

**Montpelier Planning Commission**  
**May 24, 2004**  
**City Council Chambers, City Hall**

*Subject to Review and Approval*

**Present:** David Borgendale, Chair; Carolyn Grodinsky, Vice Chair; Bryan Mitofsky; Richard Sedano, Anne Campbell; Irene Facciolo  
Staff: Valerie Capels, Planning & Community Development Director

**Call to Order**

The meeting was called to order by Mr. Borgendale at 7:10 p.m.

**Approval of Minutes**

Mr. Mitofsky made a motion to approve the minutes of the minutes of the April 12, 2004 and April 26, 2006, seconded by Ms. Grodinsky. Ms. Campbell noted that third paragraph on page 5 of the minutes contains a reference to Section 44.14 that should be corrected to Section 4414. The motion to approve the minutes with the correction was approved unanimously.

**Review of the Agenda**

Mr. Borgendale reviewed the agenda. There were no changes.

**General Appearances**

There were no general appearances.

**Draft Transportation Plan Review**

Lucy Gibson said that the preliminary draft Transportation Plan had been provided to the Commission for discussion. She noted that the results of the transportation survey will result in revisions to the document. Ms. Capels reported that the data entry on the survey has been completed. She said that of the 918 surveys submitted, 724 were surveys received from persons identifying Montpelier as their hometown.

Ms. Grodinsky suggested that the terms used in the Transportation Plan be clearly defined so that laymen can understand the document. She also said that alternative transportation modes should be stressed. Ms. Gibson said that the discussion is, in part, waiting for the survey results and will be expanded upon in the Master Plan. Ms. Grodinsky said that there need to be incentives to encourage the use of alternate transportation modes. Mr. Mitofsky said that he agrees to some incentives, but there is a limit to the level of incentives that he could support.

Mr. Borgendale said that Main Street is used as a through corridor, which creates conflicts with pedestrians and others who are using Main Street as a destination. He said that the plan should consider the elimination of the use of Main Street as a through thoroughfare or, at least, the plan should suggest that alternatives be developed. Ms. Facciolo said that business might object to such suggestions. Mr. Mitofsky said that the slowing of traffic might result in more pedestrian use and shopping on Main Street. Mr. Borgendale said that he is not considering closing the street, but rather, diverting the vehicles that are driving through the town to get to Interstate 89, Berlin Mall or Route 12. Mr. Mitofsky noted that growth will only increase the problem. Ms. Grodinsky noted that this is a reason why the Master Plan should encourage alternate transportation modes. Mr. Mitofsky said that some of the influences are regional and outside of the City's control. Ms. Grodinsky agreed and said that the Master Plan goals must be linked to the Regional Plan.

Mr. Sedano said that the organization of the Transportation Plan should clearly identify the big issues and focus on implementation matters clearly and distinctly. Mr. Borgendale said that the

goal statements should contain the general planning goals. He said that the policies should contain the specific language (like "shall" or "shall not") that lawyers like to see. Mr. Sedano said that the broader goals described on the first page should be referred to consistently in the sections that follow. Mr. Borgendale suggested that recommendations and actions could be highlighted in a sidebar. Mr. Mitofsky said that the Plan should avoid general recommendations, but instead, identify action steps that need immediate ordinance changes. Mr. Sedano recalled that Mr. Grayck told the Planning Commission that ordinances need to be revised immediately. Mr. Borgendale said that he believed that Mr. Grayck said that the courts will use the Master Plan if it is clear as to intent. If the Master Plan is not clear, then the courts will look for ordinances for clarification. Mr. Mitofsky agreed and said that the Master Plan should identify the ordinances that need to be changed. Mr. Sedano suggested that the Master Plan could flag the areas that are the subject of ordinances. Mr. Borgendale noted that the Planning Commission will be faced with competing goals. He gave the example of a roundabout that may be preferred to efficiently move traffic, but also create pedestrian safety issues.

Ms. Gibson discussed the Pedestrian Network section of the Plan. Mr. Borgendale said that the Plan should clearly state a goal of extending pedestrian friendliness to other parts of the city. Ms. Grodinsky said that a tradeoff of moving traffic faster is that it makes roads like River Street uncomfortable to pedestrians. Ms. Capels noted that the roundabout project at Routes 2 and 302 will bring sidewalks down to the Pioneer Street Bridge. Mr. Borgendale said pedestrian access is not appropriate in all locations. He said that the Master Plan should call for a plan to be developed over the next five years to identify locations where sidewalks should be extended, improved or are not appropriate. Mr. Borgendale also said that policy statements in the Transportation Plan should be reworded to use "shall" statements. He said that if they cannot be worded in that way, the statements are probably not policy statements.

Ms. Gibson moved on to the Bicycle Network section of the plan. She said that she has looked at the city and has found that the steep hills in some sections present real challenges to the extension of a bicycle network. Mr. Borgendale said that the plan should set priorities for locations where bicycle use is feasible. Ms. Grodinsky said that the plan should focus on areas where the City can make bicycle use more safe such as areas around the schools. Ms. Gibson said that Elm Street has long been considered as a potential bike route. She said that the elimination of parking on one side of the street could make room for two 4' to 5' bike lanes. Ms. Facciolo said that there are apartments that require parking along a portion of the street. Mr. Borgendale noted that increasing density in the city will result in a need for more on street parking. Ms. Gibson said that if the Barre Street extension project goes forward, the bike path could be linked to Elm Street. Ms. Capels noted that the Railroad has stated its opposition to any new crossings.

Mr. Sedano said that school-related issues should be flagged throughout the document so that they can be discussed with the school representatives. Mr. Borgendale asked how the Master Plan should affect school governance since the plan will address educational issues. Ms. Capels said that the school board should be involved in the Master Plan process. The Master Plan will acknowledge school facility and infrastructure issues. Ms. Facciolo noted that some of the Master Plan policies can affect decisions by the school board and may have unintended consequences.

Ms. Gibson provided a color map of the road network. Mr. Borgendale said that many streets have multiple uses that are not reflected on the map. Ms. Gibson said that the plan could describe the different roles of the streets. Ms. Campbell said that the designation of Stonecutters Way as a location for infill and redevelopment is inconsistent with the current Master Plan. Stonecutters Way

should be shown as green for the public spaces along it. Mr. Borgendale said that it is important to identify how the streets are used and what conflicts those uses may create.

Ms. Gibson said the section on intersections identifies problem intersections. Mr. Borgendale raised issue with the suggestion on page 9 that left turn prohibitions be used as a tool. He said that he did not see how this could improve traffic flow. Mr. Mitofsky said that the prohibition could improve the flow on some streets such as on portions of Main Street. Ms. Gibson asked for input on the figure showing potential areas for street connectivity improvement. Mr. Borgendale said that connectivity is a good goal but will be difficult to implement due to geographic and political constraints. Ms. Gibson said that connectivity may be achieved in some areas through the use of pedestrian and bicycle routes.

Ms. Gibson said that she is hoping that the transportation survey will provide more insight regarding parking issues. She said that she would like to examine aerial photographs to see what areas are currently covered by parking. Mr. Borgendale said that he would like the plan to look at the cost of off-street residential parking in terms of land use with a focus on multifamily housing.

Ms. Gibson said that she would welcome additional comments via e-mail.

#### **Discussion with the Conservation Commission**

Mr. Borgendale welcomed Kris Hammer, Conservation Commission Co-chair; Christine Zachai, Conservation Commission Co-chair; Ethan Hawke, Open Space Advisory Board member and Geoff Beyer, Parks Department.

Mr. Borgendale said that the Planning Commission would like to hear about the Views and Vistas report. Mr. Hammer said the Conservation Commission was asked to review and sign off on the Views and Vistas report which was prepared by an outside consultant. Mr. Hammer said that the Conservation Commission members felt that the document could be a useful planning tool, but the present members could not endorse all of the recommendations of the report. He said that they accepted the report as a useful tool for looking at development proposals. Ms. Zachai added that instead of picking apart each aspect of the report where there was disagreement, the Conservation Commission felt that the overall report could be a useful tool.

Mr. Borgendale said that the methodology use in the report was vague and not well described. He said that it is problematic because it does not give specific criteria that will allow ordinances to be developed. Mr. Hammer said that the purpose of the report was not to give guidelines for ordinances development, but to identify views that are valued. Ms. Facciolo asked whether the Conservation Commission would not want to see some part of the report developed into requirements. Mr. Hammer said that the Conservation Commission is not really ready to move to recommendations for ordinances. Mr. Borgendale said that it would be helpful to the Planning Commission if the Conservation Commission identified important areas.

Mr. Mitofsky said that if the members of the Conservation Commission cannot agree on the recommendations in the report, then the recommendations should be removed from the report. Mr. Beyer said that the Conservation Commission is not the primary review or approval entity for the report. He said that the Open Space Advisory Board was supposed to serve this role, but the members are not experts. He said that they were trying to move forward based upon a consensus. Mr. Beyer said that the Planning Commission will have to make judgements regarding the recommendations which were made by an outside consultant.

Ms. Campbell said the intention was to make the document available as a tool. She said that she understood that the framework and criteria are valid, but there was no consensus on the recommendations for specific properties. Mr. Mitofsky said that the Master Plan states that the Conservation Commission will prepare an inventory of the key natural features, including views and vistas, and develop recommendations for preserving these features.

Ms. Zachai said that she would like to discuss how to move forward from this point. Mr. Borgendale asked for a description of the Conservation Commission's current projects. Mr. Hammer said that the Conservation Commission is working with the City and the Solid Waste Commission to create incentives for waste reduction. The Commission is also working on the expansion of source protection at the Berlin Pond. They are trying to prioritize land for protection. Two hydrogeologic studies are underway and an ecologist is mapping natural features to help prioritize the areas most important for protection. The Conservation Commission is also working on vegetation management plans for the Winooski North Branch and for the Dog River. A plan for the mainstem of the Winooski was completed last year. Mr. Beyer added that the Conservation Commission also supports the annual Winooski River celebration through an educational fund. He said that the conservation fund is also available as a tool for acquiring high priority parcels.

Mr. Borgendale said that he apologized if the meeting seemed contentious. He explained that the Planning Commission is struggling with conflicting the goals of the City in trying to update the Master Plan. He said that the Planning Commission is seeking tools to help them make decisions on the competing purposes. Mr. Hammer said that the Conservation Commission does not have an understanding of the informational tools that the Planning Commission wants to use to implement zoning. Mr. Borgendale said that the Planning Commission would welcome the Conservation Commission's input on how to bring all the competing goals together into a Master Plan. Mr. Hammer said that the Open Space Advisory Board controls the Views and Vistas report. He added that it is a broadly represented group.

Mr. Borgendale asked about the official status of the Open Space Advisory Board. He noted that it is not a subcommittee of the Conservation Commission, the Planning Commission, or the City Council, but is more like an ad hoc group of volunteers.

Ms. Campbell said that the Vermont Statutes state that the role of the Conservation Commission includes making inventories of natural resources, and assisting the Planning Commission by making environmental evaluations and preparing documents on natural resources. She said that the Statutes say in its role, the Planning Commission may require information from other agencies that is need to do its work. She suggested that the Planning Commission should require the information generated by the Open Space Advisory Board. Mayor Hooper, in the audience, asked who created the Open Space Advisory Board. Mr. Beyer responded that it was originally created by the Conservation Commission, but the Commission decided that the Board should be independent of the Conservation Commission. The Mayor said that it appears that the Open Space Advisory Board was formed to give advice to the Conservation Commission and the Planning Commission. She said that the Planning Commission can accept the Boards advice or reject it.

Ms. Campbell asked for reactions to the idea that the Open Space Advisory Board could function under the Planning Commission. Mr. Hammer said that, if the Planning Commission is looking for more accountability, it probably should ask the City Council to appoint the Board. Ms. Capels said that, according to the rules of procedure, the Planning Commission is authorized to create subcommittees. Ms. Zachai said that the Conservation Commission can continue to be involved

regardless of where the Open Space Advisory Board is organized. She added that the Open Space Advisory Board is also working to develop tools that could be used a filter to evaluate parcels and asked Barry McPhee to describe the project. Mr. McPhee said that the Open Space Advisory Board is putting together a land inventory that will combine information from the Views and Vistas report and the Natural Resource inventory. He said that this tool would improve as they continued to put additional information together. Ms. Campbell said that the Open Space Advisory Board is attempting to develop an objective set of criteria that anyone can use to look at land in the City.

Mr. Borgendale said that he Planning Commission would like the Open Space Advisory Board to identify the criteria that should be used in making land use decisions. Mr. Hammer said that the Conservation Commission is not a planning body and suggested that it makes more sense for the Planning Commission to get directly involved with the Open Space Advisory Board. Ms. Campbell asked how the Planning Commission can proceed with asking the Council to create the Open Space Advisory Board and organize it under the Planning Commission. Mr. Borgendale said the Planning Commission can create a subcommittee. Mr. Mitofsky said that the Conservation Commission objectives do not include planning. He said that the Open Space Advisory Board is more closely related to planning matters. Ms. Zachai said that the Planning Commission has information needs and deadlines and that there will be a benefit to having the Open Space Advisory Board reside within the Planning Commission. She said that this will be especially so if this results in more funds or staff support. Ms. Capels said that a reorganization is unlikely to result in any changes in the present level of staff support. She added that the new Chapter 117 provisions require that any advisory committees be appointed by the legislative bodies. She said that this seems to point to the Council appointing the Open Space Advisory Board.

Mr. Mitofsky made a motion to have the staff draft a motion for consideration as soon as possible that formally adopts the Open Space Advisory Board as a subcommittee of the Planning Commission pursuant to the Chapter 117 revisions. Ms. Campbell seconded the motion. The motion was approved unanimously.

Ms. Grodinsky said that an issue for all is that there is not an understanding of the process for using these tools. Mr. Beyer said that the Open Space Advisory Board is starting to look at this issue. Ms. Campbell said that the Commissioner's meeting packets contain an executive summary of the Natural Resource Inventory from the Open Space Advisory Board. She said that the Open Space Advisory Board is also looking at tools that have been used in Burlington.

The Planning Commission members and the Conservation Commission members agreed to keep lines of communication open.

### **Sabin's Pasture**

Mr. Borgendale advised the Commissioners that the City Council is considering a proposal to hire an outside zoning expert to develop the zoning proposal for Sabin's Pasture. Ms. Capels noted that this topic was on the Council's agenda for Wednesday. Ms. Grodinsky said that she would be interested in such a proposal if it meant that the consultant would look at all of the different potential types of zoning tools and the Planning Commission could be involved in the process. Mr. Borgendale said that he did not have much information but that the Council agenda described the topic as "the consideration of the Sabin's Pasture interim zoning/zoning consultant. Mr. Grayck would like to assist the Planning Commission and is suggesting that the City hire an outside zoning expert to assist the City council in coming up with the first draft of permanent zoning to replace the existing interim zoning relative to the Sabin's Pasture area. Upon completion of the draft, City Council will forward it to the Planning Commission for their review."

Mr. Mitofsky said that he interprets that statement to say that the expert will focus on Sabin's Pasture and this will preclude the Planning Commission's efforts to include the entire town in the zoning fix. Mr. Sedano asked if there is a way to have some convergence on the Council's description and the Planning Commission's wishes. He said that this could be a start for the process. Ms. Grodinsky said that if a consultant can develop a proposal for Sabin's Pasture based upon a review of conservation zoning tools, she would support the use of the consultant. Mr. Mitofsky said he agreed with that statement, but is concerned that the Council is focusing only on Sabin's Pasture. Ms. Facciolo said that she is concerned that the Planning Commission will not get the work done at a pace that will meet the time frame for development. Mr. Mitofsky said that there is enough time before the interim zoning expires. Ms. Grodinsky said that this is an opportunity to get the rezoning completed using conservation and density tools that the Planning Commission will be able to apply more broadly. Ms. Campbell said that if the zoning is written specifically for the Sabin's Pasture parcel, it may co-opt the planning process by establishing a precedent for how similar properties are to be handled. Ms. Facciolo said the Master Plan process is ongoing and that the Planning Commission will continually be working on changes to any zoning that is not appropriate. Ms. Campbell said that the process to change zoning is a long one. Ms. Facciolo said that this proposal could be the start for a citywide rezoning. Mr. Borgendale said that he agreed that this is an ongoing process. No zoning is permanent and that his biggest concern is that some supportable criteria are used to develop zoning. He will attend the Council meeting.

#### **Master Plan Update**

Ms. Capels said that progress is being made using the current outline and the pertinent information from the current Master Plan. She said that she is still aiming to have a draft for the Planning Commission at the end of June.

#### **Chapter 117 Update**

Ms. Capels advised the Commission that the effective date is now July 1, 2004 for some sections of the new Chapter 117. She pointed out that the Chapter clearly specifies that permits shall not be effective until the 30-day appeal period has expired. In addition, the permit is not effective until a 15-day appeal period has passed. Mr. Sedano said that it will be important that as many projects as possible be handled through the administrative approval.

#### **Other**

Mr. Sedano said that he is interested in applying to be reappointed to the Commission when his term expires.

#### **Adjournment**

Mr. Sedano made a motion to adjourn the meeting, seconded by Ms. Facciolo. The motion was approved unanimously and the meeting was adjourned.

Respectfully submitted,

Valerie Capels

Transcribed by Kathleen Swigon

*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.*