

Montpelier Planning Commission
November 26, 2007
City Council Chambers, City Hall

Subject to Review and Approval

Present: Ken Jones, Chair; Alan Goldman, Claire Benedict, Mark Kaufman
Staff: Gwendolyn Hallsmith, Planning & Community Development Director.

Call to Order:
Ken Jones, Chair, called the meeting of the Planning Commission to order at 7:00 p.m.

Public Appearances:
None.

Review of Minutes:
The Minutes of the August 28, 2007 Planning Commission meeting were approved.

enVision Montpelier:
The Planning Commission talked about the Mazer Grant recommendations. Ms. Hallsmith sent members a draft memo which will go to City Council on November 28th for approval. The Steering Committee received six grant applications from various organizations in the community and has recommended three to City Council at this point in time to fund. They recommended \$10,000 to the Montpelier Community Justice Center, \$15,000 to the Onion River Exchange, and \$10,000 to the Montpelier Energy Coop. The Steering Committee directed her to talk with the other applicants to have them refine their proposals and work with stakeholders more to engage the different committees involved in the topic areas they chose. One is food, one water quality, and a third is transportation and bicycle transportation. If the City Council approves these grants at this point, \$35,000 of the existing \$50,000 for the first round will be spent, and that will leave \$15,000 for the next round. Then, there is another \$50,000 we will be receiving in May or June for a third round of grants. There was some sentiment from the Steering Committee to ask City Council to provide \$5,000 of the \$10,000 grant to the Justice Center. She isn't clear if City Council doesn't provide \$5,000, is the grant award \$5,000 or \$10,000 to the Justice Center. In order for the Montpelier Justice Center to access the \$5,000 matching funds they are receiving from the Department of Corrections for this particular project, it is important that it be \$10,000. They asked for \$15,000 and the Steering Committee cut them back to \$10,000. It is really up to the City Council at this point to make the allocation.

Mr. Paterson said his recollection was that the Steering Committee's recommendation was \$5,000 and the Council would approve an additional \$5,000. He requested that Gwen Hallsmith send another e-mail to the Steering Committee saying this has to go to City Council Wednesday and we need to be clear what we are recommending. There was also discussion about whether there was any other assistance that can be provided to the Justice Center so they can develop a more sustainable revenue stream.

Mr. Kaufman said the Community Justice Center, which he wholeheartedly supports, doesn't seem to meet the requirements of the very first Mazer grant directive. Mediation is not normally considered a requirement. Ms. Hallsmith said the Community Justice Center does more than mediation. They run the restorative justice program. The grant they submitted was to enable them to provide more of the community services they provide, like when the group of neighbors up by Vermont College was upset with some of the things Vermont College was doing the Community Justice Center was able to step in and mediate long term neighborhood process to resolve that conflict. Right now they are involved in the Vermont Compost issue.

Mr. Kaufman said he believed it was going to be community services rather than open ended for individual mediation or business or peer mediation. Ms. Hallsmith said it is for the community work they do.

enVision Montpelier Committee Reports:

Economics: There was a panel discussion with local entrepreneurs regarding environment, roadblocks and advantages and what might be needed far into the future. Transcripts will be available and can be read either in

total or executive summary. Ms. Hallsmith said it was an interesting talk with John Wagner, who is in advertising and green construction; Joanna Messing, who is in financial management for nonprofits; and Cindy Milstein as a book editor, as guests of the show and talked about why they located their businesses here in Montpelier and what they saw and some of the challenges and opportunities in the future. One of the interesting points that was raised was that some of the people who had moved from other parts of the country were astounded when they got to Montpelier about the high quality art here with the people, different types of productions, products, etc. One of the ideas for the follow-up program in January is on the creative economy. The next topic of the Economics and Livelihood Committee will be farming and food production in Vermont, and there will speakers from the area who are experts in that field.

Mr. Jones asked if Foodworks would be represented at the next meeting. He said they had put together a proposal for the grant money.

Social Systems: The Social Systems Committee hosted a luncheon meeting of all of the area clergy last month. They presented enVision Montpelier to them and talked about the Time Banks initiative and took some of their comments about planning for the future. Their next meeting is in December and they are going to have a joint meeting with the Human Development Committee. They have also been active in developing the Time Bank project, which has now been funded. They are going to be moving forward hiring a local coordinator and getting the Time Bank project off the ground. That is a big initiative of the Social Systems Committee. The funding came from the Mazer grant for the Onion River Exchange.

Natural Resources: The last meeting of the Natural Resources Committee was focused on water quality. Speakers were Millie Archer from the Vermont League of Cities and Towns to present all of the different water quality initiatives that municipalities participate in. Certainly, how the city relates to storm water, changing zoning ordinances to address flood plain issues and moving courses of rivers. There was discussion on quite a range of water quality issues that municipalities can play a role in, and that role is changing quite a bit. This largely because of the changing rules at the state and national level regarding storm water. At that meeting there were a couple of presentations from folks seeking Mazer grant funds which included a rain gardens and rain barrels, which didn't receive approval at the Steering Committee level. Certainly, people are quite supportive of the idea in getting that technology out there to make people more aware of the possibilities. The Energy Coop was also discussed at that meeting.

Human Development: Their last discussion was on health care. There was an interesting discussion about the challenges faced in the health care field. They did a visioning session of the kinds of things that people would want for health care in the future and issues dealing with obesity, diabetes and current issues we are facing dealing with an aging population and an increasing number of people needing assisted care facilities. There was an interesting statistic that came up in the meeting. There were a lot of very impressive people who knew a lot about health care at the meeting, such as doctors, health care providers, the Vermont Center for Independent Living, nurses and people in the field. The statistic had something to do with the number of people who are middle aged, 30 to 50, who are caring for elderly parents. In the 1930's it was 5 in 100, and by 2020 it will be 30 in 100. The number of people in that age group who are caring for older parents mushrooms in the next 20 years because of the Baby Boom generation that is going into retirement. That pointed out some interesting challenges for a 30 to 100 year time frame because of the additional demands that are going to be made on the workforce with respect to an aging population. There are a lot of very good recommendations that will be included in the minutes.

Governance Committee: The Governance Committee met last with the leaders from the different political parties in Montpelier and the Secretary of State's Office to talk about citizen participation and how to increase participation in governance. One of the interesting outcomes of that meeting was exploring the possibility of changing Montpelier's form of government to be one of the representative town meeting forms of government instead of City Council, like they have in Amherst and Framingham and Brattleboro. The next meeting will be this week and they have invited Hal Cohen from the Central Vermont Community Action Council and another low income advocate to talk about issues of social and economic equity.

Mr. Kaufman asked if they had made an effort to reach to the Social Systems Committee to make them aware of that conversation. This seems to be one of the cross-over areas.

Ms. Hallsmith said the Infrastructure and Human Development Committees have switched agendas for the Stakeholder Group meeting. The Infrastructure Committee meeting will be held in December because the students at Norwich University have put together a very interesting study on the built environment in Montpelier in anticipation of the Sabin's Pasture development. They would like to come to make a presentation of their work. They have studied some of the development that has occurred on steep slopes around the city. One of the criticisms of some of the development in Sabin's Pasture is that in order to achieve the level of density that would support development going in there you would have to build on some hillsides. The Norwich students are going to present some of their findings in terms of the historical patterns of development in Montpelier. They may also have an interesting capability of superimposing a development on a map of the area in a 3-D form. People who come and see the presentation will actually be able to see what certain types of development going in Sabin's Pasture might look like.

The Human Development Committee has been moved to February, and they are going to do something for Valentine's Day. One of their topics is relationships, so at the February meeting they are going to do speed dating.

Stakeholder Meeting Agenda for December 11, 2007: Mr. Jones inquired where they were in the time line with developing the pieces that lead to vision and goals. Ms. Hallsmith said they should be looking at the vision and development in January and February meetings of the Stakeholder Group. The Stakeholder Group is responsible for the vision, and the committees are responsible for the goals. There has still been quite a bit of outreach. There is a big outreach session coming up on First Night where we are on the program with enVision Montpelier to do a time machine here in City Hall. They are going to use the elevator and people can choose whether they want to go back or forward in time. The first floor will be the historical floor with pictures from 100 years ago, and the lower floor will be the futuristic floor. Students from the schools are working on art exhibits for that. They are hoping to have people in costumes on both floors.

Update on Meeting with Agency of Natural Resources and Agriculture:
Act 250 Jurisdictional Issues: Vermont Compost

Ms. Hallsmith said this concerns Act 250 review and the City's jurisdiction. She shared a letter with members of the Planning Commission which she drafted for the City Council's consideration on Wednesday night. The larger issue the letter addresses is the appropriate role for regulatory bodies to play when there are basically neighborhood disputes. Possibly because of Montpelier's level of professionalism and legal expertise, there seems to be a lot of movement when people are upset about something. Rather than going and talking to their neighbors about it first, they will pull in the city or pull in the state as a regulatory body. Her philosophy about conflict resolution, especially in issues of land use and city development, is that she is happy to help people resolve their conflicts, but she would like to know they have talked to their neighbors about it first rather than going straight to the city or state and pull in the regulatory big guns to go after their neighbors. She has seen this happen a number of times.

In considering the issue with Vermont Compost she thought it was important to make that point. The Agency of Natural Resources received complaints about runoff and water quality and other nuisance issues associated with the Vermont Compost Company. They sent out an environmental enforcement officer to investigate. The environmental enforcement officer did not find any violations. Ms. Hallsmith said her office also received complaints, so she went up there to investigate and did not find any violations that the city would enforce. She didn't know the full story about what the issues were with water quality so she referred that to a colleague of hers that knew something about it, and again there were no problems with either of their investigations.

However, what has occurred in the interim is that the Agency of Natural Resources has actually requested a jurisdictional opinion by the Act 250 Board asking that they exercise jurisdiction over Vermont Compost Company. Certain state laws exempt Vermont Compost from Act 250 jurisdiction because it is an agricultural

activity and farm. They raise chickens. Arguably, this action on the part of the Agency of Natural Resources was in error. What they should have done, because Vermont Compost Company is a farm, is abide by the Memorandum of Understanding that exists between the Agency of Natural Resources and the Department of Agriculture and referred the complaints to the Department of Agriculture. That is the way farm complaints are handled in the state of Vermont under state law. They did not do that. They instead filed for this jurisdictional opinion, and as a result Vermont Compost Company has been scrambling for the last several months to address the legal issues that arise when they suddenly come under a jurisdiction and regulatory regime that they had not previously been subject to.

There is a grey area in state law for this to occur. It is probably tied up in some of the regulatory issues that have occurred with the Intervale up in Burlington. The Intervale in Burlington, as worthy an enterprise as it is, is actually still quite different than the Vermont Compost Company in its operations and in the way it has managed the residuals they have there.

What the letter asks the City Council to consider is to ask the Act 250 Coordinator deny jurisdiction over this farm under the state statute and continue to abide by both the spirit and the letter of the law in Vermont by referring some of the complaints to the appropriate level of authority to address them, which in our case is the Community Justice Center. That is what we did when the complainants came to the City Council. We asked the Community Justice Center to intervene and the neighbors are meeting to talk about what's going on as a way of resolving some of the issues that have arisen. The issues that have arisen primarily are farm issues. Even though the Vermont Compost Company does a lot of different things, the kinds of complaints that have been articulated are complaints about chickens,

rooster noise, farm dogs and some of the other issues that occur when you live right next to a farm. This is an important enterprise for both the city and the state, and, rightly so, farms are protected from these kinds of nuisance complaints under Vermont state law. It's not right to just suddenly call it a commercial operation and subject it to Act 250 as a result.

Mr. Jones said in terms of a definition of agriculture from a city perspective, is there some specific thing the city does that would say Vermont Compost is a farm? Ms. Hallsmith replied yes. When Vermont Compost came to the city to apply for a permit for their operations, the city requested an opinion from the Attorney General's Office about whether or not it was a farm. The city received a definitive opinion from the Attorney General's Office that it was indeed a farm and therefore the structures being built were not subject to local zoning review. The city abided by that. In some ways the city is in a similar position to the Agency of Natural Resources as a regulatory body. We have sought out those opinions and followed the letter of the law whether to regulate a farming operation.

Ms. Hallsmith asked if the Planning Commission wanted to consider taking a vote to recommend that City Council take action on the letter.

Mr. Kaufman said he felt the Commission should take action to move it up to City Council. This is part of the planning for the city.

Mr. Jones said there is significant discussion about how to encourage agricultural activities as we move into the future, and this is a good representation of that.

The City Council did already pass the resolution in October, and Gwen Hallsmith had a follow-up meeting after City Council passed the resolution with the Secretary of the Agency of Natural Resources and the Secretary of Agriculture last week, along with some of the other stakeholders who are interested in Vermont Compost being able to continue as a business. They agreed to write a letter to Ed Stanak requesting that he deny jurisdiction, and they agreed to do a better job in the future in abiding by the Memo of Understanding (MOU) that governs the relationship between the two agencies. She believes that George Crombie acknowledged he had made an error in pursuing this as an enforcement or jurisdictional action. They attributed it to the fact that both were relatively

new in their positions as secretaries at the time. This occurred, and it is a complex area of law they didn't understand completely.

Mr. Kaufman said he was trying to separate his personal support for the operations of the Vermont Compost and his support for the agricultural enterprises in and around Montpelier. What might other operations look like which have an agricultural component. We all like Vermont Compost and the products that come out of that operation.

Ms. Hallsmith said that was part of the discussion they had with the agencies last week. They recognize the difference between somebody like Vermont Compost and Casella. That is where the law and the policy need to be addressed. In the meantime, until this is finally clarified, it is not right for us to hang a local business that has been operating under the letter of the law for many years out to dry in this regulatory uncertainty. Going into the Act 250 process would almost certainly shut them down, and partially because the neighbors are so interested in intervening and doing just that.

Mr. Jones said the city has already determined that it is a farm, and as we think about what the future of agriculture is and the role the city plays we need to make sure we are comfortable because there may be future opportunities for people to pursue agriculture. With the rules we have in place Vermont Compost Company is a farm.

Mr. Kaufman said he believed the City Planning Department should have key roles in defining what a farm is. It is not a farm if you have two cows but want to ship in 4 tons of manure every week and now claims it is a composting or manure production facility. An outside regulatory agency coming in and saying that the Attorney General's opinion doesn't matter and the city decisions don't matter and they are going to regulate this now. That's not appropriate in this case. That is why he would like to see the City Council move forward with this in as strong a manner as possible.

Mr. Jones said what the Planning Commission is considering at this point is a motion to endorse the letter to City Council.

Mr. Goldman said the state does define farming, and this certainly is a farm.

The Planning Commission voted unanimously to endorse the letter to City Council.

Mr. Jones said community members, who are neighbors, who are concerned about things in their neighborhood, how do we mend the fences? Montpelier could express its interest in diverse economic activities, even when they have some negative repercussions, so we can provide the necessary support to the neighbors. Maybe there is something the city can do to help.

Ms. Hallsmith said the grant made to the Community Justice Center to provide that level of community support is an important step in that direction. The Community Justice Center is a good venue for dealing with local disputes and neighborhood complaints. When people call her about a complaint about their neighbors, she always asks if they have spoken with their neighbor about this. She is happy to help them if they have spoken to their neighbor and have not been satisfied with the outcome. As a policy orientation it is important for us to have that as a city that we don't just jump in every time a neighbor starts having a complaint with somebody else.

Carr Lot Update:

The Carr Lot is on the City Council agenda for Wednesday night for an update. There was a negotiated price agreed to on the property between the property owner and the appraiser consultant, which is substantially lower than what had been established even through our appraisal. The city had to have an appraisal done of the property based on an uncontaminated site. The new figure is with contamination. There is an \$800,000 range uncontaminated, and the new range is somewhat less than \$100,000 contaminated. This is partially because it is an income based approach because of the revenue they are receiving from the rental of the bus station on the site.

Without that it would be zero. Both the owner and the city have agreed to that. The owner petitioned the city for that ruling and it was granted.

Mr. Goldman asked if this was the owner's offer.

Ms. Hallsmith said she didn't believe the owner has responded to the city's bonafide written offer to purchase the property yet. This is related to tax implications. The property tax would be based on \$75,000 rather than \$800,000.

The owner has come in and asked that the city reduce the appraised value of the property substantially. The other update is that the city has now received the first round of input from the EPA on the testing protocols that are needed to do the final assessment for the remediation plan on the property. The city is still waiting for their final approval of the proposals that had been submitted, or the Central Vermont Regional Planning Commission had submitted to address the protocols. Testing alone on the property is going to cost approximately \$140,000. The grant which was applied for by the Regional Planning

Commission would cover about \$60,000 of that, and the owner would be responsible for the rest. The previous testing was not sufficient to satisfy the TOSCA regulations. What the previous testing turned up was that the site is contaminated with PCB's, which are one of the most carcinogenic substances known and which require a fairly extensive testing to be done to make sure when the cleanup plan is implemented they are all contained or removed from the site. They have to do testing on a 10 foot grid, which is a lot of tests and lab work. There are a lot of precautions taken to protect the health of the people doing the testing. It is going to be an expensive proposition to get the testing done. If the testing shows that there is a relatively small hotspot on the property without a lot of diffusion of the contamination, then the cleanup may not be as outrageously expensive in terms of magnitude as the testing has turned out to be from the original expectations.

The city applied for a Brownfields grant of \$200,000 to do the clean up and the award of that grant will be contingent upon the city having property control by June of next year. If the city is going to start moving forward with any type of eminent domain proceedings or condemnation proceedings, they have to do it soon if they are going to use that particular grant.

Mr. Jones inquired if the City Council were ready to address that issue at this point. Are they moving forward to take the first steps for condemnation?

Ms. Hallsmith responded she didn't know.

Mr. Kaufman asked if they were truly considering eminent domain.

Ms. Hallsmith replied they had been considering it, but it is a very difficult question. To take over a site where we don't even have a complete understanding of what the level of contamination is and what the costs of clean up will be is part of the stumbling block. It is only prudent to understand what you are getting into before you jump. If they begin the process now, by the time we get to when the property ownership will be taken we should know what the dimensions of the clean up are.

Mr. Kaufman said he had watched three eminent domain cases elsewhere and the shortest one was a year and a half. Ms. Hallsmith said if the only challenge in the case is the value of the property rather than the necessity it won't hold up the plans to move forward and develop the property.

Mr. Jones said this is all within the context of the specific development proposal for the Carr Lot. Once the city owns the land, what other steps are necessary for the construction of a multi-modal transit center and the other development of that lot? Have we already taken the steps to move forward on that? We have a project manager. What about the link to parking?

Ms. Hallsmith said she didn't know about parking. She does know about building a multi-modal transit center. The new thinking on this has been that since the lot has been out of commission for parking that we have already gotten rid of the parking. The parking issue is absolutely an issue. The first thing we would develop on the site in fact would be for parking, and then develop the multi-modal transit center. But in fact the picture has changed since that time. At the time they felt the money we would need to build the parking structure would be forthcoming in the same way that the money to build the multi-modal transit center was. This was through an earmark in Congress. Congress has changed since then. The process for getting the earmarks has changed since then. In fact, the staffer who was pushing it forward for the city was in Jeffords' Office. Jim Jeffords isn't there any more. We have a new delegation we are dealing with, and it hasn't been as much their agenda as it was for Senator Jeffords. A lot has changed since the moment in time when we imagined that all of the money we needed to build a

parking garage would be in our hands. It is not. We are about \$12 million short of the money we need to build the parking. That doesn't happen as an easy earmark out of Congress any longer. The best estimates she has received from Jon Anderson and our local legislators, who are the advocates for this project, is approximately \$1 million per year to build the fund necessary for the project. That's a 12-year project. We do have the money in the hand, if you pool all of the resources that were dedicated to this, to build the multi-modal transit center. The city doesn't have all of the money in hand to clean up the site, but we have applied for a Brownfields grant. The hope all along was that the cost of the clean up would be supplemented by an offset on the purchase price. Since the Federal Transit Administration are the ones that are giving the city the money to build the multi-modal transit center they don't actually pay for clean up. It's not even an allowed line item in any of the budgets we submit to them, but they do pay for acquisition and they do allow acquisition to proceed as if the site wasn't contaminated. Presumably, the acquisition funds we could receive from them could be deducted for the clean up and the property owner would need to take the appraised value minus the clean up costs as his payment for the property. This is a legitimate point unless the clean up costs more than the property is worth.

Mr. Jones said he didn't know if the Planning Commission had weighed in on the development of the Carr Lot. Ms. Hallsmith replied that the site plan has been approved by City Council. Even the site plan was built on the presumption of multi-modal transit center and sort of 50 percent set aside for open space, not parking. He doesn't know if the Planning Commission was a part of that process, so he isn't sure what their role is at this point. Going through the process of eminent domain really suggests to him as a citizen that the city is doing it with the firm idea of the development of that site for a multi-modal transit center and 50 percent set aside for green space. How do you get people to park? As we go through the enVision process we will now have a multi-modal transit center and yet we haven't had a very thorough discussion about transit in Montpelier. How are we going to actually use the multi-modal transit center? We still don't have a link between the transit center and the train station. There is still not a link between the transit center and any of the other possible parking opportunities we talk about in terms of shuttling from remote parking sites. Those discussions haven't happened.

Ms. Hallsmith said the city has been in conversations with the State of Vermont about developing the parking structure across the street from the multi-modal transit center on the Taylor Street Lot. There are some designs being worked out. This is state owned land and the City of Montpelier has to work with the State Buildings and General Services Department. It is actually a very well suited lot in terms of its shape for a parking structure. It doesn't comply with the current Capitol District Master Plan and there are a lot of issues there. One of the issues, of course, is where are people that are using the transit center going to park? Where are we going to replace the parking that we are occupying with the transit center? The city at first had a conversation with Tasha Wallace when she was the Commissioner of Buildings and General Services about the possibility of at least exploring the option of developing the parking there. She was in agreement with the fact that we could move forward and look at the situation, and we have engaged our environmental impact assessor company that has been doing the assessments for all of the different Carr Lot possibilities to look at the Taylor Street Lot and assess it for its likelihood of being developed that way.

Mr. Jones said there is public opinion. We're having a discussion about parking, and a lot of folks have expressed the construction of a significant infrastructure for parking in downtown on the river is not what they consider to be appropriate use of that very valuable land.

Ms. Hallsmith said the place the Historical Commission recommended was to continue with plans to build a parking structure behind the downtown block across the street from City Hall rather than explore the Taylor Street Lot. When they went through the design and review of the lot across the street it ran into Section 106 review issues because of the fact it would be blocking some of the rear windows of the historic buildings. The reconfiguration that was needed to avoid that problem didn't make it very functional, didn't add elevators that would serve the upper floors of those buildings, so people kind of walked away from that. The other issue, too, is the intersection at Barre Street and Main Street because a parking garage that would empty into that intersection would complicate an already problematic intersection. One of the things they have been doing to address that issue is completing a study of putting in a roundabout at Main Street and Route 2, and then you could signalize the Barre Street/Main Street intersection and have a roundabout there.

Mr. Goldman said there seems to be a lot of unanswered questions. Mr. Jones said at the last meeting they did discuss that in January or February the Planning Commission would take the next public step with regards to parking. When people think about parking, they think about parking outside the city and get people in to the city.

Mr. Goldman inquired if the City Council had made a decision about locating a parking garage.

Ms. Hallsmith said there is no decision about putting a garage anywhere yet. There is a decision, however, on building a multi-modal transit center and the Council has approved a site plan for that. Mr. Jones said that was a couple of years ago, but it was always we need to figure out what to do about parking because the parking spaces will be used up.

Mr. Goldman asked Ms. Hallsmith what the timeline was now with the Carr Lot.

Ms. Hallsmith said she could give them a firm timeline once the city owns the property. Until the city owns the property, it is sort of mushy. Once the city has property control, she can move forward with the plans to get people working on the clean up and get the transit center built. Part of the hold up is an interesting phenomenon as well. The review of the plans to do the testing has taken almost a year. When the city had a virtual promise from EPA and when they were in the Governor's Office last January over this problem, they would do an expedited review of it. It has taken a year, and it still isn't done. It turns out that the woman in Boston who is reviewing the plans for testing is the only staff person in EPA in the entire country that is responsible for reviewing PCB testing plans. The fact that we have one EPA personnel that is responsible for the entire country is part of the hold up. It is just an issue of priorities at other levels of government that is working as a deterrent to the city moving forward with this project.

Mr. Jones said he wanted to ask his fellow Commission members to think seriously about a public outreach event that would get some of this discussion going about multi-modal transit and how that relates to the potential for future transit opportunities in Montpelier and parking and to get a sense of how we can make the planned development there reflect what a majority of Montpelier citizens think. He believes the city deserves that.

Mr. Goldman said we should add also that it is a gateway presentation to what happens in the city. It is one of the first things you are going to see when you drive into town. If you take the bus into town, that is where you will get off.

Mr. Kaufman said he didn't think they should address that until we have something firm about the Carr Lot. If the Carr Lot is purchased, or if it is set that it will be purchased in a reasonable length of time, then it is time to say it has been approved and it will be a reality. How do we want to utilize that within our area? What are the

ancillary services we want to see offered with that? How do we address parking? If we begin the talking process before there is something concrete it could blow up in the faces of city government.

Mr. Paterson said he hears and acknowledges that concern. There are a lot of dominoes in place. If we wait until that foundational piece has been decided, if we don't have those conversations now what he would be frustrated with is that in six months we come back and hear another report saying we have made the decision to put the parking garage here.

Mr. Jones said it is the eminent domain process that scares him. That is a significant step. If we are going to put city resources into acquiring that parcel, what are we going to do with the parcel and how does it fit? Mr. Paterson said part of this is trying to judge the City Council's intentions.

Ms. Hallsmith said there are a couple of different conversations they are talking about. One is the existing plan, which there have been extensive public conversations on in the past. What do we do about parking and transit in Montpelier general? That is another conversation. You have a perception that whether we are going to build a transit center is still up in the air.

Mr. Kaufman said he thinks it would be a good think to engage in a public conversation around parking and transit within the city of Montpelier. The nature of that conversation is different if it is set up that the multi-modal transit center is going to happen, and happen soon. How do all of the other pieces fit within that? That's a different conversation than what we do about parking in Montpelier. It is how you set up the expectations of people engaged in that conversation. Different pieces have changed, and they will continue to change. Frankly, a couple of conversations he has had with City Council members are they have approved the multi-modal transit center, but that was then. If people really felt strongly that this was the right way to go, then they won't say they will never talk about that again.

Mr. Jones said he believes where the opposition comes is if the multi-modal transit center is built and the next domino falls, which is that we will build a five-story parking garage across the street in the Taylor Street Lot, that is when people will talk. Then, the dominoes start to fall.

Ms. Hallsmith said everywhere you try to put a parking structure isn't popular.

Mr. Jones said he would like to put on the agenda for the next Planning Commission meeting a discussion of how we can make good solid parking and transit community discussion take place. Ms. Hallsmith said December 10, 2007 is the next scheduled meeting, and December 11th is the Stakeholder meeting. Mr. Jones would like to dedicate some time at the December 10th meeting to how to have a good solid public forum on parking and transit in Montpelier.

Growth Center Boundary Designation:

Ms. Hallsmith said she had nothing to report on the grant yet. The grant is supposed to be awarded in January. Mr. Jones asked if Planning Commission members should be thinking about that topic because it relates to another enVision issue, which is growth. Are we pursuing growth, and what does it look like?

Ms. Hallsmith said that will be a natural conversation at the Stakeholder meeting because of the study we are being presented with.

Other Business:

Ms. Hallsmith reported she received an Act 250 notice that the public hearing on the Home Depot being proposed for the Barre-Montpelier Road will be December 3rd at the Central Vermont Chamber of Commerce. They want to build a Home Depot at the old Ames Store next to Price Chopper.

Mr. Goldman asked what was happening with the Pyralisk.

Ms. Hallsmith said the city has applied for a planning grant under the CDBG program to put together the architecture, engineering and all of the stuff you need to do before you could apply for an implementation grant. They plan to apply for an implementation grant in the next round, which would be March. It has been through sketch plan review before the Development Review Board. There has been a lot of information requested. They are talking about four stories. Mr. Jones said he was of the belief that the ground didn't support four stories. Ms. Hallsmith said it wouldn't be any higher than the other building, but just have another floor.

The way they are developing the Pyralisk is interesting. They are trying to do a modular approach where they are looking at floors of condominiums, floors of affordable rental housing, and office space. We are all interested in having a high quality performance space go in there. It is just a matter of finding the resources to do it. Pyralisk does have an outstanding grant from the Department of Housing and Urban Development for about \$400,000 that is going to help build the facility. They are working on the finding of no significant impact of that right now.

Ms. Benedict asked how a building shares a performance space with condominiums. Ms. Hallsmith said there would need to be lots of good sound insulation. There certainly are examples elsewhere in the world where there is performance space directly adjacent to housing, and it works okay. The performance space is on the first level, and the rest is next door. This is in an urban setting. It's not the traditional Vermont setting, but not uncommon in bigger cities to have that mix of uses in close proximity to each other.

Mr. Jones said he has heard that site doesn't support a tall building above two stories.

Ms. Hallsmith said she assumed they would uncover this with the planning grant, which is the architecture and engineering work that needs to be done. Mr. Goldman said it might be interesting if the Norwich students could superimpose that building onto the site and let the Planning Commission members see what it looks like.

Ms. Hallsmith said the building will be the same size as the building directly next door, but the building next door has larger floors. It's about the same size building as 535 Stone Cutters Way. There is no vision of there ever being any type of public pathway along the river in that location, partially because it does end right at the Coop and Allen Lumber. The original plans had some café space facing the river so there would be that nice public access, but she doesn't believe the café space is in the continuing plans just because of the lack of potential tenants. The final plans haven't been drawn so there is plenty of time to have input.

Mr. Paterson said a month or two ago they had talked about the possibility of having someone from the Orton Family Foundation come visit us. They had talked about December, and he is assuming that isn't happening. Part of what they are doing is when communities go through planning processes, how do plans get translated into actual decisions? What often happens when you have all of these individual decisions that don't add up to what the original plan was hoping for? How can they work with communities to help translate the heart and soul that was in the plan into individual decisions? Ms. Hallsmith said that was a topic at the Governance Committee meeting. How do you translate planning into action? Mr. Paterson said Mary Hooper is on their Board now, so there are a lot of individual connections that it might be nice to have a conversation about what they do and how it might relate to what we are doing as a community.

Mr. Jones said his suggestion would be to ask the Governance Committee at one of their meetings to think through their vision to action. Let's meet with the Planning Commission and Orton about their experience in moving vision forward.

Mr. Paterson said at some point it might be nice to have the folks who are involved in creating the Central Vermont YMCA come and talk with the Planning Commission and their plans. It is interesting discussion on a variety of levels as we think about the future of our community.

Mr. Jones asked if they were talking about a physical space.

Mr. Paterson replied they were. He doesn't believe it is going to be in Montpelier, but he believes they are looking at all sorts of options. It would be nice to connect with that group and for us to support them in what ways we can.

Mr. Kaufman said he would like to hear from them. YMCAs are fairly large players in most communities simply because they are employers of note, provide nontraditional employment for youth, they provide a variety of social service programs and school support programs. It goes beyond just being a member. If you look across the entire organization, the YMCA is the largest provider of child care and after school care in the country.

Mr. Jones said it seems this would be an enVision presentation. He isn't sure the Planning Commission invites in organizations very often. Orton helps with community planning. What type of organizations does the Planning Commission invite in? Mr. Paterson said this is an organization that is just starting. Part of it is the physical infrastructure they might be looking at and it relates to a variety of levels to things that are happening within the city in terms of recreation and programming, after school care, etc. Let's at least have a conversation with each other and get to know what you are trying to do. If it is something that has never done before, then why not?

Mr. Kaufman suggested it would make more sense to go to enVision because it would be a broader audience for them tied up in our planning process. Mr. Paterson said he would raise it with the Human Development Committee to see if they would like them for the February meeting.

Mr. Jones said he attended the Weatherization Workshop, and it was pretty eye opening about what they really do. It is much more the building envelope and not just windows and doors. The Montpelier Energy Team now has some resources to support the audit process, which Central Vermont Community Action Council is one of the performance partners. The Energy Team has money to help if anyone wishes their home to go through the audit process to identify the sorts of things that save 20 percent. The audit itself costs \$250, but what they identify to get to the 20 percent savings is worth it.

Adjournment:

Mr. Kaufman moved adjournment, with Ms. Benedict seconding the motion. The Planning Commission adjourned.

Respectfully submitted,

Gwendolyn Hallsmith, Director
Planning and Community Development