

Montpelier Planning Commission
July 25, 2005
Police Community Room, Pitkin Court

Subject to Review and Approval

The following commissioners and staff convened at the corner of Sabin and Foster Streets at approximately 6:20 p.m. and proceeded to walk down the hillside to Barre Street. Discussion was focused on identifying landmarks and benchmarks on the Sabin's Pasture site.

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

Commissioners and staff returned to Sabin Street and the meeting recessed at 6:45 p.m.

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

Call to Order

The meeting was called to order at 7:10 p.m. by Ms. Power who explained that the Commission was reconvening after a site meeting near the Sabin's Pasture site.

Public Appearances

There were no public appearances.

Discussion of Sabin's Pasture

Ms. Power said that the Commission agreed at the last meeting to look at design proposals for Sabin's Pasture from the Friends of Sabin Pasture and from the Community Land Trust. Ms. Grodinsky noted that the Friends of Sabin's Pasture plan was a modification of an earlier design.

Mr. Borgendale said he would be skeptical of the economic feasibility of the small (about 1,000 ft²) residential units that are used in each of the designs. Ms. Grodinsky said the Commission does want to see a mix of units so some smaller units are appropriate. Ms. Power said the Friends of Sabin's Pasture proposal presents the roads forming a perfect grid pattern. A perfect grid pattern may not be necessary since the road locations will have to account for slopes, but the roads should be connected. Mr. Sedano said the other plan which uses dead-end streets does not create the feel of a neighborhood. Mr. Borgendale said he also had an issue with all of the open air parking. That type of parking looks awful and will probably be less desirable to potential buyers than covered parking. Mr. Jones asked whether marketability was really an issue for the Planning Commission. Mr. Borgendale said the Commission's concern is to see that good housing is built. The Commission's work should encourage development of good quality housing.

Ms. Capels showed the Commission members another design plan that was developed as part of a grant-funded project in 1993. The Commission members discussed that plan.

Ms. Power said that she was troubled that the plans addressed only the Aja-Zorzi property. She said it would be better if the plan took in all of the developable portions of Sabin's Pasture including the college property. Mr. Jones said it was still not clear what tools were available to affect the differences between the plans. Ms. Capels said that will be clarified when the Commission goes through the planned development standards. Mr. Jones asked whether the standards include the tools that the Commission needs. He gave an example of the question of how to achieve a mix of housing types. Ms. Capels said the Commission may determine that it needs to make some changes to the standards, but there are ways to get the desired mix.

Mr. Sedano said it appeared that the Friends of Sabin's Pasture plan is similar to the other plan in terms of development footprint, but the Community Land Trust plan fits into the limits proposed by the City Council. A problem with the Land Trust plan is that it does not realistically deal with the railroad right of way and bike path. Mr. Borgendale asked whether there was an answer on the status of the right of way. Ms. Capels said that the City strongly believes that the rights to the right of way have not been abandoned. Mr. Borgendale explained that he asked the question because of the issue of one curb cut. Mr. Jones said the City should be able to work with the Agency of Transportation on the curb cut issue. Ms. Capels said the railroad is exempt from local regulation. Ms. Power suggested looking into discussing these questions with Mr. Dunleavy. She noted that the single curb cut would not be an issue if both properties were developed at the same time. Ms. Capels said she had informally suggested to Dr. Hansen that the development on the college property leave a right of way stub to allow for a future connection by the developer of the adjoining property. That type of language is in the standards now, but the Commission needs to ensure that the standards are clear enough to allow the Development Review Board to apply them as intended. Mr. Borgendale noted that some municipalities have developed plans to guide future street layouts.

Ms. Power said she like the idea employed by one of the plans to account for slope by placing taller structures at the lower elevations and shorter buildings on the higher areas. Ms. Grodinsky asked whether there were options for parking lots if higher density is allowed closer to Barre Street. Mr. Borgendale said that placing garages under the units is an approach that works well, but the presence of ledge may limit that approach on this site.

Mr. Jones said that he still wanted to learn how the current tools could influence the design of plans toward the Commission's goals. Ms. Grodinsky agreed. She said it makes sense to learn about the tools and then revisit these discussions. Ms. Capels said she wanted to discuss changing the next meeting date from August 8. The Commission discussed available dates and agreed to move the meeting date to August 17.

Continued Review of Chapter 117 Revisions

Ms. Capels explained that the City is not required to change this section of the regulations in response to the Chapter 117 changes, but this is an opportunity to address an important issue. Chapter 117 was revised to unify the terms "noncomplying" and "nonconforming" and municipalities may now define the degree on nonconformity. This is an important issue related to streamlining of the permit process because a large number of applications currently require variances or conditional use review because they are noncomplying. This is an opportunity for the City to define certain situations for which it does not want to require variances or conditional use review.

Ms. Grodinsky asked for clarification on the issue of the merger of existing nonconforming lots. Ms. Capels said the City's regulations require the automatic merger of undersized lots that are in the same ownership. Though the state statute no longer requires this as the default, other municipalities seem to be maintaining that provision. Ms. Power said the requirement is appropriate since the goal should be to bring lots closer to conforming with the standards.

Ms. Power asked why nonconforming uses are permitted to expand up to 25% of the floor area. Ms. Capels said that is a provision of the existing regulations. Mr. Borgendale asked why the grandfathering provision for nonconforming uses the date of 1973 rather than the date of the latest change to the regulations. Mr. Sedano said that was a transitional provision for uses that existed on the date that the regulations were adopted. Ms. Power questioned why a nonconforming use should be permitted to expand to fully use an existing building (Section 303.A.2).

Ms. Capels pointed out that the draft proposes a new provision be added at Section 304.1 regarding changes to nonconforming structures. The Commission might also want to think about how to deal with handicapped ramps and suggested that "accessibility" could be added to this section. Ms. Capels conveyed that Administrative Officer Stephanie Smith would like to see handicapped ramps permitable without requiring variances. Ms. Power said there are sometimes alternative locations for ramps that would not require variances. Mr. Sedano said that, if the staff desires to conduct desk reviews of the ramps, the ordinance could be crafted to allow the staff to review the alternatives. The Commission discussed adding accessibility to the section. Ms. Power said that the wording of the section might be changed since accessibility is not "mandated" for residential property. Mr. Sedano said it seemed that the accessibility issue should be addressed in a separate section. Ms. Capels agreed. Mr. Jones said that he now was concerned that the term "mandate" would not even address environmental or safety improvements that are not mandated by code.

The Commission discussed the procedures related to the review of changes to nonconforming structures by the Development Review Board. Ms. Power said that the approval methodologies for nonconforming uses and nonconforming structures should be similar. She agreed that it would be good to limit the number of variances required. Ms. Capels said that Ms. Smith suggested that additions like dormers over existing building footprints should go through administrative review. Mr. Sedano said that he was sympathetic to that concept. Ms. Power said that the conditional use standards that are presently applied to that type of development are not appropriate for most residential structures. She expressed interest in setting up more appropriate standards. She suggested that the staff could then conduct the review provided that the neighbors have the opportunity to comment. Mr. Borgendale said that he did not think it was appropriate to that have the DRB review those types of projects under the conditional use criteria.

Ms. Capels said she believed that she was hearing general agreement among the Planning Commission that administrative approval is appropriate for changes that will not result in a change to the footprint of nonconforming structures. She asked if the Commission would want to require that letters be submitted from the adjacent neighbors. Mr. Sedano said he wanted to see some notice procedure giving the neighbors the opportunity to comment, but not requiring a letter from the neighbors. Ms. Power suggested that the Administrative Officer could send a letter stating that an application is about to be reviewed and comments may be submitted within a certain time frame. Ms. Capels asked what the next step should be if comments are received.

Mr. Sedano said that the question is whether the Administrative Officer gets to determine whether the comments are significant and whether frivolous comments should automatically trigger a review by the DRB. Mr. Sedano said the Administrative Officer could respond by stating that the comments have been reviewed, but the project appears to qualify for approval and will be approved unless the commentator objects to the DRB within a specified time frame. Mr. Sedano suggested that Ms. Capels draft some suggestions for the procedure. Ms. Power agreed. Ms. Capels said that she would discuss the matter further with Ms. Smith.

The Commission discussed section 304.B regarding reconstruction of a nonconforming structure. Mr. Borgendale asked what public purpose was served by the threshold that no more than 75% of the structure be destroyed. The Commission discussed the ramifications of that provision. Mr. Borgendale said that he would like to be more selective with the application of the provisions, but tougher on structures that are incompatible with the area. Ms. Power said that even single family dwellings that are completely destroyed should be made to conform if they can.

Ms. Capels said that she would like to give these concepts more thought. Ms. Power suggested ending the discussion and continuing at the next meeting on August 17.

Other

Ms. Power said that Ms. Capels sent a message to the Commissioners asking that they take digital pictures of their neighborhoods. Ms. Power said she thought it would be good to ask that the public also do this, but some type of data base would have to be set up to organize the photos. She asked the Commissioners to think about this idea.

Adjournment

Mr. Borgendale made a motion to adjourn the meeting at 9:40. Ms. Grodinsky seconded the motion. The motion was approved unanimously.

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.