

Montpelier Planning Commission
May 9, 2005
City Council Chambers, City Hall

Subject to Review and Approval

Present: Marjorie Power, Chair; Carolyn Grodinsky, Vice Chair; Anne Campbell;
Ken Jones; Richard Sedano
Staff: Valerie Capels, Planning & Community Development Director

Call to Order

The meeting was called to order by Ms. Power.

Minutes of April 25, 2005

Mr. Sedano made a motion that the Commission approve the minutes of the April 25, 2005 meeting. Mr. Jones seconded the motion. The Commission voted 5-0 to approve the minutes as submitted.

Public Appearances

There were no public appearances.

Review of Agenda

Ms. Campbell asked that a discussion of the Planning Commission's representation on the Open Space Advisory Committee be added to the agenda.

CVRPC Northwest Project - Build-out Model

Ms. Power introduced Dan Currier, a GIS Specialist and Chris Walsh, a Senior Planner with the CVRPC. Mr. Currier referred to the three maps that were provided to the Planning Commission. Ms. Capels explained that the maps had not been included in the Commissioners packets due to problems with the office printer. The maps were available, however, on the Web site. Mr. Currier displayed and described the maps. He said the first map showed the development constraints, the second map showed buildout without constraints, and the third map represented a new analysis of buildout with the constraints and with the changes recommended by the Planning Commission at a prior meeting. He described the following changes to the analysis:

- Right of ways and railroads were removed from the developable land;
- Water bodies were removed from developable land;
- Stream buffers were reduced to 50';
- A different method was used for considering built land using building footprints and e-site information; and
- Consideration was given to the fact that Sabin's Pasture could be served by public sewer and water even though those utilities do not presently extend onto the site.

Mr. Currier said that the buildout model without constraints yielded about 5,000 additional units (in this case, the term "unit" represents a structure which could be any type of residential building allowed in the zone). The 5,000 units were in addition to the 2,710 existing units. The buildout analysis with the constraints yields 1,500 fewer units than the buildout without constraints or 3,500 units. The analysis could be updated if there are future changes to the zoning.

Ms. Power said it was important to be clear that, in the analysis, “unit” means a building and does not refer to a housing unit.

Mr. Walsh discussed the draft report entitled “CVRPC Northwest Growth Study: The City of Montpelier.” He said he would welcome comments and recommendations of the Planning Commission. Mr. Walsh described some of the housing-related trends in Montpelier including the fact that the population has declined. There was a hypothesis that the housing shortage and the dwindling household size may be factors in this decline. The daytime workforce population has increased at the same time there has been a dramatic increase in the percentage of the population commuting to work elsewhere.

Mr. Walsh highlighted some of the results of the analysis including:

- Under current zoning and without development constraints, Montpelier’s full build-out could result in more than 5,000 new building units. With constraints factored in, the number drops to just under 3,500 units.
- Most of the developable land is within the MDR and LDR districts.
- The LDR zone contains the most potential for new development.

Mr. Walsh discussed the considerations and conclusions provided in the report including:

- Montpelier possesses an environmentally sensitive and deeply appreciated landscape. At the same time, the City’s Master Plan expresses the responsibility and desire to accommodate reasonable growth.
- The decline in population does not seem to be a result of lack of demand, land area, or infrastructure for housing.
- The City would be well served if the Master Plan provided more specific guidance on the appropriate future land use for undeveloped properties.
- Restrictive language contained in the Master Plan could be clarified as to intent.
- Concepts included in the changes to Chapter 117, such as the mandatory cluster requirement, could be useful in protecting un-fragmented areas of open space while allowing for more dense cluster development.

Mr. Walsh said that the CVRPC will be happy to work with the City to explore any issues or new scenarios related to the buildout analysis.

Ms. Grodinsky said it was good to hear that the report recommends concepts that the Planning Commission has been pursuing. Ms. Power said she wondered whether issues like housing cost and affordable housing are shared by other communities in the region. She asked whether Montpelier would be shouldering the burden of providing affordable housing for all of Central Vermont. Mr. Walsh said he could do more in comparing the data to other communities. Ms. Capels asked whether CVRPC has done a “fair share analysis.” Mr. Walsh said that type of analysis has not been done, but there is some momentum for a regional analysis. Mr. Sedano said that if units added by Montpelier were bought up by people from outside of the City, the affordable housing situation would not be improved for the people within the City.

Ms. Grodinsky observed that the question is how to create density while preserving open space. She said there is room to accomplish both goals by increasing densities. Ms. Campbell asked that the report say more about the need for the Master Plan to provide specific guidance on land use. She did not see any

mention of overlay zoning in the report. Mr. Walsh said that the concept was mentioned, but the discussion could be expanded. Ms. Capels asked Mr. Walsh whether he was aware of any Central Vermont towns that have used the overlay zoning approach effectively. Mr. Walsh said that overlays had been used for a variety of resources. He was not aware of any that have tackled ridge lines and hillsides except by elevations. He could do some more research on the lower elevation hillsides.

Ms. Power said that the Commission would take time to read the draft report and provide comments.

Continued Discussion of Mini Master Plan Amendment

Ms. Power said that the Planning Commission would take advantage of the opportunity to discuss the maps related to the amendment with Geoff Beyer while he was at the meeting. She said the City Council considered the Planning Commission's proposed revisions and the Council wanted to modify the future land use maps itself. The Council asked Geoff Beyer to sketch the map produced by the Open Space Advisory Committee. The Planning Department has been trying to reconcile the wording of the Council motion with the sketch map and the Open Space Advisory Committee intent. As a result, three maps are to be considered by the Planning Commission. Ms. Capels noted that the Council has not yet met to consider the maps, so the Planning Commission's feedback could help the Council to refine the product that it desires.

Ms. Grodinsky said it would be better to visit the site rather than look at the line on the map. Ms. Power said that would require the landowners' permission, but some type of a "near-site visit" might be possible in the future. She said that, in the meantime, Mr. Beyer was at the meeting to explain the maps. Ms. Power said the Council's motion referred to two elevations (the 625 and 675 contours) and the space between them. The resulting line is shown on the first map, Mr. Beyer's sketch is shown on the second map and the Open Space Advisory Committee's recommendations are shown on the third map. Mr. Beyer clarified that the Open Space Advisory Committee map is really a hybrid between the Open Space Advisory Committee's original ideas and the Council motion. He said that the Open Space Advisory Committee considered attributes including the natural and cultural resources.

Mr. Jones asked what attributes suggested extending the line rather than following the contour. Mr. Beyer said that those attributes included connections to an unserved area at Vermont College, a large wetland and stream, a wildlife corridor and a trail for recreation. Mr. Jones asked if there was some important difference between Mr. Beyer's sketch and the Open Space Advisory Committee map. Mr. Beyer said that both are similar in attributes and that his sketch could probably be discarded. He said that one reason a wide area had been provided as a connector was that it had not been clear whether the College would allow a trail on their property. He said that in talks with the College, it appeared that they were open to a trail. That would mean that the connector did not have to be as wide.

Ms. Capels suggested that an alternative would be to create a single district with mandatory PRD provisions using the map guide the PRD design.

Mr. Jones asked if there was agreement that the map labeled "Open Space Advisory Committee Recommendation" is the preferred description since it includes the attributes that the Open Space Advisory Committee developed and the Council's consideration of the elevation line. Ms. Capels said that the Council has not had a chance to see the maps or to make refinements. Mr. Jones said the Commission could help the Council by offering its opinion on which line to consider. The Planning

Commission could also point out that there is no sharp definition of what will take place in the zoning, but the map gives the Commission what it needs to take the next steps in developing zoning.

Ms. Power said the Commission needs to say which of the three maps is the best and then provide whatever comments it wants to include. Ms. Campbell suggested that the comments say the Planning Commission supports the adoption of the Open Space Advisory Committee recommended map and then specify the reasons based on the Open Space Advisory Committee's criteria and public access. Mr. Beyer noted that the Open Space Advisory Committee did include a narrow (75' to 100') corridor extending along the stream down to Barre Street. Ms. Campbell asked if the Open Space Advisory Committee could draft its rationale for the preferred map. She said the rationale could be included in the Planning Commission's report. Mr. Beyer said the Committee would have to discuss that. There were some significant reservations among some members who were concerned that the lines should not be used to create conservation zoning instead of other conservation methods such as compensation. Mr. Jones said the label of conservation district does not dictate the type of zoning that will be adopted. He would encourage the Open Space Advisory Committee to recognize the difference between the identification of an area for conservation and the specifics of how the conservation will be accomplished.

Ms. Power said the map was supposed to represent those areas of the pasture that met the criteria that the Open Space Advisory Committee had described. Barry McPhee, of the Open Space Advisory Committee, said that the Committee's initial charge was to come up with a breakdown of what it thought was a judicious balance of land use without outside constraints. The Committee realized that approach might not work politically; it looked at what it would want to see if it did not consider competing interests and then developed another version that considered those competing interests. Ms. Campbell said she recalled that was why there was a line at the 625 contour and one at the 675 contour.

Ms. Power said the Planning Commission needed to consider the revisions that she had made to the Master Plan amendment based on the discussions at the last meeting. The shaded areas on the draft reflected changes that the other members had not yet seen.

MOTION: Mr. Sedano made a motion that the revised draft be accepted by the Planning Commission. Mr. Jones seconded the motion.

Mr. Jones asked for the history related to the deletion of the reference to compensation. Ms. Capels said that reference was added by a Council member in a draft revision. The full Council wanted to retain the concept, but asked the Planning Commission to find a better place for it. She had included it on page 87 because that seemed to be the best fit. Ms. Power said she had then asked for the reference to be deleted. The language was such that anytime the City did anything that might affect land value, it would have to compensate the affected land owners. That would create the disastrous concept that anytime land value is affected, compensation was necessary. Mr. Jones said there is already a great deal of law related to compensation for changing land values. He said that it was not appropriate to address the issue in a single sentence in the Master Plan, but added that it was important to explain the history of the revisions. Ms. Capels said the Planning Commission had decided to delete the sentence on compensation and add a statement that all citizens should be treated fairly with the understanding that the principle embodied the concept. Ms. Power said there was also a list of tools on page 18 that addresses the concept.

Mr. Jones said that section 11.4 needed clarification. Ms. Power agreed. The Commission agreed to modify the section so that it reads as follows:

“It, as well as other provisions in the Master Plan will be used to guide future changes to land use in Montpelier, but the land use areas on the future land use map are general indications of intent and the demarcation lines between these areas are generalized and not intended to be strictly interpreted. The Future Land Use Plan is intended to be a general guide for revisions of the City’s zoning regulations and for the review of proposed development plans, but the map is intended to be interpreted comparatively less strictly than a zoning map.”

Ms. Campbell said that section 3.2.4 should be corrected to say “views and vistas.” She also noted that recommendation 3.2.b did not mention an interconnected street pattern which should be included since it is an important concept in the Master Plan. Mr. Sedano said the section in question relates to natural features and environmental goals. He wondered whether the change was getting beyond the mini amendment and into the larger future amendments. Ms. Campbell said the issue raised concerns that the whole mini Master Plan amendment is intended to address traditional patterns of neighborhood development, including interconnected streets, but the map and amendments do not speak to that. If the Planning Commission does not speak to it in this Sabin’s Pasture amendment it may be inadvertently boxing itself into a neighborhood without connected streets. Mr. Jones noted that section 11.5 said development should use the existing street grid. Mr. Sedano said page 35 states that new roads should tie into existing street grids wherever possible. Ms. Power added that the whole definition of “traditional patterns of neighborhood development” includes the concept.

Ms. Campbell said that the section on affordable housing bonuses on page 85 was not clear. Jack McCullogh suggested that the first sentence should be revised to replace the verb “is” with “are” so that the sentence said “Density bonuses and inclusionary zoning for the provision of below market rate units are becoming a popular . . .” Ms. Campbell said that change helped.

Ms. Power asked whether the Planning Commission was ready to vote to accept the changes for the purpose of holding a public hearing on the document. Ms. Capels clarified that the term “public hearing” was being used loosely here.

VOTE: The Planning Commission approved the motion by a vote of 4-0 (Mr. Sedano left before the vote).

Zoning Revisions and Ch. 117 Statutory Zoning Change Time Line

Ms. Capels said that the matrix included in the packets contains information on the provisions of Chapter 117 that will supercede non compatible local regulations. She explained that Montpelier’s non-compatible regulations will be superceded in September unless changes are implemented. The timeline demonstrated that there was not enough time to complete changes by then, but it would be good to move ahead on them as soon as possible. Ms. Power said that the Commission has proposed to delete the restriction on accessory apartments from the Master Plan in response to the Ch. 117 changes. The Commission also needs to review the Housing Task Force’s proposal. She asked Mr. McCullogh whether he wanted to present the proposal. Mr. McCullogh said that he was not prepared to address it at that time, but another member of the task force who is more knowledgeable on the subject could attend a future Commission meeting to discuss the proposal. Ms. Grodinsky said that she would also like to hear from the “One More

Home” Committee. Ms. Power suggested that the Housing Task Force proposal and the other Ch. 117 changes be taken up at the June 13 meeting.

Other

Next Agenda: Ms. Capels said that the Smart Growth Collaborative will attend the next meeting to discuss some ideas. Ms. Power said the Planning Commission will have to think about what it wants to say about the map because it will have to transmit the amendment with a report. Ms. Capels clarified that a transmittal memo could accompany the amendment with the report coming later. Mr. Jones said that he would like the transmittal to recognize that the map is still one step from the drawing of lines in zoning. Ms. Power said that she would try to draft the memo and asked Ms. Capels to send her the final revisions to the amendment.

Commission Representative on the Open Space Advisory Committee: Ms. Campbell said that she needs to resign as the Planning Commission’s representative on the Open Space Advisory Committee as she has a scheduling conflict. She said that Mr. Jones has agreed to take the position on if the Planning Commission wants him to.

Planning Commission Vacancy: Ms. Power said that there is another vacancy on the Planning Commission. She hopes that interested people will apply to the Council by sending letters of interest to the City Manager. Ms. Capels said the vacancy has been advertised and is on the Web site. Ms. Capels thanked Ms. Facciolo for all the work, time and energy that she has given to the Planning Commission. Ms. Grodinsky suggested that the status of the DPZ and zoning committee recommendations be discussed at a future meeting.

Adjournment

MOTION: Mr. Jones made a motion to adjourn the meeting, seconded by Ms. Grodinsky. The motion was approved by a vote of 4-0 (Mr. Sedano left earlier in the meeting).

Respectfully submitted,

Valerie Capels

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.

Transcribed by Kathleen Swigon