

Montpelier Planning Commission
April 24, 2006
City Council Chambers, City Hall

Subject to Review and Approval

Present: Marjorie Power, Chair; Carolyn Grodinsky, Vice-Chair ; Craig Graham; Richard Sedano; 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

MOTION: Ms. Grodinsky made a motion that the Commission adopt the minutes of the April 10, 2006 meeting. Mr. Sedano seconded. Ms. Grodinsky questioned the term “units” on page 2, but it was correct. Ms. Power noted a typo. Ms. Grodinsky asked what TRC on p. 4 referred to. Ms. Capels said it refers to the Technical Review Committee. The motion was approved unanimously.

Public Appearances

There were no members of the public present.

Review of the Planning Commission Workplan and Schedule

Ms. Power said now that the zoning is before the City Council, the Commission can go back to its schedule. Ms. Capels provided to commissioners a copy of the schedule the Commission had followed in 2004 and noted that most of those actions were actually done, the exception being the forum with the neighboring towns. Ms. Capels also provided commissioners with the 2004 outline that had been developed for the Master Plan, and a list of topics that commissioners had taken on then to prepare draft goals. Two commissioners from that list are no longer on the commission. Ms. Capels said she wanted to check with commissioners how they would prefer to proceed to get back on track.

Ms. Power said that the items on the list were generally selected by commissioners based on their interests and that the items belonging to the commissioners no longer on the commission might not be of interest to those who took their place. Mr. Sedano suggested that everyone have the opportunity to reshuffle the assignments. Ms. Power explained that the assignment was not to rewrite the whole chapter, but to draft preliminary goals to help others focus on the topic.

Ms. Grodinsky said that Chapter 12 of the current Plan contains a number of goals for work to be done, such as the natural resource inventory. It also includes things that have already been done. Ms. Capels noted that early in the process, the Commission went through Chapter 12 of the current Plan and identified what had been accomplished and what remained to be carried over. A template was also developed to be used with each of the topics.

Mr. Sedano said that at one point, the Commission had talked about reorganizing the Master Plan around different ideas instead of the usual chapters, while still containing the raw material that would become the content of the Plan.

Ms. Power suggested that Mr. Jones and Mr. Graham have first choice of topics. Ms. Grodinsky noted that the Transportation section is nearly done, though it should be revisited. Mr. Jones said he is interested in putting more emphasis on quantifying past trends to more clearly articulate future goals, even if it adds more specificity and will be more subject to challenge. Ms. Power agreed that it would be good if the Master Plan was more than motherhood and apple pie so that people can actually judge whether something is actually in compliance with it. Ms. Capels agreed that information that had been gathered in 2004, which encompassed more than what was included in the data addendum, needs to be updated.

Ms. Capels said the Commission at one point also questioned the extent the Master Plan should contain the background analysis or whether that backup information should be in a separate document and the Master Plan would primarily contain the goals and policies. Ms. Power said the proposed zoning contains language that requires the Development Review Board to analyze projects and make findings on their compliance with the Master Plan. The DRB and others may not be able to do this effectively if the Master Plan is too unwieldy a document. We need to create a document that assists the DRB and others in assessing whether a project meets the goals and policies, otherwise it will not get used. Ms. Capels noted that the 2004 outline is based on a lot of background being included in the document.

Ms. Power said that people have asked repeatedly for clarity where they thought things were too vague. She said that courts often don't find the term "reasonable" to be vague; they find "reasonable" to be something they can exercise judicial judgement on. If they can, so can other bodies. We should still try to be clear in the direction and end result.

Mr. Graham expressed interest in working on the Historic Resources and Built Environment topics, as well as Transportation. Mr. Jones is also interested in working with Ms. Campbell on the Natural Resources sections.

Natural Resources Inventory

Mr. Jones conveyed that the Conservation Commission is not comfortable with the aspects of natural resources conservation that would logically fit within the context of the Master Plan. They would rather be more opportunistic than try to lay out a plan for conservation. They do not want to be constrained by a plan that might prevent a conservation opportunity that had not been identified or not identified as a priority. They felt a little bummed by the criticisms associated with Sabin's Pasture and are concerned that the deliberative process could raise negative attention to some of the things they hope to accomplish, such as establishing a trail network.

Ms. Power said she is greatly concerned about this. It speaks to how the City treats planning. The Conservation Commission wants to do conservation without planning. And the Planning Commission is not included in a significant project that the City is undertaking: the Transit Center. Ms. Capels explained that Mr. Borgendale is, in fact, the Planning Commission's liaison on the Carr Lot Committee, which has not met in quite a while. Also, the transit center project is part of the Capital District Master Plan, which was endorsed by the then-Planning

Commission and was the product of a great deal of public input at that time. The City is trying to implement that initiative. Mr. Jones said the Master Plan should be used to help gauge impacts of a project and its compatibility with the Master Plan, but it should not dictate what use shall or shall not be on a particular site. Discussion continued about transit and transportation issues associated with the transit center project.

Ms. Grodinsky asked whether the Planning Commission should try to meet with the Conservation Commission to explore how they could be more involved in the planning process. Their next meeting will be Thursday, April 27 to review the map exercise they went through. The exercise involved their looking at existing information about Montpelier's natural resources to determine where the larger parts of the city are that deserve attention and to consider whether inventory information can be used to do resource overlay work. This resulted in a hub-and-spoke concept of open space. The Conservation Commission wants to identify land owners who would be willing to work with them to talk about trail and corridor easements.

Ms. Power said the implication is that we should not do planning in this town. We should grab opportunities when we can do it before they get paved. Mr. Jones said he is comfortable being on both commissions. The Conservation Commission wants to focus on conserving existing open space for a while. The mechanism they want to use in the short term until planning can be re-strengthened is to not get involved in the planning process. He can imagine the Master Plan articulating the hub-and-spoke concept and when a proposal comes in with land that might fit with it-fine.

Ms. Grodinsky said that if we can do the natural resource inventory for the whole city, we can guide development in ways to protect those resources. Mr. Jones said that some people are questioning whether the Planning Commission can, in fact, guide development in that way based on recent events and the fact that so few landowners will allow access in order to accomplish the natural resources inventory.

Ms. Power said that if we are to ever change the future land use map, the Planning Commission would need some basis to do that. Once it's written down, it's difficult to change. Mr. Jones said that is not what he meant to suggest. It is up to the Planning Commission to ask itself if it proposes to change the land use map and, if so, why. The Conservation Commission does not want to be responsible for helping to redraw the map. Ms. Power said they are a group that has some expertise or knowledge of natural resources that could assist the Planning Commission with the data and information we need to make informed decisions about what does and does not go on the map. The Planning Commission needs the information they are developing to assist in our planning process.

Ms. Capels related the conversation she had with Conservation Commissioner Kris Hammer about proceeding with the grant-funded natural resource inventory using the Berlin Pond Study methodology as a model, which relies heavily on using existing information and analyzing it to identify natural communities. Many of the areas could be field-verified from public vantage points without having to walk on the land. Mr. Jones said some people are concerned that that level of information will not be accepted as valid by landowners when it comes time to make any decisions. The Conservation Commission is not of a single mind on how that information gets applied. It may lead to some cases where the interpretation is not solid. The bigger point is the identification of a particular natural community and translating that into some decision about

planning, which goes back to the issue of prioritizing open space and determining which is more important. Mr. Jones said he does not want to give up in any way, but thinks that discussion needs to be cultivated to get more feedback from the public regarding what it means to protect natural resources. We need a stronger message from the public. There may be a sentiment that some open space is more valuable than others.

Ms. Power said the public will not respond to that until something is proposed. Ms. Grodinsky said that open space is an issue on both sides and it would be good topic for a forum. Mr. Jones agreed and hopes the Commission can provide more evidence or scenarios of, for example, what Montpelier would look like if the city only had only 30% of open space left. Maybe 30% would be OK if it was in a pattern that was acceptable. The next question in the Master Plan would be what tools do we have so the City could actually have a development proposal before it that actually adheres to the vision which accomplishes that.

Ms. Grodinsky said the public does need some sort of opportunity to respond to visual maps to help gauge what direction is best. Perhaps the Association of Conservation Commissions can help if ours does not wish to be involved. We should be having forums about some of these topics and asking specific questions of which direction we can move forward with and with what tools. We should figure out which of these topics require more input and put them in our timeline.

Mr. Jones asked when we want this Master Plan done by? Ms. Capels said that the planning grant for the natural resources inventory (NRI) requires that a product be completed by March 2007, and in if we can get someone on board to do the work relatively soon, the work will be happening through the spring and into summer. We should have preliminary information to use by late summer or early fall. She got the impression from talking with Kris Hammer that is do-able and he is willing to work with the Planning Department to get it moving. The Planning Commission will not be responsible for doing anything as part of the grant project. A forum related to natural resources could be arranged in the fall to coincide with a presentation from the consultant about the results of the natural resources inventory.

Ms. Power said we will probably not be able to complete the sections of the Plan that require knowledge of natural resources before the NRI was completed and we would not want to complete it until we had the results of it and understood it. Mr. Sedano noted that the prior schedule anticipated the first draft of the plan being completed about 8 or 9 months before it was to be forwarded to the City Council, which suggests a reasonable amount of time for the forums and first and second rounds of hearings. We might be looking at the end of 2007 before it is finished.

Ms. Capels said she expected the Commission could get back up to speed on the topics it had already covered and continue with that to produce the non-land use core of the Plan. When the Commission is ready to deal with the land use issues and produce a land use map, we can add in the policies. The process will not be operating in a vacuum; we will have a lot of other information to work with that will inform all of these issues. The NRI, for example, will be using information we already have. Ms. Power said if we really want public participation, we will need to bring the map(s) out sooner than the last minute. Ms. Capels said that in 2004, the Planning Commission had intended to circulate the draft vision and preliminary goals and have a public

hearing to get early public feedback on them despite not having the land use maps or some of the other updated maps.

Ms. Power agreed that the Commission should continue to move forward while they wait for the NRI to be completed, but is convinced that the maps have to come out early in the process. We want to bring participants out as early as possible. We need to produce maps as the Commission's thoughts mature. Ms. Capels mentioned that the Commission has produced a number of new and useful citywide maps in last two years that will be helpful to revisit, such as the nonconforming lots map and the pedestrian-shed map.

Mr. Jones said he has a great interest in the river corridor. The river deserves very focused attention from a planning perspective. The Planning Commission should foster some discussion about the future development along the river. Ms. Power agreed and said that activity on the river corridor has always brought public attention. She was on the City Council when Stone Cutters Way was being planned and considered. There were a number of forums and a charette process. Ms. Capels mentioned that a River Visions study was produced a number of years ago by the Conservation Commission.

To-Do List

Ms. Capels said that at one point, as Mr. Borgendale had mentioned at a recent meeting, the Planning Commission had a goal of spending 50% of its time on the Master Plan update, 25% on zoning revisions, and 25% on the "other" things that had not been anticipated. A preliminary to-do list she began to compile includes the natural resource inventory, demolition by neglect, telecommunications, and adjustments to the sign regulations (either on a small or a larger scale). Ms. Grodinsky suggested we continue to look at how to densify the city. Ms. Capels said she would consider that as part of the Master Plan. There was brief discussion of the One More Home campaign.

Mr. Jones asked about the Planning Commission's role with respect to the master plan for Vermont College. Ms. Power said she was on the City Council when the Academic Institution-Planned Unit Development provision was adopted. It came about in an effort to get ahead of the piecemeal projects occurring at the college and to address neighborhood issues. Ms. Capels said that, at that time, the Planning Commission reviewed their master plan and development projects associated with it. The Planning Commission no longer has a role in the review the college's master plan or activities associated with it.

Mr. Jones asked about when the Capital District Master Plan was scheduled to be revisited. Ms. Capels explained that it did not go through the statutory master plan adoption process. It was a collaborative product that was endorsed by the then-Planning Commission, City Council, Conservation Commission and the City-State Commission. The City-State Commission may still exist but has not met in quite a while.

Ms. Power mentioned that the Capitol Complex Commission will be meeting soon and an item on the agenda is the beginning of their review of the Capitol Complex Master Plan. Mr. Sedano said that he had met with then-Buildings and General Services Commissioner Tom Torti about two years ago and wrote a memo of everything they discussed about their plans for the Capitol District. There were significant plans for totally redoing the stretch of riverfront between Bailey Avenue and Taylor Street, the district heating system, and other things that would be of

interest. Since then, Tasha Wallace is now the Commissioner, and two major departments were reorganized. We should meet with her again and find out what the big issues are on their radar. An hour with the right person could help answer a lot of our questions. There was discussion of parking issues associated with the Capitol Complex.

Ms. Power asked Mr. Sedano if there is anything on telecommunications to discuss. Mr. Sedano said there is nothing to report but will see if he will be able to have something to review for next time.

Ms. Power asked if the Commission should take up the issue of projecting signs, since people have been bringing it up lately. Ms. Capels suggested that may be a good topic for a forum that would involve the downtown community to find out their preferences and thinking on signage.

Ms. Power said there is still a problem with the demolition by neglect provisions. The Planning Commission crafted a place holder for it, but it's the building code and enforcement that needs the real beefing up. The zoning will not prevent a building from rotting out, even it may prevent owners from demolishing it; that has to be through the building code ordinance. The Planning Commission could make recommendations to the Council. Ms. Capels that if the Planning Commission feels strongly about having something in place to deal with this issue, it could develop the tool that could be implemented by the right entity.

Mr. Sedano suggested that the first forum the Planning Commission may be to focus on downtown issues. It would be good way to say hello to the new downtown director and help give us some steam to do what needs to be done and get going on the master planning process. Ms. Power said it would also play into economic development issues the Commission wanted to tackle. Ms. Capels offered to work with Nancy Williams to coordinate the structure and details of a forum. Ms. Power said that it should not be limited to downtown businesses, residents, and property owners but have a citywide invitation. Since signs, demolition by neglect, and wireless telecommunications antenna are downtown-related topics, we probably should not begin to take up specific zoning language until after the forum.

Schedule

Ms. Capels asked if the Commission had particular thoughts on how they would like to approach the upcoming agendas. Mr. Sedano said that the 50-25-25 ratio the Planning Commission discussed does not necessarily mean each agenda needs to be divided that way. Ms. Capels asked if the Commission would like to resume scheduling one of the two monthly meetings as non-televised, roll-up-the-sleeves work session in the Memorial Room.

Mr. Sedano suggested that the next meeting include an organized refresher of where we stood when the Commission stopped. Perhaps each commissioner can take responsibility for providing a 5 or 10 minute overview of each topic, particularly those we were responsible for, and that Ms. Capels can fill in those that are no longer assigned. Ms. Power suggested that Ms. Capels supply commissioners with a compendium of the documents.

Mr. Jones offered to look at housing. Mr. Graham had offered to do Historic Resources and Built Environment, but he will not be at the next meeting. Ms. Power offered to review Health and Social Services, but she will not have Parking ready any time soon. Ms. Grodinsky offered

to review Transportation and Culture and Recreation. Mr. Sedano offered to review energy, which would dovetail nicely with an update on the Energy Committee.

Ms. Power suggested that the next agenda only include a few topics that people will prepare. Ms. Grodinsky suggested that the review be based on the template, which Ms. Capels will e-mail around to everyone. Ms. Capels will send out a package that includes the drafts, as well as the memo Mr. Sedano had prepared on the Civic District. She will also e-mail the template around. Ms. Power suggested that Ms. Capels contact Mr. Borgendale to see if he would like to have an item on the agenda.

There was discussion of the range of issues included in the Health and Social Services topic. Ms. Power suggested that the child care issue would integrate well there.

Mr. Sedano suggested that Mr. Jones' river corridor topic be a separate topic on the agenda. Ms. Grodinsky suggested it be combined with the Historic Resources and Built Environment. Mr. Sedano said he thinks it is quite distinct. Ms. Power said it is really the "rivers." She agrees that it has been a very influential element of the city.

Ms. Power said we still have the issue of the city's bridges. She has not noticed maintenance on Taylor Street. Ms. Capels explained that an application had been submitted to the Vtrans bridge program at the same time that the RiverWalk and Langdon Street improvements grant application was submitted. The RiverWalk/Langdon Street application got funded two years later; she is not sure of the status of the bridge project.

Commissioners agreed to wait until the next meeting, or the one after that, to consider the bigger schedule.

Preparation for the City Council Public Hearing

Ms. Capels said the City Council continued the public hearing to Wednesday, April 26. They scheduled a work shop to start at 6:00 p.m. to begin their deliberation process. Staff will be there, the City Attorney, and hopefully, planning commissioners.

Mr. Jones asked whether the Commission has a common statement regarding the mandatory clustering? He believes there is no legal difference between requiring mandatory clustering and the current requirements of the DRB to determine how the pattern is applied. Ms. Capels said that the only difference is that certain projects that meet the planned development threshold are required to go through a planned development review *process*, such as the review for adding another unit to an existing multi-family building, that may not necessarily result in a different pattern, or a subdivision that may still result in a standard layout. Mr. Jones said it was his understanding that under the planned development review process, the DRB must make findings that the proposal meets the planned development criteria for protecting certain resources. He favors making it mandatory to make clear that the DRB must review all of the elements within those criteria.

Ms. Power said she thinks it is more than that. Under the planned development review, there will be certain places where you cannot put a house, but it does not mean you have to cluster them; it can still result in a smattering of one or two acre lots. She hopes the mandatory clustering results in what was represented in the difference between the two pictures she got

from Vergennes, one which shows a big parcel divided up into 14 typical 5-acre lots, whereas in the clustering version, there were 35 units that took up less than a quarter of the land mass. That is her vision of what mandatory clustering does. It does not protect the top of the parcel because all the units could be clustered up there.

Mr. Jones said, that because we do not have a strict definition of clustering, he could imagine an argument where you have a 100-acre parcel and develop 60 units on one-acre lots leaving 40 acres undeveloped, it could be said to be clustered. He does not see the mandatory clustering as that much more different or restrictive than the present process. But he wants it to be mandatory to keep the term in the DRB's mind with every proposal so they know it is something they should look for.

Ms. Power said one problem with mandatory clustering is the term "mandatory," which is not even used in the regulations. By their nature, the regulations mandate a whole number of things. It tells the applicant what they need to do and it tells the DRB what they need to look for.

Mr. Graham said it was a good argument for it, he will still not support it. Ms. Power said it still does not accomplish all we want it to. Mr. Jones said it does accomplish a focus for the DRB. Ms. Power said that if it is stricken, it means that the DRB does not need to look for clustering.

Ms. Power asked if Ms. Capels has had any other discussions with the City Attorney about his review of the proposed revisions. Ms. Capels said that she exchanged some e-mails, and he indicated that he did not agree with everything she had put in her memo to the Council, but they were not able to connect to discuss issues.

Ms. Power said one thing that concerned her at the Council's public hearing was a statement from a planning commissioner and others that the Commission was forcing the creation of a public park on Sabin's Pasture. We need to dispel the notion that there is anything in the regulations that *requires* the open space to be public. People were still commenting on early language that had already been rejected. We should make a list of any other things of that nature that needs to be clarified.

Mr. Jones said one urban legend that persists is that Montpelier is anti-development. The basis may not always be solid, but the perception exists. The Planning Commission took some steps to help make some development easier. Ms. Power said it is similar to the claim that Montpelier is anti-housing, but how many other communities are taxing themselves to pay for housing? The same people who complain about regulations are quick to praise how nice the downtown looks.

Mr. Sedano said the Commission heard from a lot of people during the last master planning cycle in 2003 is that they like the look and feel of Montpelier. Regulation that contributes to a lot of that, which is bad news for some people who want to do something that would change that look and feel. Fortunately, there are some adults in the room who are willing to say that not everyone can have their way.

Mr. Jones said it is the Planning Commission's responsibility to try to change the perception that the City is hard to work with. That can be done in some ways by changing the process if it

makes sense to change it, or in other cases by helping people realize the benefits of going through a sometimes challenging process. Ms. Power said we want City government to work well for the general good of the city, not for any one particular individual or interest.

Ms. Capels said that the City has gone through more than one permit review analyses with committees evaluating the process from beginning to end, and one of the common themes that emerged every time was that it was not necessarily the regulations or the staff that raised objections, but the uncertainty and costliness of the appeal process—the NIMBYs—which is one aspect we have no control over.

Adjournment

MOTION: Mr. Sedano made a motion to adjourn the meeting at 9:40 p.m., seconded by Mr. Jones. 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.