

**Montpelier Planning Commission**  
**September 12, 2005**  
**City Council Chambers, City Hall**

*Subject to Review and Approval*

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

**Call to Order**

The meeting was called to order by Ms. Power at 7:10 p.m.

**Public Appearances**

There were no public appearances.

**Minutes of August 22 and August 17, 2005 Meetings**

Ms. Campbell made a motion that the minutes of the August 22, 2005 meeting be approved as submitted. Mr. Borgendale seconded the motion. The motion was approved unanimously. The Commission deferred action on the August 17 minutes to allow the members time to review them.

**Municipal Planning Grant Application Resolution**

Ms. Capels introduced Barry McPhee of the Open Space Advisory Committee to discuss the request for Planning Commission authorization for the Open Space Advisory Committee to submit an application for a planning grant. Mr. McPhee explained that the grant would be for phase 2 of a natural resource inventory. The grant would be used to hire a contractor to conduct the inventory, produce a report and a GIS map. The work done for this phase would provide a substantial piece of the underlying data that is needed to complete the GIS data layer for the city. Ms. Power asked whether the product would enable the Commission to produce a better map of natural features for inclusion in the Master Plan. Mr. McPhee said it would, but noted that the information will have to be updated regularly. Mr. Borgendale said he was very much in favor of the request. The Planning Commission has been asking for this data for several years. He noted that the agenda said the application was to be submitted by the Conservation Commission and asked whether the Open Space Advisory Committee should do the work instead. Mr. McPhee said that the reference to the Conservation Committee in the agenda was an error; the Open Space Advisory Committee would be submitting the application. Ms. Grodinsky asked if the work will be done on private land. Mr. McPhee said that this phase will involve more private land. The Open Space Advisory Committee has been working to increase the landowner participation in the inventory. In order to increase landowner interest, the Open Space Advisory Committee is researching the possibility that the data can be used in any future Act 250 application by the landowner.

Ms. Power asked what the phase 1 product looked like. Mr. McPhee said the product was a report and map for the entire city. The intent is that phase 2 will produce more substantial data. The amount requested in the application is currently \$15,000, but that number may change when the Open Space Advisory Committee discusses it further. Ms. Capels recalled that the \$11,000 granted for phase 1 was not adequate. Mr. McPhee said that part of the current phase would involve training of citizen field naturalists to assist in the inventory.

Mr. Borgendale made a motion that the Planning Commission sign the resolution supporting the submission of the grant application, seconded by Mr. Jones. Grodinsky said that it is important to get the word out to the public to explain why this is being done. Mr. Graham asked what the phase 2 product will be. Mr. McPhee said the product will be a more robust version of the product from phase 1. Ms. Power said that motion was that the Commission sign the resolution to support the application for a \$15,000 grant to do a phase 2 natural resource inventory. The motion was approved unanimously.

### **Conservation/Community Resource Overlays**

Mr. Jones said that he prefers the term “community resource overlay” to “conservation overlay.” The overlays provide information on open space and natural resources that will help to identify parts of the city that deserve special attention. He described three options for the overlays. The first would focus on concentrating density in smaller portions of development sites, the second would provide for tighter standards and review of certain areas and the third would look holistically at an area by comparing resource values before and after development. Ken Matzner said that each option can be modified and can then be combined with aspects of each option that work best. Geoff Beyer said that some balance between incentives and flexibility combining aspects of the alternatives may be appropriate. Ms. Power observed that it may not be an either/or situation. She said that each of the options might have application depending on the particular community resource values associated with the site. Mr. Jones said that one of his goals was to identify a mechanism that is workable. The first option is simple to apply, but may not accomplish what the Commission desires. The other two options will take more work on the part of the Commission and staff, but may better achieve the Commission’s goals. Ms. Power said the third option will take a lot of effort on the part of the developer and also a great deal of effort by the Development Review Board to balance the values. Mr. Borgendale said he thinks it would be the Planning Commission’s responsibility to draft up the scoring system for the Development Review Board to use.

Mr. Jones said he was hoping that the process would provide a little more predictability for developers. Ms. Power said she agreed that developers should be able to know at the outset what the likelihood of the acceptability of a development proposal would be. It is not a good use of anyone’s resources to have conflicts raised late in the process. She was concerned about how the scoring system would actually work to balance different types of resources (for example, how would a rare plant compare to a recreational path). Mr. Borgendale said he liked the fact that the system will cause the community to focus on tradeoffs. He liked a mechanism that balances competing goals because that is the essence of a good community plan. Ms. Power said she liked the idea, but was concerned with whether a numerical scoring system will achieve the balance desired.

Ms. Campbell said the Commission needs to determine what it wants to accomplish with zoning and what latitude can be allowed for. There may be areas where a particular resource should be protected and that protection should not be left to a balancing system. Mr. Beyer suggested that the scoring system could take existing state requirements like protection of endangered species into account so that the developer would know of those requirements at the outset. Mr. Matzner said the DRB could be given discretion to make changes to protect resources they feel are important even if the pre-development and post development scores are balanced.

Mr. Jones said, using Sabin’s Pasture as an example, the aesthetic of the view is particularly valued by the community so that would receive a high score. The natural resource inventory

process could be used to assign a relative point value for the various attributes. He would like citizens to understand that the process will not shut development down, but will protect important resources.

Mr. Borgendale said he was bothered that there seemed to be an unstated presumption that developers only consume resources and do not create any resources. The weighting scale should offset the resources contributed by development against those resources consumed. Ms. Power said she had not heard that presumption in the discussions. The Planning Commission would not be having this discussion if it felt that development is only bad. She thought the Commission recognized that development is important to the community and should be planned in a way that will enhance the community. Ms. Campbell said the whole point of the community resource overlay is to identify where development may occur. Mr. Jones disagreed and said he could see situations where development may enhance the resource values of a site. Ms. Campbell said the point was how to balance the resources rather than to say that development is good or bad.

Ms. Capels said she was involved in a similar effort many years ago and that quantifying the resource values was a difficult, contentious, and lengthy process. She offered an alternative where the resource values are clearly articulated in a general sense among the criteria and the applicant must explain how the objectives are met. Ms. Power asked if this mechanism would be applied to all lands in the conservation districts or as a zoning tool that would not necessarily be applied to every parcel in the conservation district. Ms. Campbell said that she thought the approach described by Ms. Capels was similar to Option 2, which is Hinesburg's system where the developer addresses the resource issues and describes how the development plan meets the goals. She said the Commission would have to decide which resources are important. Ms. Power said she imagined that the conservation overlay could be used in conjunction with the PUD incentives and disincentives to make it clear where development was to take place. Ms. Capels said that an incentive could take the form of a density bonus. She offered the example of a development that created a connecting link between neighborhoods or avoided development in a conservation zone. Ms. Campbell said that approach might not protect the resources the City is responsible for protecting. A developer could choose to ignore clustering options and, instead, develop larger lots. Ms. Grodinsky said she shared that concern. Ms. Power said that Ms. Campbell's point was well taken. Stronger treatment may have to be used to protect some areas.

Ms. Grodinsky said that the City's ordinances should not duplicate the Act 250 protections. Ms. Power said that Act 250 is subject to interpretation and is not as clear as a scoring system. Ms. Grodinsky recalled that the Open Space Advisory Committee was going to do a natural resource inventory of the entire city that identified natural resource values for use in determining what lands would be protected. She asked how that work would fit in. Mr. Borgendale said that he never understood that the Open Space Advisory Committee was going to assign the values. Ms. Campbell said she thought that the Planning Commission has come to acknowledge that there are certain values that supercede others. A rating system alone would not be appropriate to protect those values. Ms. Power said there are some strongly held values that may not be reflected in a numerical scoring. She gave the example of the widespread objections to a McDonald's restaurant in the city. Mr. Jones said that there will always be those types of issues that will not be anticipated and cannot be accommodated in the Master Plan process. The public input process addressed those situations in the past. Ms. Power said that a scoring system that permits development as a matter of right would allow the

application to proceed with no opportunity for issues to be raised. Mr. Jones said that the overlay process will just be one step in the process. The application will still have to go through the review process with public input. The overlay will give guidance to the developer regarding those attributes that are covered in the overlay, but will not address all issues.

Geoff Beyer said that the community resource overlay would help the community to be more specific about the resources that it wants to protect and will help the developer by providing a guide for most, but not all, of the issues. Ms. Power said that there was no problem with listing the resources that the community values. She was unsure about assigning numerical values because that might ossify the process. Ms. Campbell said she appreciated the Hinesburg model because it is not numerical, but states that the intent is to subject development under the community resource overlay to a higher degree of scrutiny regarding certain resources. Mr. Jones asked what kinds of language could be used under that model to address Sabin's Pasture. Ms. Campbell said the model says that a higher degree of scrutiny will be given to development involving hill tops, view tops, meadows, steep slopes, trails, etc. This approach is less cumbersome than a numerical approach.

Ms. Power said the Commission needed to draw the discussion to a close. She suggested everyone consider the information on the options and see how the process might be integrated with the PUD provisions to get the desired results. Mr. Beyer encouraged the Commissioners to e-mail him with any questions or preferences for options that they would like to discuss at the next meeting.

#### **Density Discussion Regarding Sabin's Pasture**

Ms. Capels said that two different maps had been provided to the Commissioners. One showed buildout scenarios using LDR, MDR and HDR zoning districts of the area that was covered by the Master Plan amendment. Ms. Power noted that each point represented one structure rather than one unit. Each point could possibly be a multifamily structure. Mr. Jones said that he did not see how this information was helpful as it was not realistic. Ms. Capels said she thought it would help to gauge what the zones might look like. The results were generated by the build-out model that commissioners earlier saw as a helpful tool. Mr. Jones said the site will never look like the map. Ms. Power said it gives an idea of how many buildings could be put on the site if it were maximized. Mr. Graham said the part of the HDR zone that is built out looks more like an MDR density. Mr. Borgendale agreed. He said that the actual development has not typically approached the allowable density.

Ms. Capels said there was also a map showing the distribution and quantity of nonconforming lots throughout the city. The nonconforming lots are predominantly in the HDR and MDR areas. This information may be a clue that the minimum lot sizes are too large and the Commission may want to consider adjusting those lot sizes. The SmartCode approaches the issue based upon building form rather than the number of units on a lot. Ms. Capels said that, based on 2002 parcel data, 62% of the lots in the HDR zone are non conforming. The minimum required lot size is 10,000 square feet and the median size of the existing lots is 8,200 square feet. Ms. Power observed that the question of vehicle parking was related to the lot size question. Many of the existing lots do not have off street parking and a requirement for off street parking will limit the ability to reduce the lot sizes. Ms. Grodinsky said that New York City has alternate side of the street parking. She wondered how other cities addressed the issue in the winter. Mr. Borgendale said that other cities use snow emergency rules to institute alternate side parking. Ms. Power asked Ms. Capels to raise the parking issue with the traffic committee.

Ms. Capels said the average and median size of the non conforming lots in the HDR district is about 6,000 square feet. Ms. Grodinsky said that a reduced lot size could be used to achieve more units at Sabin's Pasture without creating an inconsistency with the densities of adjoining neighborhoods.

Ms. Capels also provided a copy of the Montpelier Neighborhoods handout she produced earlier in the year. The Planning Commission discussed the images and density data for existing neighborhoods. Ms. Power said that the information allowed her to feel more comfortable with the use of density bonuses to conserve sensitive areas. Parking incentives might be used to encourage the types of development that is desired. Mr. Jones said that he would like to get input from developers to see if any of this makes a difference. There may be reasons other than zoning to explain why these types of neighborhoods have not been built in the past 75 years. Ms. Grodinsky said that she would also like to hear from developers soon to get early input from their perspectives.

Ms. Capels said that the Commission should, at some point, look at lot sizes for the HDR zone. Ms. Power said that something different might be appropriate for infill development. Ms. Capels said she would try to come up with an illustration of different lot size scenarios and what infill would look like, but it may not be available by the next meeting. Ms. Grodinsky said that she also thought that the addition of units in existing buildings should be encouraged.

Ms. Power said that the Commission was also going to have the Housing Task Force come back and explain why the 30% limitation was included in the accessory apartment requirements. She asked Ms. Capels to schedule them to come back soon. Ms. Campbell said she understood that the Planning Commission's first priority is rezoning Sabin's Pasture. She said that the Commission has been bogged down in discussing abstract theoretical concepts and has not moved toward that goal. Ms. Power said that the discussion has not been a random one. She said that, if the HDR zone is redefined to reduce lot sizes and applied to part of the Sabin's Pasture property, taking issues will be raised for the part of the property that cannot be developed. Alternatives can be used to protect open space while retaining value for the entire property. She was interested to see how the use of PUD and community resource overlays will play out. Ms. Grodinsky said the Commission should tackle those issues at the next meeting. Ms. Power said that was the homework that the Commissioners were going to do for the next meeting. Ms. Campbell suggested looking at how the use of the PUD and community resource overlays would meet the goals. Mr. Jones suggested that the Commission come up with a couple proposals for the Sabin's Pasture property and see how the proposals would work. Ms. Power said that she would like to deal with concepts, not regulatory language. Mr. Borgendale said that the work would have to be done in three weeks to meet the City Council's time line. He said that he did not think that the Commission could do that. Ms. Capels asked if commissioners would like to discuss the time line that was previously e-mailed about meeting the December 1 Council goal. Ms. Power said that the commission will not be able to meet that goal.

Ms. Capels asked how the use of building forms would fit into the timeline and discussions. Mr. Jones said that the property should be included in the design control district instead of building design review requirements into the zoning. Ms. Capels suggested that commissioners review the design review criteria to see if they feel they would actually be appropriate. They currently speak more to downtown development, historic resources, and compatibility with adjacent

buildings. Ms. Campbell asked whether the traditional patterns of neighborhood development provisions would address this issue. Mr. Jones said that no review process has been set up for that. Ms. Power said that the rules will have to be more prescriptive if they are to address design. The Commission might want to look at the design review requirements to see if they can be used to meet to meet the goals.

**Other**

Mr. Jones said that Montpelier has been invited by the Community Indicators Consortium to participate in a work shop to see if the City is making progress on the subjects of affordable housing, conservation of natural resources, and traffic. He said that a national expert will help the Commission to look at this in front of an audience in Burlington. Ms. Grodinsky said that it sounded like a great idea. Mr. Jones asked whether the meeting would have to be warned if there were a quorum of commissioners attending. Ms. Capels said she would look into the question.

**Adjournment**

Mr. Borgendale made a motion to adjourn the meeting at 10:15 p.m. 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.*