture and cluster the development along Barre Street, and provide a transition area between the General Business and the Low Density Residential areas.

Mr. Libby requested that staff state their assumptions in their calculations of how many units would be the maximum allowable under the MHTF proposal.

Ms. Teachout stated that the idea of following the contours was interesting but was not convinced it was practical and asked what other towns were doing it. Someone in the audience replied Hartford. Ms. Capels added that part of some of Montpelier's zoning districts are contour or elevation based.

Mr. Borgendale requested a topographical overlay for the area of the size and scale of the map distributed to the Commission in their packet. Ms. Capels pointed out that in the meantime, maps were posted in the room that had contour lines of the Sabin's Pasture area depicted on them, and offered that topographical maps of the area could be provided at the scale requested by Mr. Borgendale.

Stephen Syz, Chair of the Montpelier Recreation Path Committee and the Berlin-Montpelier Recreation Path Committee, stated that the recreation path goes through the proposed General Business (GB) district. The path will follow the existing Agency of Transportation railroad right-of-way. After a five-year process, the design is now complete. It will have a 15 meter-wide right-of-way, located 43 feet from the edge of Barre Street. So the upper edge of the right-of-way and the bike path will be a little less than 100 feet from the uphill edge of the proposed GB zone, therefore leaving less than 100 feet for development, which is a small zone for building, access, and parking. Even the 250-foot depth proposed by the Housing Task Force may be tight. In a memo to Valerie Capels, Director of Planning and Development, dated April 14, 2003, Tom McArdle, Assistant Public Works Director, recommended a 300-foot wide GB zone which would allow ample area for parking and access as well as a streetscape frontage.

Ms. Capels had distributed a copy of the memo from Tom McArdle to the Commission at the beginning of the evening's meeting and copies were available to the audience. She stated that Mr. McArdle noted that "The width of the GB zone should be wide enough to permit access options including a rear 'frontage' road. Road crossing opportunities of the path to access properties within the GB [district] will be limited. The topography is steep and the crossing of the path will require design alterations. However, regardless of the path, to our knowledge, access through and across the railroad right-of-way will be restricted and is controlled by the Vermont Agency of Transportation Rail Division."

Ms. Capels continued that in his memo, Mr. McArdle outlined several of the dimensional issues that relate to the current path as designed and the proposed GB dimensions. The path does not need to be relocated within the right-of-way to accommodate development in that area. Ms. Capels read aloud the following section from the memo: "The concept of a traditional 'streetscape' is compatible with the proposed bike path as it is presently designed. The typical cross section would consist of road, bike path or sidewalk, building. Access and parking would be to the rear of the building with main entrance doors facing the path. The only difference with a traditional streetscape is the width of the 'green strip' between the road and the path which is approximately 46 feet at its widest point. Furthermore, in this case, a common access road at the back of the building(s) would be beneficial by reducing multiple driveways through the [railroad right-of-way] and across the bike path. To achieve this pattern, it is not

necessary to relocate the path. Instead [the] GB strip of land should be at least 300-feet [deep] to allow parking and access to the rear and a streetscape frontage."

Mr. Syz wanted to make sure the points in Mr. McArdle's memo were considered by the Commission and staff. Mr. Syz stated that he is a member of the Conservation Commission and informed the Commission that the *Montpelier Open Space Plan Views and Vistas* report has not been adopted by the Conservation Commission and represents the views of its author at this point.

Paul Carnahan, Sabin Street, commented that it made sense to straighten out the zones in the Sabin's Pasture area. His second comment regarded the way the maps were prepared showing the AI-PUD of Vermont College. The AI-PUD extends down in the 17-acre parcel. The City regulations require that all contiguous lands of an AI-PUD applicant be part of the AI-PUD. It does not mean they cannot develop it, it just means they have to go through certain other steps including filing a Master Plan for the entire AI-PUD that shows development within that AI-PUD. His third comment regarded the Housing Task Force proposal to put a strip of High Density Residential (HDR) behind the General Business district along Barre Street. He requested that the Planning Commission consider the types of buildings that can be built in that strip under the maximum buildout under the City's regulations. Although he does live in a High Density Residential district, it is not an HDR filled with four-story apartment buildings of an institutional nature. He thought it would be a mistake if that is the type of development encouraged in this area. There has been a lot said about maintaining the character of the neighborhoods. The proposals Mr. Chase made to begin with, which did meet the zoning requirements, were of a highly institutional nature. He noted in the memo prepared by the Planning Commission that HDR districts are characterized by having some permitted uses that are not permitted in other residential districts such as elderly and multi-family housing. There is multi-family housing now in the HDR districts, however he thought it would be important to observe what type of multi-family residential construction could be made in the proposed HDR district. If they are looking for a transition between General Business and Low Density Residential, they might consider a Medium Density Residential (MDR) district in that area.

Barbara Ripley, College Street and member of Friends of Sabin's Pasture, commented that many people have been working hard this past year to try to find a project that would work for our community. She thanked the Montpelier Housing Task Force. The MHTF changed the Friends position from not wanting anything in Sabin's Pasture to a point where the Commission has before it several proposals. The proposals have differences, but they also have significant common points. Both groups would like to see a large amount of Sabin's Pasture conserved. To answer Ms. Campbell's question about how one would prevent the upper pasture from being developed if it was Low Density Residential, the Friends and the Montpelier Housing Task Force believe that there are lots of tools available to encourage conservation including purchasing the development right or purchasing the property outright and conveying it to the City. These mechanisms provide the Zorzis' with a reasonable return on their investment.

Ms. Ripley said she was pleased that the Commission had several proposals before it. The Friends have not had the opportunity to fully consider what the MHTF has presented, but she sees the two groups heading in the direction of developing something that would work for this community.

Martin Hahn, Executive Director of Central Vermont Community Land Trust, said the CVCLT is a housing development organization which serves all of Washington County and a portion of Orange County and have developed about 300 units. He sees Sabin's Pasture as a development opportunity. Everybody seems to recognize that the site should have housing, the question is how far up the hill and how dense? His concern is if the zones were too limited, there would be little or no economic value with the end result of having open space perpetually. Not open space by choice, but open space

because they removed the economic value of developing along Barre Street. He requested the Commission consider the flexibility of the zoning as it applies to a developer. The CVCLT has submitted a proposal to the Commission with input from Jean Vissering, landscape architect. The creation of that proposal involved a lot of discussions between the Friends of Sabin's Pasture, the MHTF, the Trust for Public Land, and the CVCLT about what would work on the site. He emphasized that it was conceptual, and not a development plan. He asked that the Commission not become locked into their site plan, or any specific site plan, because it is really up to a developer who knows the economics. What is the value of the land? What are the constraints of building on the slopes? They need someone who will respond to the opportunities and strengths of the site.

Mr. Hahn said the CVCLT has 80 apartments in Montpelier. As of today, those 80 apartments have zero vacancies, there is not one apartment available for renters. In preparing for this meeting tonight he asked their property manager if she could give him an anecdote to illustrate the housing need. She gave him a waiting list of applications about a foot thick. A question on the application asks: Why are you looking for housing? They have people working fulltime who cannot find housing in Montpelier, people on fixed incomes, people living in motels, in their cars, and with family members. There is an immediate need that is affected by the zoning decision they are facing. He asked that the Commission give the greatest flexibility to meet the two needs: conservation and housing, but make sure not to tie the hands of the development community otherwise they will see nothing happen.

Mr. Mitofsky asked if the 80 units were new. Mr. Hahn replied that the 80 units were not new; they are all existing housing units.

Ms. Grodinsky asked how can they be sure that a developer would build subsidized housing. Mr. Hahn replied that they couldn't. There is no way unless they got an organization such as CVCLT or another non-profit to participate, which is up to the option holder in this case. There is no way the Commission can make sure the product that is delivered serves a variety of the housing needs. They have a shortage of housing in Montpelier and as Mr. Libby reported, Montpelier has lost 18 apartments over the past 10 years. Even if a proposal comes forward that is serving only the people of the middle and upper end that would make other housing available and open up the supply and possibly making it affordable. There is nothing they can do to prevent a private developer from coming in and building \$120,000 single family homes.

Phil Dodd, resident of Montpelier, commented that another facet of this discussion is how Montpelier should grow and how much they should grow relates to property taxes. According to the State tax department, Montpelier's overall effective tax rate for 2001 was the highest in Washington County. If they break that down, their school rate was 7th highest in the county and the municipal rate was 2nd highest in the county. They were also the 3rd highest in the state. He was afraid the situation was going to get worse through Act 60 with the common level of appraisal and was afraid the reappraisal was going to shift the tax burden to the residences because that is where the big growth in the market has been. He thought they had to be cognizant of the impacts of growth and different types of development and what that can mean for our future and our taxes.

Mr. Dodd showed the Commission a report called *The Land Use - Property Tax Connection: A Guide and Workbook on the Tax Implications of Development in Vermont* prepared by Deb Brighton and Brenda Hausauer for the Vermont League of Cities and Towns and the Vermont Natural Resources Council and he urged members to get a copy. Ms. Capels stated that the Department of Planning and Development had two copies that were available for review or lending. Mr. Dodd read a conclusion from the report that "... the general rule seems to be that development does not lead to lower tax bills ..." This undercuts what a lot of people may believe that they can lower their taxes by increasing the tax base. The study focused on the municipal side of the tax rate in Vermont cities and towns and

found the taxes on the average-valued house are generally higher in towns that have the most year-round residents, the largest tax bases, and the most commercial and industrial property. According to the report, with more residents in a town there are more demands for services than are supported by the taxes that their homes generate. Mr. Dodd quoted from the report, "... the main conclusion of this study is that taxes tend to be higher in towns that have the most developed property, and there seems to be no magic way to develop that will keep taxes low over the long term." A little over a year ago, a University of Georgia study found that "... while residential development brings with it new tax and fee revenue, it also brings demand for local government services. The cost of providing these services exceeds the revenue generated by the new houses in every case that has been studied."

Mr. Dodd suggested that a question to keep in mind was: how much growth can we afford in Montpelier? A total buildout of 742 total units would affect taxes, schools, traffic patterns, loss of open space. Some smart growth advocates suggest that development should be concentrated in Montpelier so the surrounding towns can be preserved. Although he supports preserving open space in the surrounding towns, he hoped it is not at the expense of Montpelier losing its unique character. The Master Plan talks about retaining our small, intimate character and he hoped the Commission would consider that when reviewing the proposals.

Mr. Dodd agreed that the existing zoning in that area needed adjusting. The petition submitted by the Friends of Sabin's Pasture still allows for significant development. It is hard to know how soon any housing units would be built, with the weak economy. He heard there is some softening of the real estate market and the apartment vacancy rates in Chittenden County. He expected that the 700 units probably would not be built in his lifetime, but they owe it to the city to think long term and to think about the full buildout of the city and what it would look and feel like.

Nancy Wasserman, Kent Street, urged the Commission to support the concepts presented by the Housing Task Force. She suggested that the challenge for the Commission is to balance all of the community's needs: housing, conservation, parking, and transport needs, etc. The city has a profound housing need. Vermont State Statutes Title 24 is clear about the obligation of communities in their Master Plans to provide for the needs of current and future residents relative to housing of all types. Since that 1995 Master Plan, there has been around 10-20 % growth in residential units in all the communities around Montpelier, while there has not been any growth in Montpelier's housing units. We need to look at this community's need and the region's need. Smart growth involves identifying where there are parcels of land that can accommodate a 10% growth in housing units over the next 10-20 years. We currently have about 2,300-2,500 units in Montpelier, so that would translate into 230-250 units. She challenged the Commission to look at the community and find a logical locations for building new housing. The lower section of the Sabin's Pasture parcel is probably the most likely area: it is relatively level, it is accessible, within walking distance to downtown, and it will be on the bike path. There are a lot of reasons to encourage development of the lower section. There are equally a lot of reasons to protect the upper pasture. When the previous Planning Commission wrote the Master Plan, they did not have the results of the *Montpelier Open Space Plan Views and Vistas* study. Clearly, the proposals presented to the Commission are saying: don't develop in the upper pasture, but do develop in the lower area. She recommended the Commission zone the area so that someone could actually develop the lower area and conserve the upper pasture in an economically viable way.

Ms. Wasserman thought the Housing Task Force proposal urges someone to come in with a Planned Residential Development. As many of us know about the new zoning regulations, that kind of development has a lot of oversight. Just because you can propose something does not mean you can get it approved. There are a number of criteria which the Development Review Board has to look at. There are more criteria now than there were when the first proposal was presented by Mr. Chase.

Ms. Wasserman said that to the best of her knowledge, Title 24 does not say taxes and the community's tax base is a consideration for the Commission, but the capacity of the community's facilities is. Part of the reason our school taxes are going up is because of the convoluted Act 60 formula which is hurting us because our enrollments are going down. We have an over capacity in our schools right now compared to the number of children using them. We need more families with school-aged children in this community to bring our schools to fuller capacity. She was not sure that more housing would create more demand for services. Our municipal services satisfy a community of 15,000 people by day and a community of 8,000 people by night. There is a lot of wiggle room to support municipal services such as fire, police, etc. In her opinion there is room for growth.

Ms. Wasserman asked if there is a way to protect the upper pasture as conservation land? You have heard from people about the issues around trying to rezone it as some new type of zoning district which we do not have. She suggested that the fastest way to do it would be to amend the Master Plan. The Planning Commission has to vote "up or down" on the petition. The Commission already knows there are changes to the petition such as the change from MDR to HDR in the Sibley/Sabin's area, so one would hope that the Commission would submit recommendations to the City Council and not approve the petition wholesale. The commission can amend the Master Plan and talk about the importance of protecting Sabin's Pasture given what you know from the *Montpelier Open Space Plan Views and Vistas* study. The commission can address development in those critical areas in the Master Plan, and it might be the easiest way to protect the upper pasture along with allowing the zoning in the lower section to encourage housing.

Mr. Mitofsky asked Ms. Wasserman about Smart Growth and development along Barre Street, and if the Commission should consider a greater density of housing units, and what kind of development is needed in the General Business (GB) district to support that kind of housing development. Since they are significantly reducing the GB district in that area, is that consistent in terms of Smart Growth. Ms. Wasserman replied that many of our existing neighborhoods along Elm and Barre Streets have neighborhood stores. The GB district allows for that and would allow for the types of office uses we already see in Montpelier. She has been puzzled about this parcel being zoned General Business because that is the zoning on Memorial Drive. If one could get it permitted, one could put in a gas station. However, there does not seem to be any other district that would be appropriate for this area and allow the type of commercial uses as well as GB does. We do not have a good "Smart Growth" commercial/industrial district outside the Central Business district. The Riverfront district is clearly customized for the Stone Cutters Way area and would not make sense in this area. CB II does not make sense because it does not allow commercial uses except in historic buildings. There are a whole host of zoning issues the Commission could look at.

Ms. Facciolo asked Ms. Capels to clarify the process about how the Commission would amend the Master Plan to preserve open space. Ms. Capels replied that the draft language would need to be developed, the Commission would have to hold at least one and perhaps two public hearings. The proposed amendment would be forwarded to the City Council. The City Council would have its public hearings, and then it would be adopted.

Ms. Facciolo asked that if they proposed a change to the upper pasture development, what effect would it have to put it in the Master Plan in terms of zoning for this parcel? Ms. Capels replied that any development proposed for that area which included housing for over 10 units would trigger Act 250 review. The Montpelier Master Plan would be considered under the Act 250 review under Criterion 10. It would carry a lot of weight in that review process. It is also the backup for other policies such as the Zoning Regulations locally.

Mr. Mitofsky asked what it would take for the commission to change the definition of the Recreation district so it would not be exclusively public land. Ms. Capels replied the same process they are going through now: proposed language, including an evaluation and objectives about why it is being proposed, public hearings, and then forwarding the change to City Council

Carol Dorflin, Westwood Drive, stated that her life would be affected by the growth that would occur in that area of town. She signed the petition because she thought it presented a reasonable compromise, 150-160 units is a reasonable number that Montpelier can absorb. There are issues that go beyond the taxation issues, such as traffic and the capacity of our water system. She hoped that the decisions made on this would be grounded on what the real impacts to the community. Every one of those people will be coming here to enjoy what we now have, we do not want to lose that in the bargain of bringing the new people here or helping people who need housing. I came from New Jersey. When I stand on Barre Street and look up at that beautiful pasture and imagine 500-700 housing units there, I see New Jersey and we do not want that here.

Jim Sheridan, State Street, City Councillor, advised that he was not allowed to give opinions because he wanted to avoid the possibility of undue influence, but he was allowed to submit facts. When the City Council held their budget hearings, he specifically asked the Superintendent of Schools what capacity our schools were at. The Superintendent replied that the schools were barely above 50%. That means that they can grow their schools almost by double which goes to show that they are a long way from having to build a new school, at least for student population reasons. Councilor Sheridan also supplied facts on water and sewer.

Dan Boomhauer, Kent Street, agreed with the thoughts put forward in the *Montpelier Open Space Plan Views and Vistas* report. He suggested that interim zoning would be a helpful tool so that there is time to look at the effect of the current zoning. He thought they should keep the line between city and countryside clear. The present zoning promotes suburban sprawl within the city limits. Growth in itself is fine. Clustering of the development and leaving the historic open hillsides as they are will allow for financial gain and maintain the character of Montpelier. He urged that the Planning Commission recommend to the City Council that they go to interim zoning.

Mr. Borgendale closed the public hearing until 7:00 PM April 17, 2003.

Other Business

Ms. Capels asked if the Commission wanted to do anything about Mr. Mitofsky's outline. Mr. Mitofsky replied that nothing more needed to be done other than to warn it. Ms. Capels replied that it would be warned on Thursday or Monday.

Ms. Smith informed the Commission that the Design Review Committee is starting an update process of the sign regulations. Members of the Planning Commission, Development Review Board, and the community are invited to participate. If anyone is interested, they should contact her.

Adjournment

Ms. Teachout made a motion to adjourn the meeting. Ms. Grodinsky seconded the motion and it carried unanimously. The meeting was adjourned at 9:12 p.m.

Respectfully Submitted,

Stephanie Smith, Planner

These minutes are subject to approval by the Planning Commission. Changes, if any, will be recorded in the minutes of the meeting at which they were acted upon.