

Montpelier Planning Commission
October 22, 2007
City Council Chambers, City Hall
Subject to Review and Approval

Present: Ken Jones, Chair; Claire Benedict, Anne Campbell and Mark Kaufman.
Staff: Gwen Hallsmith, Director of Planning & Community Development

Call to Order:

Ken Jones, Chair, called the meeting to order at 7:00 p.m.

Review of Minutes:

The Planning Commission reviewed the minutes of August 27th, September 4th and September 24th. The Planning Commission reviewed the minutes of August 27th and made modifications.

Comments from the Chair:

Tonight the Planning Commission is discussing the All Board meeting, enVision Montpelier, parking, and the Capitol Complex Master Plan.

All Board Meeting – Nov. 1, 2007:

The All Board Meeting is going to be held in Noble Hall Lounge on Thursday, November 1, 2007. They plan to break into small groups and talk about state/city relations and think about the implications in that area. Another item on the agenda is to do some recognition of some of the Board members who have served for a long time. Discussion of the city budget is a third item for discussion. Planning Commission members will help facilitate the discussion at the various tables. There will be a table for each Board with other members of other boards at the table. The Chair of each of the Boards facilitated the discussion at their table and reported back to the group.

Ms. Hallsmith said members of the Planning Commission needed to think about the questions framed for each group. There are planning questions that the DRB explicitly does not want to discuss if it relates to any individual projects.

Ms. Hallsmith said the Triangle Project is no longer considered a project that is moving forward at the moment. It is too expensive, and they only had allocated enough money for what they were going to have to spend on blasting. It certainly has never come into the Planning Office, and perhaps because the city refused to consider the project until they paid their development fees, which they refused to do. The city has met with the State several times, but they haven't actually submitted a proposal yet. The state was trying to make the case they didn't need to pay the fees, and the city thinks they do.

Mr. Jones asked if the city should look at state development differently than they look at a private developer coming in with a development proposal. That is a generic enough question that the Development Review Board can weigh in. Maybe the answer is that you look at it exactly the same.

Ms. Hallsmith said that it is an opportunity to educate people about the exclusions in state law, too, because you actually can't look at state development in the same way you do with a private developer on a legal basis.

Mr. Jones asked when the last time the state did something in Montpelier was. Ms. Hallsmith said last week the State of Vermont got turned down for a smoking shelter outside of the Department of Labor because they said it violated the standard of prohibited uses that would emit

noxious fumes. The city also approved a handicapped access ramp across from the Pavilion Building and a major modification of the parking lot back there. The city approved that administratively.

Mr. Jones inquired if they lost parking spaces.

Ms. Hallsmith said they were adjusting the back of the lot in the spring. They are going to install the ramp in the fall and the back of the lot in the spring to regain the three parking spaces. That is the only way the Planning Office would approve it, if they didn't have a net loss of parking. They are also moving the stairway that comes down over to the corner of the lot so they will gain another parking space that way. The approved plan is they won't lose any parking space.

Mr. Jones said he is absolutely certain they could have made an appropriate ramp from the actual current handicapped parking spots.

Ms. Hallsmith said they needed more handicapped parking spots according to ADA standards, too. That is actually part of the problem and not just the ramp. Handicapped parking spots are big and take up more parking spaces.

Ms. Hallsmith said the Planning Office has been dealing with state proposals quite a lot this fall. The Triangle was obviously the big one valued at \$43 million, but there have been a couple of smaller ones. The city has conversations with the State quite a lot.

Mr. Jones asked if the building that houses the Washington County Mental Health on Baldwin Street received city permits. Ms. Hallsmith replied they did. The building isn't owned by Washington County Mental Health any more. They changed owners, so they came through the regular process.

Mr. Jones said the new commissioner felt it wouldn't need a city permit. Ms. Hallsmith said she thinks what he was talking about was the building permit because he might have had a misunderstanding about Montpelier's role with state permits. Most cities have not taken over the state permitting function. Montpelier has. The state pays Montpelier's Building Inspector to enforce state building code. State facilities actually do get our local inspector in there even though several years ago that wouldn't have been the case. Winooski, where the building commissioner has come from, probably went with state inspectors and didn't have the local function. It was probably a misunderstanding on his part. Having a local official come around to enforce the building code might have also rubbed some of his staff the wrong way.

Mr. Jones said that is a possible question for the All Board meeting and with a short presentation about why there needs to be some differences between a state proposal and a private development proposal could lead to an interesting discussion about how else we might want to treat the state differently but also insure consistency.

That is only one dimension of the city/state relationship. Ms. Hallsmith said she thought part of the All Board meeting was also to talk about some other aspects of it such as how the role of pilot projects have an impact on Montpelier's tax structure and whether that is adequate for compensating for the amount of land they take up and the degree of services they demand. They have done a recent study for the Economics Committee on state owned properties in town and non-taxable properties in town so there is some interesting data. It shouldn't take a lot of work to generate some numbers given other tax rates what an appropriate level of payment in lieu of taxes might be in our context. We could educate all of

the boards about it. She has a sense this is like a black box to a lot of people about what pilot is and how it gets negotiated and how much the state does or does not contribute to the local government.

Mr. Jones asked what is the history of pilot with regards to how constant is its level of support. Ms. Hallsmith replied it is a legislative process every year and it depends upon the Legislature and what their priorities are. There is a formula that starts the process, and that is based on a lot of different factors that have changed over the years. Last year Montpelier received a bit of extra money toward the end of the legislative session.

Mr. Jones said, what is the question that the Planning Commission and other board members would respond to in terms of the fiscal impact?

Ms. Hallsmith said they could make a presentation on it at the beginning. At the last All Board meeting they made a presentation about the enVision process. They could make a presentation that covered issues like the state exclusion on land use, pilot process, and values. Then, there could be some discussion about the presentation. If they invite the legislative delegation they could have them sit on some of the discussions so they have a better perspective on what the boards think about it.

Ms. Campbell asked if there was any point with talking about strategies or alternatives either with respect to permitting or pilot.

Mr. Jones said he thinks that Bill Frasier has participated in strategies on pilot and he will probably be at the All Board meeting.

Ms. Hallsmith said they talked earlier about the role Act 200 could, should or might play in land use decision making. Act 250 is obviously a state law that relates to land use decision making.

Mr. Kaufman asked if there were going to be legislators at the All Board meeting why couldn't they have a discussion around Act 200, if it could be kept from becoming accusatory. What is the state legislative view of Act 200 and how does that impact decisions by each of Montpelier's boards for future development?

Mr. Jones said he like that topic.

Ms. Hallsmith said one of the alternatives is actually realizing Act 200 that could be discussed in the land use section. Real home rule is another interesting alternative. Real home rule involves different structures around municipal government than we have here in Vermont. It is the enabling legislation for municipalities. In Massachusetts with the same basic municipal structure they have a different form of home rule law. In Massachusetts municipalities are essentially allowed to do anything that the state doesn't prohibit. Municipalities in Massachusetts are also creatures of the state. They are just enabled with more powers than we are in Vermont. They aren't independently chartered, but their charters come from the state government just like Vermont's do.

Ms. Campbell asked how that would affect the city's operations with respect to the state differently.

Ms. Hallsmith said in states where municipalities have stronger home rule legislation they can pass alternative forms of revenue generation whereas in Vermont we are very tightly constrained in that respect. We are not allowed to pass excise tax on automobiles, for example, which is one of the ways that most municipalities elsewhere in the country pay for their roads, by taxing the automobiles that

drive around on them. We aren't enabled to pass a sales tax on the local level without going through the Legislature whereas a lot of other municipalities in other parts of the country are. There is an ethic at

the state level she has encountered in the past where the dominant paradigm seems to be that it is better for business in Vermont if everybody is the same. The state doesn't want municipalities to have a patchwork quilt of different kinds of rules and taxes; they want them to be more uniform. There is logic to that, but there is logic to saying that different municipalities are quite different and why should they read from the same rule book if Montpelier, for example, is supporting most of state government activities which robs us of a lot of the local taxes that other communities might be able to have. Maybe it makes more sense for Montpelier to be able to have a local excise tax to help us make up for some of the lost revenue because of state activity. It is the same with the difference between Burlington and Hardwick and Burlington and Buel's Gore. To try to make the case that all of the municipalities should all be treated exactly the same is anachronistic and actually works against our better interest.

We are talking about three agenda items: Montpelier's role with the State of Vermont, budget priorities and recognition of some of the long standing board members. If there is more mingling time at the All Board meetings it is a good idea.

Mr. Jones encouraged Gwen to reconnect with the Montpelier legislative delegation to attend the All Board meeting.

Questions to be raised at the All Board meeting are:

- What is working, and not working, about the current system between the city and the state?
There are certainly a lot of things that are working.
- Should state proposed development should be treated the same as private development with the caveat that there are certain legal differences?
- What is the fair share of economic impact and/or development between state and municipality where there are co-existing facilities?

Ms. Campbell asked what do they think the outcome will be from the All Board meeting.

Ms. Hallsmith said she believes it has raised awareness of all of the issues because they affect the city all of the time, and she isn't sure that everybody on the boards are aware of all of the varying issues. Last week the DRB disapproved the smoking shelter based on the city ordinance that said no use shall emit noxious fumes. Section 4413 pretty clear states that the city can't actually make the decision based on the use. All we have control over are the dimensional standards, parking requirements, landscaping and site plan review considerations. For example, in the Triangle property, where they are talking about four floors of DMV and another floor of EOC, if the city tries to enforce dimensional standards to the point where they interfere with the proposed use, which speaks to our limitation on floors and height, that runs in the face of § 4413 and the city would likely lose in court if they turned it down.

Mr. Jones said he wasn't sure how you could ever permit a building because a building that has a heating plant emits noxious fumes. You'll never be able to approve a parking lot. Would National Life go through the exact same decision process, or is there something different for the State?

Ms. Hallsmith said there is something different about it being the state. We don't have as many kinds of controls over state and federal development as we do over anybody else. We are very severely limited as to what we can regulate on those developments.

Mr. Jones said he wasn't sure how we'll ever be able to allow anyone to increase a parking spot.

Ms. Hallsmith said the DRB decision last week was actually in error in her opinion because they are trying to regulate the use. The city can control the dimensional requirements. The city can control the setback, parking, and landscaping. We can't deny them the use they are proposing. The use they were proposing was a smoking shelter, and the regulation they hung their hat on was "no use shall...." but meanwhile that is the use. It was an interesting decision. She is sure they were health conscious. She dares to say the state will probably end up building it.

Ms. Campbell asked Ms. Hallsmith to help them understand in terms of the outcome of the All Board meeting what the effect of all the members knowing that as opposed to the zoning administrator making it clear to the DRB.

Ms. Hallsmith said there is a lot of movement among the boards. You might serve on the Planning Commission for a few years and then serve on the DRB. She believes there is value in all of the board members understanding certain basics about the state and local relationship. There is a value to the public knowing about this because if the state comes in and proposes something that the public finds reprehensible and suddenly the city is under a lot of pressure because we are approving it, when we actually don't have any power to disapprove it. Having a raised level of awareness in general about the various roles and responsibilities and limits to our authority helps the city. When the Planning Commission originally set this as a topic we were proposing there was this big Triangle project staring the city in the face. There was some real compelling interest in making sure people did understand the relationship and all of the issues around the Triangle project. The state has a policy that requires new office development to be built in designated downtowns, and here they are building an office development outside of the designated downtown. Now that we don't have an active proposal in front of the city any more doesn't mean it is any less important to make sure people are clear on all of those interrelated issues and have a public discussion about it, especially if we can get Montpelier's legislative delegation to attend.

Mr. Jones said the timeliness of the issue is even better now because the issue isn't going to go away. They still need an Emergency Operation Center and a place for the State's Archives. His guess is they will go to the Legislature to rally the support because those two functions are under served right now. Maybe next year they will try again. If between now and then the city will be revising any ordinances, and if we can understand how it relates to state issues the city can design its ordinances appropriately. If there is something the Development Review Board can come to the Council and say it would be easier if there was something in place that would be great.

Ms. Hallsmith said the ordinances the city can create with respect to state properties that would make a difference are the ordinances that fall within the limited bound of § 4413. One of the arguments we were having with the State about the Triangle property was about whether or not they needed to comply with the design review criteria because some of the issues were within § 4413 and some do not. Meanwhile, the criteria that are within § 4413 require they go to the Design Review Committee with their proposal, and that includes bits of information that go beyond the normal permitting process such as the materials the building is going to be made of, the cut sheets on the color schemes they are using, and the designs and elevations. There are a lot of interesting questions about how our bylaws intersect with the state proposals. That is in the Design Review District.

Ms. Hallsmith the budget discussion will probably be just an open group conversation with members of City Council because they are the ones in charge of the budget. Mr. Jones said they could offer up some ideas for the upcoming budget.

EnVision Montpelier:

Ms. Hallsmith reported that the Economics Committee is meeting once a week. Last week joint meetings of two different committees started happening. There was a joint meeting of the Human Development Committee and Social Systems Committee, and a joint meeting of the Built Environment and Infrastructure Committee with the Housing Task Force. Both meetings were well attended and had a lively discussion. The Housing Task Force had already prepared a housing chapter of the proposed master plan for 2006. There was a discussion at first about connectedness because how we connect with each other in the city and how we connect with our families is a big part of what both groups consider in their identification of the assets that meet our basic human needs. Ms. Hallsmith said she found that discussion exhilarating because they were really thinking hard about what makes Montpelier different than a lot of places and why we have a lot more opportunities here to be connected to the community and what makes that work. For example, one of the things they came up with was that unlike some other places, especially other capitol cities, Montpelier tends to be non-exclusive in its organizational membership. If you want to sing in the Onion River Chorus you can show up and don't have to go through a rigorous audition process. With the Gospel Choir you show up and sing. There is no selection process. Even with some of the more exclusive organizations like Rotary you invite people to come and they can join. It's not like people get turned away from these organizations like they do in more heavily populated areas. People here are relatively egalitarian so they don't have that same sense of exclusivity and snobbery. It's a pretty open community. That is one of the identifying factors that make our social systems work. That doesn't mean they are problem free. They talked about some of the challenges and some of the things working against that.

Ms. Hallsmith said a whole bunch of people from the recreation sector came in and talked about meeting Montpelier's long term needs for recreation. People from the Mountaineers attended, and people from the Recreation Department and Parks Department, and the Senior Center. There was an interesting discussion about what recreation is and what are the long term needs that are going to be showing up in the recreation sector, particularly around the elderly groups. We have an aging population. It's not just about getting young sport teams together but figuring out really constructive uses of leisure time for people over 65 and increasingly fit people over 65 who aren't interested in sitting around and playing bridge like other generations might have been. They talked a lot about developing a multi-generational community center that would have indoor facilities that we currently lack. Then, there was a strategy session where everybody in the room could write down their strategies for the recreation area. It was a very productive meeting and interesting discussion.

Ms. Campbell asked who were the Planning Commission representatives for housing and infrastructure.

Ms. Hallsmith replied Alan Goldman is the member on infrastructure and hasn't been to a meeting in a long time. Chris Paterson is the representative on Human Development and attended the other meeting. Garth Genge from the Land Trust is the elected representative on infrastructure. It was a joint meeting of the Housing Task Force and Infrastructure Subcommittee. A similar thing will happen with that committee and the Energy Task Force. They aren't trying to reinvent any wheels and figure out the whole housing sector if there is another group that has already done it. They are just trying to raise everyone's consciousness about the different issue areas.

Ms. Hallsmith said what they are talking about right now, especially with all of the changes occurring in the economy, the climate and the world needs to do some new thinking about the way our municipality works. In order to change formed and long standing paradigms you need to inject a bunch of energy for a short period of time to get people to another level.

Mr. Jones said he has had people inquire about the enVision process. When there is a project they will join. Ms. Hallsmith said there are a bunch of projects already. Mr. Jones said this is a group of people who aren't going to go to meetings. She said they still need to concentrate on getting youth participation and participation from more than marginalized communities.

Steering Committee Report:

Mr. Jones said the main thing about the Steering Committee is zeroing in on the grant process. We want to be funding things early even though of the goal setting process hasn't kicked in. To what extent do they want to have a lot of little grants and a few big grants? He believes it is going to be a rolling admissions process depending upon the quality and quantity of the proposals that come in for funding. About May or June of 2008 the second fusion of money will be available. There is \$50,000 available right now.

Parking: Next Steps:

Mr. Jones reported that *The Bridge* had the first of the two column article on parking. He feels the article frames the parking topic. If you build a parking garage it means you are not spending the money on other things. And, if you don't build a parking garage, what does it say about our priorities and our ability to move forward on progress?

He is hoping there are more of these kinds of dual perspective articles. They talked about the funding piece being an article. One angle is to focus on public financing and private versus public parking. Try to identify the people who are gaining the benefit and tap them. Montpelier already supports so many public functions because they are the home to 30,000 workers and 8,000 residents.

Ms. Hallsmith said the woman who owns Rhapsody would be a good person to write an article on the private side. She would have a lot to say about private parking. She has an interesting perspective on whether the city should be using public money to produce what is essentially private parking, which is the permit parking you pay for. There are a number of merchants who are upset about some of the reorganizing the city did with parking downtown. It was a minor reorganization but did affect a few merchants substantially, so the city is working on correcting it. Behind Rhapsody there were metered spots before and because they were primarily being used for very short term pick-up and delivery people weren't feeding meters. From the point of view from the Police Department and the parking monitors the parking wasn't being used. If meters are consistently empty, then the assumption they aren't being used.

Mr. Jones inquired if there was someone else who wanted to write an article on the public finance side.

Ms. Hallsmith said the woman who owns Rhapsody believes that public dollars should not be spent to produce parking for the private sector who could afford to pay for it themselves. Public parking should really be public parking. The city actually moved some spots that a private organization had paid for.

Should private entities be able to buy parking spaces in downtown Montpelier for their employees? She doesn't think anybody would disagree with that.

Mr. Jones said if they are really going to change, folks who are working for 8 hours in downtown Montpelier are much better candidates to do peripheral parking and get them into town very effectively and efficiently.

Ms. Hallsmith said one of the arguments that the city could make in favor of public financing of private spaces, which is the thinking of the replacement parking for the Carr Lot, is the city would build a new parking garage and sell the spaces to the highest bidder and they would pay a higher price on an annual basis to maintain the parking garage. High paid parking spaces are more likely to be able to maintain a high priced parking garage than lower paid hourly parking that sometimes goes uncollected.

Mr. Kaufman inquired who would pay the high prices.

Ms. Hallsmith said people who are lobbyists from big expensive law firms who come in to lobby state government and want a private parking space next to the capitol. There is public financing for public parking. There is public financing for private parking, and there is private financing for private parking.

Ms. Campbell asked if there was intentions to have anyone speak to the question of public transportation versus public parking.

Mr. Jones said that is what Carl's point is. If you spend \$20 million on a parking garage that is \$20 million you don't spend on the long term solution, which is to get people out of their private automobiles.

The City Council two or three months ago said there needed to be a public hearing on parking. The Planning Commission said we will help them structure and carry out that public discussion on parking. What is going on with the Carr Lot? How current is the parking topic?

Ms. Hallsmith said she could give the Carr Lot update. The city applied for Brownfields funding for cleanup costs up to \$200,000. The Brownfields funding requires that we have some level of ownership of the property by June, 2008. Meanwhile the EPA has reviewed the consultants' proposals for testing and the consultants have submitted alternative proposals. Testing alone is going to cost between \$130,000 and \$140,000 to even put together for clean up. It is hard to imagine that the \$200,000 we applied for to do the clean up is actually going to do the job. Until the testing and the remediation plan are completed we won't know the answer to that question.

Mr. Jones said the estimate on clean up was eye raising because it was higher than the value of the land.

Ms. Hallsmith said the estimate on clean up the city has is from the Metcalf & Eddy Study which was done in 2002, and they estimated that the clean up could cost anywhere from \$200,000 to \$1.2 million. The \$200,000 amount was based on the idea that hot spot would be removed and the rest of the lot would largely remain untouched. The \$1.2 million estimate was based on the eventuality that all 4 feet of topsoil would have to be removed and disposed of. The truth probably lies somewhere in between, but meanwhile it has been 5 years since the estimates were put together. Even the low end is probably going to be doubly expensive. Given the degree of scrutiny that we are getting on the testing, the degree to which we are going to need to remove soil is likely to increase from the original idea that there are a couple of hot spots that needed to be taken out.

Mr. Kaufman asked why they were still moving forward at all. Ms. Hallsmith said there are a lot of unknowns. They don't actually know yet how much it is going to cost to clean up, and they won't know until the testing and remediation plan is complete. It could be that the lower estimate is right. In which case, between the \$200,000 we just applied for, assuming we receive it, and the value of the property itself at \$840,000, we could probably afford it. It means that Alan Carr might receive a lower value for his property ultimately if the testing and remediation is expensive, but that goes with property

ownership. There is still a question of whether the city is even eligible for the funding we applied for because at the time we needed to apply it wasn't clear whether or not Alan Carr himself would be considered what they call a potentially responsible party under EPA regulations. It also related to whether there was active enforcement action and other types of systems in place.

Mr. Jones said we are approaching the legislative session and we had problems with parking last year. Two or three months ago he entertained a discussion at the State House with a couple of our representatives asking if they thought it was practical to have some of the representatives agree not to park at the State House. A small number would do it as a symbolic gesture. We're going to have to work with a shuttle and make sure the shuttle actually meets the schedule and needs of the people who use it. We now have two months to go before the legislative session.

Ms. Hallsmith said she has talked it over with the staff from Buildings and General Services that have been in her office. All it takes is for the State to come up with some money to put an additional surface on the parking lot at the Carr Lot. We could be parking on the Carr Lot if we put down another 6 inches of gravel. But it is expensive; it is about \$50,000 expenditure in gravel. The shortage of parking we have in the city is because of state employees and state functions. The State Legislature and the number of people who come to the State Legislature are really what cause the parking shortage, not the downtown merchants, not the Capitol Plaza and not the normal functions. A lot of the people who live and work around Montpelier have never lived and worked in other cities, but normally we don't have a parking problem. Perception is everything. When the Legislature is not in session, you can usually find a parking space within a very reasonable period of time. When the legislative session is in place that is not the case any more. It is a state responsibility to do some more parking in Montpelier, and they haven't.

Mr. Jones said maybe they should have the public discussion about parking in January or February when the parking is at its worst. Ms. Hallsmith agreed that would be a good idea. Mr. Jones said part of the outcome would be what can the City of Montpelier and its citizens do to rattle the cage of the state.

Ms. Hallsmith said the Stakeholder meeting on Built Environment and Infrastructure is the February meeting. Each month a different committee takes responsibility for the agenda. Last month it was the Economics Committee. This might be a good topic to discuss at that meeting. Part of the idea of this session is that they would look hard at where they would put the replacement parking for the Carr Lot and have some alternatives available for people. There is a proposal for a parking garage behind Aubuchon's that was shot down by the State Historical Commission on the basis of its impact on the buildings from a light and livability perspective on the upper floors. There is the potential for putting a parking garage across the street on State property, the Taylor Lot. There are a few other alternative spots which have been explored.

Mr. Kaufman said he keeps hearing the same things said over and over about State House parking and the legislative session. What is wrong with municipal enforcement and let the State deal with it? Permitted parking in the areas and an extra \$75,000 to \$100,000 for 4 more part-time parking people and have them write a slew of tickets to people who are parked in the permitted areas inappropriately?

Mr. Jones said they could have permitted parking in the neighborhoods where the overflow is going now and you would have to be a resident to park there. Make it harder to park for people where they have extended out.

Ms. Benedict said the general sentiment is we should be making it easier for people to be parking further away. It should be easier for downtown employees to be parking out on the side streets, making it

cheaper and easier and more expensive and difficult to park downtown. She doesn't think one single residential neighborhood should have a parking spot taken away.

Mr. Jones said they need to be clear about the problem they are addressing. From the residents of Montpelier's perspective a problem with parking is that when the Legislature comes to town they are not able to park in their neighborhoods any longer. Ms. Hallsmith reminded them neighborhoods are on public streets. There are areas in Montpelier already that residential parking is only allowed.

Mr. Kaufman asked why we as a city have to bear the inordinate burden of all of this. Why are we looking at \$220,000 to \$20 million to solve what is 60 to 70 percent of the time the state's difficulty? Where is the cost sharing for this?

Ms. Hallsmith said it is a state issue and the state should pay for the development of more parking. A lot of what has been proposed in terms of a parking garage is being funded by the federal and state government, so it isn't like the City of Montpelier is raising \$20 million in general revenue bonds or taxes.

Mr. Kaufman said he has only been in Montpelier for a short time. How much time has been spent by City Council and city government, how many man hours have been spent talking about this issue with still no identifiable resolution on the horizon?

Ms. Hallsmith said a lot.

Ms. Benedict asked how many parking spots there were in Montpelier, including street parking.

Ms. Hallsmith said there have been several parking studies done. Margot George had the idea of somebody go around and find the driveways that are within a walking distance of the downtown, and presumably people would be out of their houses during the day, there could be a business of driveway rentals. People could have dedicated off street parking spots. Some of the local landowners and apartment owners would have an alternative source of revenue because they could lease their parking space to a legislator or lobbyist during the day.

Capitol Complex Master Plan:

Mr. Jones handed out a copy of the Goals for the Capitol Complex Master Plan to members of the Planning Commission (copy enclosed). The period is now open for comment. He met with the Capitol Complex Commission a few weeks ago. There was a position laid out by the new Commissioner that the plan under which the Capitol Complex is being managed today is the one done in 1977. Any work that has been done since then is not legal from his perspective which added urgency to say it is time to do a Master Plan for the Capitol Complex. The sad news is that in 1999 and 2000 the City/State Commission was convened by the Legislature to develop a Master Plan for the Capitol Complex, and at least, according to some interpretations, that plan has no standing.

Ms. Hallsmith said Mayor Hooper remembers the City Council adopting it.

Mr. Jones said the Commissioner has great desire there be a new Master Plan. A portion of this Master Plan is to consider things like parking. Indeed, transportation accommodation is one of the ten goals of

the Master Plan. In fact the 1999-2000 plan didn't specifically talk about the number of parking spots and the number of workers, so we can raise the topic now.

Ms. Hallsmith said there is one comment from a member of the Built Environment and Infrastructure Committee who was very alarmed at the goal of buying up the rest of the private property in the Capitol Complex. *"The State shall acquire privately-held property within the Complex as it becomes available and meets its needs."* Mr. Jones said there isn't that much private property within the Capitol Complex. Most of it is over on Baldwin Street and the Union Mutual Insurance Company. Most of the buildings on Baldwin Street are State buildings, and there is some affordable housing on the corner.

Mr. Kaufman said he wasn't clear about the dispute of the clause. It says they will acquire as the buildings become available.

Ms. Hallsmith said the dispute with the member of the Infrastructure Committee is that Montpelier already has plenty of state-owned land. To take more of it off the tax roles is unreasonable and burdensome on Montpelier taxpayers.

Mr. Jones said it is also the removal of residential housing. Montpelier has a housing problem, and to convert houses to offices is not good. When they purchase private land to build offices that doesn't bother him. The fiscal impacts of that are not as significant as taking an already developed piece of property and converting it into a state office. They should consolidate their offices into an actual office building and let people live in houses.

Ms. Campbell said they could argue they are trying to do that with the Triangle.

Mr. Jones said it isn't a problem to build an office building in the Triangle as long as it is done in such a way that it deals with traffic, parking and office functions at the Triangle. For DMV licensing that is a good location if it is done right. There is the idea in the Montpelier Master Plan that we don't want people to take their housing and convert it to offices. We have already made that statement. Are we in some marginal way reducing the value of the property?

Ms. Campbell said it gets back to § 4413 and what the city would have legitimate jurisdiction over within the Capitol Complex. Mr. Jones said the city can't say the City of Montpelier restricts the state from purchasing a house. We can't do that. But this is a document that the state could approve. Inside the document if there is a policy for the state not to take residential buildings and turn them into offices, and the state agrees to that is theirs. Then we as the city and residents of the state can say they aren't adhering to their plan.

Ms. Campbell said their Master Plan is binding on them with respect to an agreement with the City of Montpelier. Mr. Jones said it is in agreement as to how they function within the Complex. They have to take it to the Capitol Complex Commission for advice. The question before the Montpelier Planning Commission is whether we think their language is appropriate about the concept of the state shall acquire privately held property within the Complex.

Mr. Kaufman said wording to restrict the use for redevelopment of private residences should be included. We would be on very shaky ground by trying to put in anything to restrict private land sales or purchases.

Ms. Hallsmith said the city is not trying to restrict private land sales but restrict state purchase. We could make the statement that the citizens of Montpelier already bear more than their fair share of the burden of state-owned property. We would like to keep the existing private property, even within the Capitol Complex, in private hands.

Mr. Jones said to him it is not just a tax issue but a housing issue. We need to change the sentence that says the state shall acquire privately-held property.

Ms. Campbell said they should recommend wherever possible state offices will be housed in state office buildings rather than residential properties. The larger issue here is a definite preference that office buildings are the appropriate places for state office business.

Mr. Jones said they also want a consistent architecture. If you take a house and make it into an office, what architectural signal does that send? This should be very important to people involved with the design of the Capitol Complex. There are definitely architectures that are more appropriate. Not only are they more functional, but they are also visually more appropriate to know that is a place of state function and a house is where people eat and sleep.

Mr. Kaufman asked if they were looking for municipal comment on the plan, or is it open for public comment.

Mr. Jones said the Planning Commission are here to talk about municipal planning documents. Certainly, this is not an open comment period to the public but for the Planning Commission.

Ms. Campbell said it could be argued that taking the wonderful old homes on Baldwin Street is an example of maintaining their architectural beauty.

Ms. Hallsmith said they aren't subject to design review, but the fact they are using state money means they are subject to Section 106 review on historic buildings which is even stricter than design review. They are on the National Register. That district goes up into that neighborhood and quite a ways up Terrace Street.

Mr. Kaufman inquired if we just wanted a blanket statement that the citizens of Montpelier do not approve a further acquisition of private residences within the State Complex. Ms. Campbell said it should also include the loss of residential homes. The State can ignore it, but this is the City of Montpelier's recommendation to them.

Mr. Jones suggested language: "*The State shall not purchase private land in the Capitol Complex.*"

Ms. Campbell asked if the Capitol Complex was subject to design review.

Ms. Hallsmith replied that § 4413 does require state properties to go through a reasonable processes around landscaping, setbacks, and parking. Landscaping is within the design review bailiwick, so, arguably, they are required to go through design review. It is just the matter of another court case to determine to what extent. Once you are there you are supposed to submit complete applications, and a complete application includes all of the design elements. They are supposed to give the city their design as they go through design review.

Mr. Jones said the back side of the Personnel Building, the one next to DMV and on the corner of Taylor and State Streets; they need to do some changes for ADA reasons. They need to do some real structural changes to the building and some of their initial designs went before the Capitol Complex Commission. That could be an example of whether the city gets to review the application or not.

Mr. Kaufman asked if the Planning Commission could get findings of fact from the city's attorney to be sent on to the State's attorney for Washington County to be sent on to the State's Attorney for the State. Ms. Hallsmith said she worked on that for the fee issue, but there are only one or two cases. The cases can go either way depending on the issue. This probably does need additional court action before it would be clear.

Mr. Jones read the statement under Transportation Accommodation.

“Facilities for parking all manner of vehicles should be provided as possible without overwhelming the scale of current structures in the complex. Parking structures should be sited and built where they are as unobtrusive as possible. Alternative modes of transportation (bicycles, rail, bus and other mass transit) shall be encouraged.”

He said he sees two problems there. One, facilities for parking all manner of vehicles – it doesn't even talk about appropriate. If VTrans wants to start parking trucks or a 34 foot RV to work, they don't mean that. Instead of alternative modes of transportation shall be encouraged, it should read shall be developed.

Mr. Kaufman asked how they were going to encourage mass transit when it doesn't exist. Mr. Jones said they develop it. Ms. Hallsmith said employees should not just be encourage to use it but given incentives.

Mr. Jones said the categories are buildings, landscape features, lighting, transportation accommodation, accessibility, environmental resource protection, historic resource protection, and security. There seems to be one piece missing. There is nothing about function. There is nothing that says the buildings in the Capitol Complex should be designed and operated so as to optimally carry out the function of the State activities. This has to do with the Triangle. DMV serves external customers largely. The Department of Taxes does to a certain extent. That is very different than certain functions where you essentially have no visitors. Therefore, you don't need to design the building the same. Or, you have the State Museum which serves a very different function. Therefore, it should be designed and considered differently. Mr. Jones said he would draft up consideration of this and send it around to members.

Ms. Hallsmith suggested they also send it to the Built Environment and Infrastructures Subcommittee to get their feedback.

Adjourn:

Planning Commission adjourned.

Respectfully submitted,

Gwen Hallsmith
Director of Planning & Development