

**Montpelier Planning Commission**  
**March 13, 2006**  
**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; Richard Sedano  
Staff: Valerie Capels, Planning & Community Development Director

**Call to Order**

The meeting was called to order by Ms. Power.

**Minutes**

MOTION: Mr. Graham made a motion that the Planning Commission accept the minutes of the February 1, 2006 meeting. Mr. Sedano seconded the motion. The motion was approved by a vote of 6-0 with Ms. Grodinsky abstaining.

MOTION: Mr. Graham made a motion that the minutes of the February 6, 2006 Planning Commission meeting be accepted. Ms. Campbell seconded the motion. The motion was approved by a vote of 7-0.

**Review of Agenda**

Mr. Sedano asked what the Commission would do after the hearing was completed. Ms. Power said that the Commission could either discuss the comments and adopt the zoning proposal or, if there will be substantial changes, hold action to the next meeting.

**Public “Hearing” on March 13, 2006 proposed zoning and subdivision amendments**

Ms. Power said that the Planning Commission scheduled this session to hear additional public input on the revised draft zoning and subdivision proposal.

Paul Carnahan said that the corridor of HDR zoning that extends parallel to Sabin Street causes concern that large institutional style housing blocks could be placed between the existing houses on Sabin Street and the part of Sabin’s Pasture that will be zoned LDR. The character of the area of Sabin Street is different from the HDR area on Barre Street. There are a few three story apartment buildings with pitched roofs scattered among the single family homes in the Sabin Street neighborhood and that is the character that the city would want to see for Sabin’s Pasture. The HDR zoning will not achieve that character even though the minimum lot size appears to correspond to the existing lots sizes. The density would be acceptable if the units were broken up on small lots rather than massed in a large building. Mr. Carnahan noted that section 207.E would allow a building height bonus up to 10 stories in the central business district and up to six stories in the HDR zone. There are no structures that tall in the neighborhood and it would be a shame to allow that type of building outside of the central business district.

Elise Anice said she chooses to live in Montpelier because of the quality of life. Natural areas are a critical part of life in this city. She asked the Planning Commission to consider the characteristics that make Montpelier special including the presence of natural areas.

Michael Hoffman said he wanted to echo Mr. Carnahan’s comments concerning the HDR zone. The Master Plan speaks carefully about preserving the character of existing neighborhoods. Some of the existing zoning in the Kemp Street area is not consistent with the character of the

neighborhood and extending it onto Sabin's Pasture down to Barre Street is not in keeping with maintaining the character of the neighborhood. He appreciated that the line drawn on the map is consistent with the preservation of viewscales. He encouraged the Commission to refrain from moving the line up the slope. Any six story building would be out of character, especially outside of the downtown. He said that the majority of voters wanted the City to buy all or part of Sabin's Pasture as a park, but the zoning does not take that into account.

Ted Riggan said he was under the impression that the Planning Commission had been discussing having open space at the top of the ridge and dense housing along Barre Street, but the proposal seems to allow housing throughout the parcel. Permitting housing throughout the property is not in keeping with the Montpelier that he valued and he did not understand how the Planning Commission arrived at the zoning.

Andre McClosky said that the community values a certain quality of life and development plans need to take that into consideration. Any kind of development allowed under the HDR density has to be subject to design standards to keep it consistent with the character of the existing development. She asked how thoroughly the City has considered the potential infrastructure impacts created by the additional units that would be allowed. Traffic flow, sewer and water were of particular concern.

Suzanne Nicciachi said she lives in Montpelier because of the quality of life and that quality would be degraded if Sabin's Pasture is developed to the degree that the zoning would allow. It is not rational to allow that many units on that land. Traffic in the area is already at a grid-lock state. The City is not paying attention to the majority of voters who voted for Article 16 which directed the City to find a way to pay for the parcel and make it into a park.

Wendy Burkhart said she agreed with everything that has been said. She bought her house on Kemp Street from the college. The road is noisy today and will be incredibly noisy if the development goes ahead. She is horrified by the proposal and the potential impacts of development.

Jen Dole said she was concerned about traffic. She said that traffic from the development should be routed out the Pioneer Street bridge since traffic on Barre Street is already bad and a traffic light would be needed at the intersection of Barre Street and Main Street. It currently takes her five minutes to back out of her driveway. She added that the pavement on Barre Street is already a disaster and the road cannot take hundreds more vehicles. Ms. Dole said that the citizens voted on both the Pioneer Street bridge and on Sabin's Pasture and she was gravely disappointed that the City is not allowing the citizens to affect changes. It would also be a shame to allow a bunch of "cookie cutter" houses in Sabin's Pasture.

Helen Miles said that she supports the comments of the prior speakers.

Alan Goldman asked when the final document was produced since it was dated March 13. Ms. Capels said it was given the date of the meeting when it was to be considered, but was posted on line and distributed before then--March 3. Mr. Goldman said he hoped that the Planning Commission will have at least one more meeting before it is adopted so that the public could have a chance to see the maps. Ms. Capels noted that the zoning map was attached to the back of the draft Mr. Goldman had.

Jack McCulloch said he was not representing the Housing Task Force as it had not yet taken a formal position on the draft. Mr. McCulloch said the map looks the same as the last version which would allow about 250 to 270 houses. There is a recognized need for housing in Montpelier and the infrastructure has adequate capacity to accommodate this development. He noted that the location of the lines on the map are not the most important issue because any development will have to go through the planned development process. The proposal creates the opportunity for the owner to develop housing and work with the City and interested groups to work out a plan that meets the owner's economic needs, the city's housing needs and the desire of many people for some open space on the property.

Susan Walker said she was concerned about where the road to serve the HDR zone would be placed and whether the road would connect to Barre Street.

George Malek, from the Central Vermont Chamber of Commerce, said Montpelier needs housing and the communities adjacent to the city do not have the infrastructure to serve the housing demand. He was concerned that zoning should translate the Master Plan goals into clear criteria, but the proposed code inappropriately requires references back to the Master Plan in order to determine what should be built. There is no clear direction of what the DRB should do with the natural resource information that is required in the planned development section. He urged the Commission to make PUDs available options, but not mandatory. He said that, if the PUD process is mandatory, the standards must be made more clear instead of referring back to the Master Plan.

Ms. Power closed the public input portion of the meeting.

#### **Discussion of the March 13, 2006 proposal and the comments received**

Mr. Sedano asked how people could see the copies of the comments that the Planning Commission received by e-mail. Ms. Power asked whether they could be posted to the Web site. Ms. Capels said she could do that, but it would not happen right away. Ms. Grodinsky said the priority was to get the work on the proposal finished first.

Mr. Jones said he was curious to hear whether the Planning Commission members feel that the proposal represents the best efforts of the group. Ms. Grodinsky said she felt that the language on density bonuses for natural resource protection was not strong enough. She and Geoff Beyer drafted some suggested language for incentives to encourage conservation activities. She hoped the other commissioners would review the language and agree to add it to the draft that is sent to the City Council.

Ms. Power said she would like to respond to the question of whether the draft meets the goal of having zoning that looks like the existing neighborhoods. She said the Commission is considering the current proposal because the Council indicated that the last draft with the community resource overlay provisions would not be approved by them. The situation suggested to her that the locus of planning in the City was not with the Planning Commission. She did not find the situation to be satisfactory, but recognized that it exists. The question is whether the Commission sees this as its best effort within the narrow parameters in which it is

working. She would like the Commission to consider whether there are things that should be added or changed before sending the proposal on to the Council.

Mr. Jones said that, although the Commission agreed that the natural resource inventory should not be the responsibility of the developer, he thought the Commission recognized that such an inventory is a critical part of future planning. He asked whether there is some mechanism to provide an incentive to encourage private landowners to allow the inventory to take place with City funding. Ms. Power said the Commission's original proposal provided that the City would do the work if the landowner granted permission to access the property, but the landowner would be responsible for the inventory if they did not grant access. She thought the Council was clear that the approach was not acceptable. Ms. Grodinsky said the natural resource information is required in the PUD section. The section should be made more specific. She thought the next step was to work with the Council to do a build-out study so the community could see what Montpelier would look like if it was built according to the zoning in place. Ms. Capels asked how that study would differ from the work that the Regional Planning Commission did previously. Ms. Power said that Ms. Grodinsky was looking for something showing what the city would look like if it was built the way that the existing zoning would allow.

Ms. Power said the immediate question was whether the Commission wanted to do more changes before sending the proposal to the Council. Ms. Grodinsky said she was not ready to vote on the proposal that night. Ms. Capels said that a multi-step process could be considered where the Commission sent the proposal to the Council now and then followed up with another round of refinements and adjustments. Ms. Power said the Planning Commission has responded to the Council several times and it is now time to get the draft to the Council so that they could revise it as they wished. She thought the Commission should put in the safeguards it thought were necessary and then send the proposal on. Ms. Capels said that another option would be to advance the draft and send it to the Council with a follow-up memo presenting the additional adjustments and refinements that the Commission would like to see.

Ms. Campbell said the Commission had worked long and hard on the draft that was presented to the Council several weeks ago. She felt the Commission has accommodated the Council against the Commission's better judgement already. Mr. Borgendale said there have been so many drafts that it is difficult for the Commission and the public to know which version it is working from. He would just as soon make the changes that are needed and then send the proposal on to Council. Ms. Power said that several commissioners had identified changes they would like to see. She would also like to revisit the idea of design standards after hearing the comments about protecting existing neighborhoods, but there have been objections each time that specific design criteria have been considered. It appeared that what was in the draft was as good as the Commission could get on that topic.

Ms. Campbell pointed out that she believed that the Commission had agreed to strike the provision in 207.E that allowed 10 story buildings. Ms. Capels reminded the Commission that they had previously agreed that changes to the section could be addressed later. Ms. Grodinsky said that six story buildings were tall enough. Mr. Borgendale suggested that six stories be permitted in the CB and GB zones and three stories be allowed elsewhere. He said that he was not comfortable with providing for height bonuses. Ms. Power said that the GB zone was basically along the river. She did not know why buildings taller than three stories should be

allowed there. Ms. Campbell said that three stories should be the maximum. Ms. Power said that the first paragraph of 207.E could be deleted. The Commission agreed.

Ms. Grodinsky asked about 207.E.2 which allowed up to 100% lot coverage for elderly housing. Ms. Capels said that the last sentence of that section could be deleted if the Commission wished. Ms. Power said the section needs to describe how to do the calculation by saying "up to a maximum percentage." Mr. Sedano suggested that an example calculation be included. The Planning Commission discussed 207.E.4, which describes the basis for approval of exceptions. Ms. Campbell suggested adding "negative impact on the character of the neighborhood." Mr. Borgendale suggested simply replacing the word "area" with "neighborhood." Ms. Campbell said that the phrase should be "character of the neighborhood." The Commission agreed.

Mr. Borgendale said there was an error in Figure 2-4 since the building height should be measured to the roof peak rather than the eaves. Ms. Power said the reference to figures 3 and 4 in 207.D.2 could be deleted since the language is clear. Mr. Borgendale said that the reference to retaining walls in item 3 should be eliminated. Mr. Jones questioned whether the provision was needed at all. The Commission agreed to strike item 3.

Ms. Grodinsky referred to section 813.E.3 on page 8-39 regarding density bonuses. She said she had worked with Geoff Beyer to develop specific criteria. She read the language, a portion of which stated "to be eligible for incentives, the resources protected must be a benefit to the community, not including what is already protected by State or Federal statutes . . ." Ms. Grodinsky said the language would provide more clarity. Ms. Power said that there should be a cross reference to the methods of providing permanent protection. Ms. Capels said that the current provisions provide for greater density bonuses for lands in the conservation areas. Mr. Jones said he did not think that density bonuses were appropriate for conservation lands or for the LDR zone. He could not see a scenario where it made sense to allow more houses in exchange for conserving some land in the conservation area. Ms. Power said the problem arises when an entire parcel is in the land conservation area so that there is no obvious location to move the density to. Ms. Campbell noted that clustering of development could make a significant difference in the impact of a development proposal when compared to a development that was scattered across a parcel. Ms. Power said that the placement of the houses is more important than the number of houses. Ms. Grodinsky said she proposed the language in order to add specificity to what measures would qualify for bonuses or other benefits. Mr. Jones said he agreed with the language, but was concerned about the concept of density bonuses. He was not sure an incentive would really exist since clustering is already encouraged under the PUD provisions. Ms. Campbell said she liked the fact that the language identifies valuable community resources and may serve to reduce community opposition to development proposals. Ms. Grodinsky said she was hearing that the language is acceptable, but there needs to be real incentives to get developers to use the provision. Ms. Power said she thought the ordinance should include language telling the DRB how to evaluate these things. Geoff Beyer said the zoning needs to allow for room to transfer the development rights for the incentive to work. Ms. Capels said the risk is that the City has to be willing to accept the underlying zoning if the transfers do not occur.

Ms. Grodinsky said the section on dimensional adjustments could provide that the adjustments will be granted if the project address some of the things on the list. Mr. Jones agreed and said that there should be some means of telling the DRB to pay attention to the Master Plan. Ms.

Power said she would still want to see clustering, reduced setbacks and reduced lot sizes even if no special measures were proposed. Ms. Capels noted that the staff's experience was that the developers want to build on large lots because that was where the demand was. Ms. Power said the ordinance should then require clustering and set a maximum lot size. Mr. Jones said that the discussion was academic because such a provision would not be approved by the City Council. Ms. Power suggested the ordinance be revised to eliminate the minimum lot size, create a maximum lot size and require clustering. She said that the Council will make changes if it believes they are needed.

Mr. Borgendale said the Commission was reacting to comments that suggested the parcel would be zoned as a park. If the City wants to establish a park, it should buy the land. Ms. Power said she was not interested in the park concept or public access to the open space, but she was interested in clustering development and having a large area of open space preserved. Public access was a separate issue. Mr. Borgendale said that the Commission would be doing defacto condemnation by driving down the value of the land by making it undevelopable. Ms. Power disagreed, saying that preserving some open space did not drive down the value of land. Ms. Campbell said that the Planning Commission agreed that part of its planning responsibility was to protect valued resources. That does not preclude development. Ms. Power said she thought the Commission agreed that it wanted new development to be dense and not scattered. Ms. Power noted that it was late and did not appear that the Commission would finish its discussion that night. She proposed holding another meeting to continue the work. The Commission agreed to meet on March 16, 2006 at 6:30 p.m.

### **Adjournment**

MOTION: Mr. Borgendale made a motion to adjourn the meeting at 10:25 p.m. Mr. Sedano seconded the motion. The motion was approved unanimously.

Respectfully submitted,

Valerie Capels

*Transcribed by Kathy 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.*