

**Montpelier Planning Commission**  
**June 27, 2005**  
**City Council Chambers, City Hall**

*Subject to Review and Approval*

**Present:** Marjorie Power, Chair; Craig Graham; Ken Jones; Richard Sedano, David Borgendale  
Staff: Valerie Capels, Planning & Community Development Director

**Call to Order**

The meeting was called to order by Ms. Power.

**Public Appearances**

There were no public appearances.

**Review of Minutes of June 13, 2005 Meetings**

Mr. Graham moved approval of the minutes of the June 13, 2005 Planning Commission meeting. Mr. Jones seconded the motion. Mr. Jones said the second sentence on page 4 should be clarified: the intent of the comment was to say that it might be “logical to not take on more work . . .” Mr. Sedano said that the first sentence of the third paragraph on page 2 should refer to the Vermont Energy Corporation. The Commission voted 4-0 to approve the minutes with Mr. Borgendale abstaining.

**Planning Commission Master Plan Amendment Report**

Ms. Power said that Ms. Capels drafted a report for the proposed revisions to the Master Plan. Ms. Power said that the City Council will be holding a public hearing on the Master Plan amendment on July 13, 2005. Ms. Capels said that copies of the amendment are available at City Hall, copies will be delivered to the Kellogg-Hubbard Library and a copy is also available on the City Web site.

Ms. Power said that she thought that the references to Traditional Neighborhood Development should be replaced with the new term throughout the document. Mr. Borgendale added that references to “Reserve” should be removed from the document. Mr. Jones referred to the last paragraph on page 3. He said that, unless the proposal would result in an increase in the permitted number of dwelling units, the report should not speak of impacts like increases in traffic. Ms. Capels said that the report could be amended to say that both the current Master Plan and the proposed changes allow for housing development. Mr. Sedano said the paragraph is saying that traffic will increase if development occurs. Mr. Jones said he had now read the paragraph more closely and would withdraw his comment. Mr. Graham said the paragraph discusses Barre Street and Main Street, but should also acknowledge traffic impact to other streets in the area.

Mr. Borgendale asked why there were blanks on page 5. Ms. Capels said she was waiting for data from Eric. Mr. Jones said the paragraph on the municipal tax base on page 4 should include a statement that the development will not cause an increase in the tax rate. Mr. Graham said the statement in the second sentence of item B on page 4 was open ended. Mr. Jones said the Planning Commission will make its decision before the school board makes its decision. Mr. Borgendale suggested taking the sentence out. Mr. Jones said he thought that the school board should take the rezoning into account in its planning rather than the way the sentence is written.

Ms. Power suggested leaving the first two sentences and deleting the third sentence. Mr. Sedano and Mr. Borgendale agreed.

Ms. Power referred to the third paragraph on page 2. She said it is not clear that the area between the two zones will be a transition zone. She said that it is an area in which a zoning line could be drawn. Ms. Power suggested that the sentence say that “An area between the Conservation and Mixed Residential areas has been identified that might be treated as Mixed Residential, Conservation or some combination of both.”

Mr. Borgendale said that he thought that the Planning Commission should take a position on the fact that the amendment will result in a decrease in the potential for housing development. Mr. Sedano said that conclusion was based on the maximum allowable potential rather than the development potential that is feasible or achievable. Mr. Borgendale said he also looked at the number of units based on some consideration of site limitations. Ms. Power said that nothing in the proposed amendment requires that the zoning numbers be reduced. She added that there is nothing in the amendment that would preclude the rezoning to result in high density.

Ms. Capels said that she would finalize the report and make it available to the Council and the public.

### **Zoning Revisions Review**

Ms. Capels said she was prepared to follow up on some questions that came up in the last discussion of the matrix for section 4412. She had also provided copies of a new matrix comparing the provisions for duplexes, accessory apartments and ancillary apartments. She noted that the Housing Task Force had proposed deleting the provisions on ancillary apartments if the amendments relating to accessory apartments were approved. Ms. Capels reviewed a summary of the current and proposed details for duplexes, accessory apartments and ancillary apartments on the last two pages of the matrix.

Ms. Power said the limitation that the size of an accessory apartment be no more than 30% of the existing dwelling would be a problem if the existing house was small. Ms. Capels said an apartment that exceeded the limit could be allowed as a conditional use. Mr. Borgendale asked why the Commission would care to have a restriction on the size of the accessory apartment. Ms. Capels said that accessory apartments are exempt from the minimum lot size requirements whereas, a duplex must comply with the requirements. Also, the parking requirements differ for the two types of housing. Ms. Power said that size restrictions would be most appropriately applied to new construction. She could not see the impact of dividing up an existing structure. Mr. Borgendale asked whether lot coverage requirements apply to accessory structures. Ms. Capels said they did. Mr. Borgendale said those requirements would control the size of any new accessory apartment. Ms. Power said that she did not see the downside of eliminating the 30% limitation. Ms. Capels read the statutory definition of an accessory apartment and noted that the definition includes the 30% limit. Ms. Power said the effect of the definition was that the municipalities must allow up the apartments up to the 30% limit, but there was no reason why the City could not define the limits more generously. Mr. Jones said he could anticipate a situation in which a large accessory apartment is rented to more than two people after the initial occupancy. He was not sure whether that situation should be a concern. Ms. Power said she would expect those situations would occur, but was still trying to understand what the downside would be. Mr. Jones noted that accessory apartments are not subject to the same parking requirements as duplexes. Ms. Capels said that the ordinances require 1.5 parking spaces per

duplex unit while one space is required for an accessory apartment unless the space is obstructed, in which case two spaces are required. The accessory apartment becomes a conditional use if the parking area is to be expanded, but that provision does not apply to duplexes. Ms. Power suggested that the Commission might want to consider a requirement of 1.5 spaces for accessory apartments. Ms. Capels said that the Housing Task Force had made the same suggestion.

Mr. Borgendale said he did not see why there was a limit on occupancy. He did not know what the public purposes of these restrictions were. Ms. Power asked whether there are restrictions on the number of people in a single family dwelling. Ms. Capels said there was no such restriction. The main advantage of an accessory apartment is that it is exempt from lot size requirements and is allowed in an accessory structure. A duplex is subject to minimum lot sizes and is limited to a single building.

Mr. Sedano said the Commission needs to create regulations that can be implemented. He said the Commission should not have regulations with an applicability that depends on what the use is called. Ms. Capels said the Planning Commission and residents had been concerned about parking impacts from accessory apartments. That was why an accessory apartment was a permitted use only if parking can be provided without increasing the parking area.

Mr. Borgendale asked what the purpose of having a minimum lot size was. Ms. Capels said that those provisions were intended to control density and land use impacts. In some areas, they might be used to define the settlement patterns, the percentage of open space and the relationship of buildings to one another. Mr. Borgendale said that lot coverage limits could control density. He asked why the Commission should care about the number of units on a lot. Mr. Jones said that community impacts on parking and traffic were related to the number of units on a lot. Mr. Borgendale said that parking requirements could still apply, so the minimum lot size per unit would not be needed to address those concerns. Ms. Capels said that was the general direction that the SmartCode was going.

Mr. Jones and Ms. Power said they thought that the Commission should seek input on this issue from the Housing Task Force. Mr. Jones said the Commission could then get public reaction to the idea that accessory apartments might be added to neighborhoods. Ms. Power said she would also like to hear from the Task Force on the 30% restriction and reasons to distinguish among types of units.

### **Zoning Revisions Review**

Mr. Jones said he wanted to discuss how the Commission would move forward on the rezoning issue. The Commission had agreed to take up parts of this task to work on over the summer. He would like to do that in order to allow the Commission to know as soon as possible if the existing tools are not adequate to do what it wants to do.

Ms. Power asked what was the purpose of the presentation that Eric was going to do on conservation overlays. Mr. Jones said that Eric had given the Conservation Commission a presentation on the use of various overlays city wide and would like to do some work on it and then do a presentation for the Planning Commission and Conservation Commission. Mr. Jones said he did not think the conservation overlay will be the tool for the Sabin's Pasture rezoning since the Master Plan did not have much in it on overlays. Ms. Capels noted that there is a reference to the use of overlays in the Master Plan. Mr. Jones said it would be constructive to

have the maps and overlays when the Planning Commission has this discussion. Ms. Capels said that, if the presentation is to occur in August, it would have to be at the August 8 meeting. Mr. Jones said that he could not attend that meeting. Ms. Capels said that she would ask Eric about the July 25 meeting.

Mr. Jones said he would like for the Commission to look through the existing regulations to see how the tools and regulations might be applied and might affect the Commission's work on rezoning Sabin's Pasture. Ms. Capels said the Master Plan amendment includes a lot of enabling language and references to Traditional Patterns of Neighborhood Development that will support the use of some of the concepts that the Commission has discussed. Mr. Borgendale said he would like to understand what external limitations the Commission also needs to consider. He gave the example of limits on the number of curb cuts across the railroad right of way. Mr. Jones said he would like information on the status of the railroad right of way at Sabin's Pasture. He asked Ms. Capels what topic the Commission might be able to take up at its next meeting. Ms. Capels said that traffic and roads might be the best topic. She said that the Commission could look at the current standards for streets and revisit the SmartCode provisions.

#### **Other Business**

Next Meeting Schedule: Ms. Power confirmed that there would be a number of Commissioners unable to attend the meeting scheduled for July 11, but it appeared that a quorum of Commissioners would be available. Ms. Capels said that she had raised a question about moving the meeting to July 18 because the next two weeks will be short and she was scheduled to be out of the office at least one day. She would be better able to prepare materials if the meeting date was moved back one week. There was a consensus that the meeting should be moved to July 18 in the hope of having better participation and more materials to work on. Ms. Capels advised the Commission that the meeting would be held in the police station meeting room and would not be televised.

Ms. Capels reminded the Commission that the City Council will be taking up vacancies on July 13. She encouraged any Commissioners whose terms were expiring to reapply.

#### **Adjournment**

Mr. Borgendale made a motion to adjourn the meeting at 9:25. Mr. Sedano seconded the motion. The motion was approved unanimously.

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*