

Montpelier Planning Commission
December 10, 2007
City Hall Chambers, City Hall

Subject to Review and Approval

Present: Ken Jones, Chair; Christopher Paterson, Vice Chair; David Borgendale, Alan Goldman, Anne Campbell, and Claire Benedict.
Staff: Gwen Hallsmith, Planning & Community Development Director.

Call to Order:

The meeting of the Montpelier Planning Commission was called to order by Vice Chair Christopher Paterson at 7:00 P.M.

Public Appearances:

None.

enVision Montpelier:

Gwen Hallsmith said she wanted to discuss the Stakeholder meeting planned for December 11th at 6:30 P.M. at Vermont College in Noble Hall Lounge. There is a group of Norwich students coming to describe what they have put together for a development planned for Sabin's Pasture. It isn't one that is being proposed, but just a plan they worked out by taking a fairly comprehensive study of the built environment in Montpelier and trying to consider what type of development would be consistent with that. They are expecting a fairly large turnout of people. We thought it would be a good opportunity to get some feedback from the stakeholders on the whole Sabin's Pasture development plan. The students will make a presentation and have exhibits, and then they will do a group exercise using the materials they presented. The Built Environment Committee and staff discussed they would put up a big map of Sabin's Pasture with the zoning districts on the map and ask people questions related to Sabin's Pasture. What aspects of Sabin's Pasture do you want future generations to be able to enjoy? What ideas do you have for it, what might you like to change? The Committee thought that might give the Trust for Public Lands for Sabin's Pasture some interesting anecdotal information. It would be nothing designed to be a definitive statement of the general Montpelier public but some of the natural features that people feel strongly about might be useful to know. An example, the quarry or other particular view spots would be interesting to know about.

Mr. Paterson asked if the working committee for Sabin's Pasture had been formed yet. Ms. Hallsmith said they had been meeting every Monday. All of their members should be at the Stakeholders meeting, along with the Friends of Sabin's Pasture, the Housing Task Force, stakeholders and the 29 Norwich students.

After the presentation there will be enVision committee reports. The Built Environment and Infrastructure Committee are actually facilitating the meeting.

Growth Center Planning Grant:

The City received the grant. There are five basic tasks identified. One is to do population and growth projections with a buildout update. The Regional Planning Commission has done some of that, so it is just bringing this up to date. The commercial piece may be missing. Task 2 is an analysis of what the infrastructure and public service needs would be to accommodate growth in Montpelier. Task 3 is to calculate the infill potential. You take the population projections and imagine how we are going to accommodate that population increase, both in terms of infrastructure and in terms of development. One of the areas you look at for development is infill development that can go into the areas already relatively built up without developing new areas. Maybe there are a bunch of empty lots between houses around the town that could be built on. Maybe there are properties like Sabin's Pasture that are walking distance from the downtown that have development potential. We need to project the increase over 30 years. Task 4 you need to estimate the land area needs and create a growth center map. You take the area you have in the city that is already developed, figure out how much more area in the under developed areas you might need to include and develop a map of that growth center. Task 5 – since a lot of the other work that is required for growth center designation has already been done in Montpelier, then we'll ask the consultant to complete the growth center designation application assuming the city decides to make it. That is what they have identified as the work plan for the grant.

The advantage of having a growth center designation, especially as it relates to the development at Sabin's Pasture and other undeveloped land, is that once you have made that district boundary the state enables you to use tax increment financing to build the infrastructure. The city actually could build the infrastructure in areas that are undeveloped to accommodate our growth projections. This is just in a designated area that has been identified as meeting the needs for the next 30 years. It would include the downtown. We could use the same form of financing to make infrastructure improvements in the downtown because the designated downtown has to be part of the center you create.

Ms. Campbell inquired if that included buildings as well. Ms. Hallsmith replied whatever is needed.

Mr. Borgendale said there are some issues that the kinds of restrictions that the state has put on tax increment financing and on the distance of the downtown center that we designate as a growth center.

Ms. Hallsmith said here we would want to include the downtown in the growth center. Mr. Borgendale said they should lobby the Legislature to relax some of those criteria. Basically you look at a radius around the center of the downtown area, and it is pretty limited. If you look at maps of Barre City or Montpelier, it doesn't leave a lot of room for growth in between. Ms. Hallsmith said this is brand new legislation that was passed last year.

Ms. Campbell asked what timeframe we would be looking at for considering designation. Ms. Hallsmith said probably before the summer. The hours needed for this aren't huge, so it should be completed by June. We have proposed to hire a consultant and coordinate the consultant with the Regional Planning Commission. We need to prepare an RFP for a consultant soon.

Ms. Hallsmith said the Built Environment and Infrastructure Committee of enVision Montpelier might like to hold some hearings and do some public outreach around the growth center designation. Doing this in a fairly extensive public process means that the community would have a lot of input into it rather than just having a hearing about it, which is probably all that is required. The Regional Planning Commission will be one of the city's consultants.

Home Depot Act 250 Application:

Ms. Hallsmith said the main thing she is seeking the Planning Commission's input regarding Home Depot is a question, which she imagines City Council will also be taking up on Wednesday night, whether Montpelier should seek either party status or "friend of the commission" status in the Home Depot Act 250 case that is moving forward for a store in Berlin. There are two possibilities. One is party status, and one is Friend of the Commission status. With "friend of the commission" status you don't have appeal rights, but you can present findings of fact and participate in the process.

Mr. Jones asked if this was a question so the Planning Commission could provide a recommendation to City Council. Ms. Hallsmith said yes, because the City Council is considering this on Wednesday.

Ms. Hallsmith said the "friend of the commission" may be limited to filing a memoranda, proposed findings of fact and conclusions of law and argument on legal issues. A petition to participate as a "friend of the commission" shall identify the interests of the petitioner, the desired scope of participation, and shall state the reason why the petitioner's participation will be beneficial to the District Commission. Party status gives you the full set of rights in terms of appeal; the "friend of the commission" does not.

Mr. Jones asked what the down sides of seeking party sides are. Ms. Hallsmith said there weren't any.

Mr. Borgendale moved that the Planning Commission recommend to City Council that the City of Montpelier should apply for party status. Mr. Goldberg seconded the motion.

Ms. Campbell said they mentioned water and sewer. Does the criteria for impact on the growth of the region have equal merit? The argument so far has been in terms of the effect on water and sewer.

Ms. Hallsmith said that wouldn't be the only reason Montpelier would be interested in applying for party status, but it does certainly present a very strong case for why we should be granted it. The Planning Department tried to identify all of the applicable criteria that we would be concerned with on page 4 of Clancy's memo. One is the impact on the floodways and flood plains. That still isn't particularly clear to us whether or not the expanded structure will fill existing special flood hazard areas or will have to be elevated. They are taking down the old Ames store, which is currently a 60,000 square foot building, and they are putting up a 100,000 square foot building. Ms. Hallsmith said she hasn't seen the plans to see where that extra 40,000 square foot of space goes, but the store is pretty well surrounded by flood plain. Chances are there is an impact on the flood plain upstream from us which is always a concern. The other is the unreasonably dangerous or congested conditions with respect to highways or other means of transportation. There is a fairly lengthy memo from the Public Works Department on that subject. The upshot of the memo are that there aren't really big concerns about additional traffic congestion in the Montpelier area, that a lot of the trips generated will be basically replacing trips that used to be there when Ames and Harry's was there. Public Works isn't concerned with it, although Barre is.

These are the criteria that the Planning Department identified on a preliminary basis that might be possible.

The fact that it won't have an undue adverse affect on aesthetics, scenic beauty, historic sites or natural areas. In this case if Home Depot did have an impact on the existing stores in the downtown that are competitors, and there is some sense that would be the case. Studies have shown that when Home Depots have gone in other areas nearby hardware stores suffer an initial impact of a loss of 20 percent of their sales. Some stores that have larger and deeper pockets like Aubuchons probably can withstand that over the short term. The other interesting thing that the studies tend to show is that will often increase again after the first honeymoon is over. Stores like Somers may not. Paul Burn has been in contact with her from the Preservation Trust of Vermont. He has a particular concern with our historic downtown because it doesn't take much to get a downtown unraveled. Even though it may only be one or two stores that go out, when you have a number of empty store fronts and there is a loss of traffic in the area from that, having an additional loss can actually have an impact on the downtown and on the tax base which are issues for the Act 250 process. That is why he sent along the studies of the economic impact of Wal-Mart on St. Albans, which does a fairly extensive economic analysis of that development. She mentioned to Paul she thinks there is a qualitative and quantitative difference between Wal-Mart going in on a green field near St. Albans and a Home Depot going in to replace an Ames here, even though Ames has been out of business for a while. It may not be the same type of impact, but it is interesting data.

Criteria 9 conforms to the capability and development which includes the impact the project will have on the growth of the town or region and development affecting public investments. This goes back to public investments like water and sewer systems or the tax base in the downtown. Those are the areas we thought were worth exploring and knowing more about.

Mr. Jones said there was a motion on the table. The motion was pass favorably on a 6-0 vote.

Mr. Jones said he is interested in what City Council expects the Planning Commission's role to be on this topic.

Parking Public Forum:

Mr. Jones said to recap some of the recent history on parking that it was during the middle to late summer that City Council was very interested in sponsoring a public hearing on parking. The Planning Commission communicated to them that we would like to participate or help structure that process. They have done a survey and are up to 200 plus responses from the survey. There were a couple of articles in *The Bridge*, one just arranging the range of topics and a commentary piece a couple of months ago about parking garages. The next piece of strategy was whether we could get small groups of people to try to summarize some of the major positions on parking. Come January when the Legislature reconvenes there will be parking issues in Montpelier again. He asked if members had some specific ideas or principles we should be pursuing to make this a useful public process.

Ms. Hallsmith said the last Built Environment and Infrastructure Committee meeting talked about parking and they are interested in partnering with the Planning Commission about the parking participation process.

Mr. Paterson asked with the information we have now, do they feel enough to provide some information that would provide a useful public dialogue on parking?

Mr. Jones said to come back in three weeks when people start parking up Terrace Street again.

Ms. Benedict asked what the reason for the parking forum was if there wasn't a purpose.

Mr. Jones replied there was a purpose. The development plans for the Carr Lot are still ongoing, and they are on track to pursue the purchase of that property the first half of next year. A lot of that hinges on where the people are going to park that may be using the multi-modal transit center or what about replacement parking for the Carr Lot. How are the discussions going with the State? Are we really pursuing the discussions with the State about building a parking structure on state land?

Ms. Benedict said she didn't think that would warrant a public hearing.

Mr. Jones said it is for him because rather than a more specific proposal coming out about a specific parking garage and then receiving action that tends to get ugly. If we can get a stronger sense of public sentiment about parking garages, location for more parking and can we put more emphasis on building more parking outside and look at the shuttling system, we can get reaction to those ideas. Maybe 70 percent of the public is very interested in seeing a parking garage take place in the downtown area. The ones who are unhappy will definitely show up to let us know how unhappy they are. That is why it is important to have some kind of discussion before the proposals get more specific.

Ms. Campbell asked if the Infrastructure Committee was concerning themselves with parking. Ms. Hallsmith said they were in February.

Mr. Jones said they met this week and agreed to put it on their schedule for February. Garth Genge, Claire Benedict and Alan Goldman are co-chairs of the committee.

Mr. Borgendale said it seems to him that parking is, to a certain extent, a symptom of conflicts with other objectives. Some people want to have lots of parking because they believe it is going to make it easier for people coming into the downtown and a vibrant downtown, and then there are other people who don't want people driving into downtown so not having parking is a great way for that to happen. At least we can try to identify what is our overall objectives are. Parking becomes more of an implementation issue as opposed to an end in and of itself.

Mr. Jones said some people might say if you build more parking you hurt the downtown. You hurt the vitality of the downtown because you use up some of the land. And, if you make it easier to park here, then it does make it easier for people to park downtown for 8 hours. Instead of coming to shop for an hour or two, you come and work. If you just build parking and lease out the spots, then we can put some more offices in downtown and it adds that vitality. We should just make sure enough Montpelier citizens have weighed in so that City Council will hear the spectrum of response is.

Mr. Paterson said we need to involve the State somehow in this conversation, and he doesn't know the best way to do that in a public forum.

Mr. Jones said they have been taking steps to do that, and it is a big challenge. The State changed Commissioners just as we started this effort, and the new Commissioner has backed off and is saying what his role is and what the city's role in these discussions is. The Capital Complex Commission is just beginning to think about it amongst themselves.

Mr. Paterson said he would circle back and raise a question around the growth center designation. How do the changes at the state affect how the city is going to do projections for what is going to happen in Montpelier 20 to 30 or 50 years from now. Ms. Hallsmith said that might be why the commercial part was never done on the

existing growth projections we have. She would think it would have a lot to do with what Montpelier is going to grow like.

Mr. Paterson asked if the state currently has projections out as to what they see as being their workforce. Mr. Jones said not according to his discussions as part of the Capital Complex Commission. That is not something they have. How do we make them do that?

Mr. Jones said they talk about the development at the triangle, which is not dead. They are still having discussions with National Life with regards to the use of the property, and it is not dead. Because they are a bureaucracy they do have the ability to make some decisions which will direct the future workforce regardless of who the administration is because once they set the plan in place that is x number of people who will be working there. They will go through the capital construction budget process to get the money to move forward on that. Once these wheels get going in our bureaucracy they are pretty good. Is there someone asking how that impacts the workforce in Montpelier. We don't have those numbers.

Mr. Borgendale asked, is the city responsible in any way for solving or providing parking for state employees? Maybe there is some way to disassociate ourselves from that problem altogether.

Ms. Hallsmith said maybe the more appropriate question is should we be? She said she would be happy to be responsible for it if the state gave her the money to do it. She doesn't think it behooves the citizens of Montpelier to bear the burden of fixing the state's parking problem.

Mr. Jones said he has the sense the state says they take care of their employees unless they don't have enough parking spots and then they will park in the city. Actually, the state workers aren't taking up a lot of parking spots. It's the people who go to the State House. There are a lot of non-state workers that go to the State House during the legislative session. Ms. Hallsmith agreed it is really the general public more than the state employees.

Mr. Borgendale said the state offices in City Center there is a lot of employee parking that happens in residential areas right behind City Center. He doesn't know whether there isn't enough spots or because it is free. The City Center parking garage is full every morning. Mr. Goldman said there are traffic problems on Terrace Street where they were parking on both sides of the street. Ms. Hallsmith said there are problems when people park in places that aren't safe, but she doesn't see a huge problem with people using public streets for parking.

Mr. Jones said of the sampling from the survey 70 percent of the people think there is a parking problem.

Mr. Jones said Step A, the Planning Commission should talk to City Council and see where they stand on the topic in terms of timing and content as well as how it fits into some of their other deliberations. Step B, go to the Infrastructure Committee to pose some questions and have them help structure what a parking forum would look like in late March or April.

enVision Steering Committee:

Ms. Campbell said based on observations from her attendance at the last Steering Committee meeting she would like the Planning Commission to consider making possible recommendations. One has to do with representation of the Steering Committee in the absence of the co-chair from the public who was appointed to the Steering Committee. It happened when the Steering Committee was making its decisions that some committees had absolutely no representation in that decision making process while at least one other committee had at least two members. One proposal she would like to make is that the Steering Committee be structured such that if the member representative to the Steering Committee cannot attend that an alternate member of that committee be appointed so everyone is represented at the table. Mr. Jones said that was a good idea.

Her experience in judging the merits of proposals is to have some objective criteria on which to base decisions. None of the other members of the committee have taken it upon themselves to judge the merits of the proposals based on any sort of objective criteria, so that may be another thing worthy of their consideration.

Thirdly, there should be some system established for better informing committee members of the merits of the proposals such as attendance at stakeholder meetings where projects are presented. In the social systems case, there was a DVD made of a public hearing with a presentation by an expert in the area of the proposal. Somehow committee members should take it upon themselves to become informed so when they make their decisions it isn't on preconceived ideas about the merits of a given project.

There should be some kind of equitable advocacy for each of the proposals so that all who submit a proposal have a chance to speak on their behalf or those who are on the Steering Committee who have submitted proposals should recuse themselves from the decision making process so it is more equitably balanced.

Ms. Campbell said she raised these ideas to see if the Planning Commission was an appropriate venue and since the Steering Committee is in effect made up of each of the committees the Planning Commission members co-chair. Presumably, each member of the Planning Commission is a representative of the committee and would have some interest on how the Steering Committee conducts its business.

Mr. Paterson said he wasn't sure if it was even appropriate for the Planning Commission to recommend to the Steering Committee. Ms. Campbell said the question is do they have any accountability to anyone? Ms. Hallsmith said she would think they would have accountability to the Planning Commission, City Council and to the public. Absolutely, it's a public body. She has no problem with the Planning Commission taking a directive role as to how the Steering Committee functions. The Planning Commission initiated the process.

Mr. Borgendale asked Ms. Campbell if she felt some bad decisions had been made.

Ms. Campbell said she didn't want to say "bad" decisions. She thinks the decision-making process itself could be greatly improved. Mr. Borgendale said it is okay for someone to advocate for their own project before the Steering Committee. If you are one of the people making one of the applications you shouldn't be serving as a member of the Steering Committee voting on whether or not you should receive the grant.

Mr. Paterson asked if the members of the Planning Commission were being asked to encourage Gwen and Ken to take those four recommendations to the Steering Committee. Ms. Hallsmith said there are four: 1) Having alternates for people who aren't able to attend. That begs some more communication between the Planning Commission as the co-chairs of the committees. 2) Maybe asking for more information as part of the application process, but the Steering Committee should try to make themselves more aware of each of the proposals so we aren't dealing with generalistic impressions and reactions but rather fact based opinions. 3) The Steering Committee should come prepared with objective criteria and a rating system for doing that. Gwen said she sent out the criteria for the grants in advance but no one did any objective work with them. 4) Making sure the next time we are considering applications that the applicants are invited to make a presentation in case there are questions or concerns.

Ms. Campbell said she would like to add a fifth one. When committees vote to support a proposal that the Steering Committee representative represents the sentiment of his or her committee rather than speaking out of personal preference or bias.

Ms. Hallsmith said she saw no problem with the Planning Commission recommending these proposals to the Steering Committee. Mr. Borgendale said he would like to see the Planning Commission provide the guidance. Ms. Hallsmith said each application asks the applicant to address the criteria for the grant in their application. She sends out a rating sheet to the Steering Committee in advance asking them to evaluate each of the proposals on the basis of the criteria. These were the criteria that the Mazaer Foundation approved as our evaluation tools. The Planning Commission reviewed the criteria used by the Steering Committee. Ms. Hallsmith said one of the criteria was that the proposal involve youth in the community in the decision-making process in some way. There is also the possibility of having a staff summary report of how each proposal has met the criteria, but that also begs the question of them trusting her version of that.

Other Business:

There is a Stakeholder meeting on Tuesday, December 11th at Vermont College. The next Planning Committee meeting is on January 14th. There are subcommittee meetings still happening. There was an interesting meeting tonight about food in the Economics Committee. The District Energy meeting is next Thursday.

Adjournment:

Upon a motion by David Borgendale, and second by Anne Campbell, the Planning Commission adjourned.

Respectfully submitted,

Gwen Hallsmith, Director
Planning and Community Development