

**Montpelier Planning Commission**  
**January 14, 2008**  
**City Council Chambers, City Hall**

*Subject to Review and Approval*

**Present:** Ken Jones, Chair; Anne Campbell, Mark Kaufman, Chris Paterson, Clare Benedict, and Alan Goldman.  
Staff: Gwendolyn Hallsmith, Director of Planning & Community Development.

**Call to Order:**

The meeting was called to order by Chair Ken Jones at 7:00 p.m.

**Review of Minutes:**

August 21, 2007 Minutes were approved. September 10, 2007 Minutes were approved. October 22, 2007 Minutes were approved. November 26, 2007 Minutes were amended to show Chris Paterson present at the meeting. The amended November 26<sup>th</sup> Minutes were approved.

December 10, 2007 Minutes – recommendations to the Steering Committee had formal action and should be reflected in the minutes. The Planning Commission tabled the December 10<sup>th</sup> Minutes until a later meeting.

**Public Appearances:**

None.

**Attendance Issues:**

Mr. Jones said enVision Montpelier has the committees and the Planning Commission's representation on the committees. The way the process can work best is if the Planning Commission provides the guidance and direction for each of the committees. A lot of the committees are not getting the kind of representation from Planning Commission members that allow that to take place. How can we make those enVision committee meetings, as well as the stakeholder and steering committee meetings, more valuable so they can move up on the priority list for each of us as individuals? What can we do to make those meetings higher on the priority list?

Ms. Campbell said those of us on the Planning Commission who were here at the point which we did the public hearings around the various aspects of the Master Plan the committee meetings and the enVision process are very much like the public hearings that we as a Planning Commission held. That kind of input is extremely useful to the Planning Commission as it does finalize the Master Plan. Her concern is that if they are not in attendance at those committee meetings and at the enVision Montpelier process we are going to be at a great disadvantage when it comes to finalizing the Master Plan.

Ms. Hallsmith said the committees need the Planning Commission. You need to be in touch with the co-chairs and help them set agendas for stakeholders. There are differing degrees to which the Planning Commission and each of the committee have had a role in that, and there are differing degrees of skill that the different co-chairs of other committees have with that function as well. Each of the committee members before each meeting have been calling other people they feel would be interested in the topics they will discuss at that meeting. They have played an active role in setting the agendas. Clare and Anne have both been very active on their committees. Anne has closely coordinated with Ginny Catone to set the agendas and get things moving forward. Clare has been in touch with Garth Genge. Clare and Allen are both on the Infrastructure Committee. It might be that one or two of us might not be happy with the committee we are serving on and would like to do another, in which case we could reshuffle committee assignments. It is important that the Planning Commission co-chairs work closely with the other committee co-chairs to make sure the agendas are on topic, people are at the meeting who will have something useful to say about the subject matter, etc.

Mr. Jones asked if any one would be interested in changing a committee assignment.

Mr. Patterson said Chris Reardon of the Governance Committee is feeling like a greater burden to do things there. That is an area he would be interested in. At the beginning of this process we started referring to ourselves as co-

chairs and that was something that caught him off guard when he recognized it. He thought he was serving more as a liaison role. If David is feeling overwhelmed and doesn't want to do governance, and if Human Development doesn't miss him, he would be happy to switch roles. Ken is covering the Natural Environment now.

Mr. Patterson said he thinks the committees and work groups were set out initially to create learning opportunities for people around the table, and the work group was going to take that combined learning and come up with a set of goals, and any learning that happened beyond that was a bonus.

**enVision Montpelier:**

Ms. Hallsmith said with regards to the Public Participation Report as an addition to page 3 there should be included direct mail. At the end of December we did do a Planning Commission mailing to the entire community. Included in that mailing was a survey for enVision Montpelier, and they have actually received a lot of surveys back. That was a required mailing they needed to do to comply with our role in the CRS floodplain system. We need to do a mailing once a year to everybody in the floodplain. Since there have been issues with design review and zoning issues it would be good to mail the whole city something that said if you are thinking about building please check with the zoning office because there are zoning and subdivision regulations in the city. In that mailing they also included information about some of the grant programs available and the enVision Montpelier survey.

Putting the report together, each meeting is a new experience, and when you look at all we have done since the beginning of this project and the number of people included we are doing a pretty good job of getting the word out about the program. This month the VISTA volunteers are contacting the area churches and trying to appear at coffee hours after church. They are going to the soup kitchens in the city to get input from them. They have contacted all of the colleges to try and participate. They received a very negative response from NECI and they wouldn't let them put a table at their college at all. They are also contacting all of the organizations in the city that have boards or directors and arranging for us to speak to them. They are doing a real neat thing over Martin Luther King Day. Apparently, there is a K-4 program offered for young kids and the two VISTA volunteers have developed a curriculum of "I Have A Dream for Montpelier." Our efforts to do new things in ways continue.

Ms. Hallsmith said she sent all of the attendance lists from the different committee and stakeholder meetings. There are over 300 people now on the stakeholder list.

**enVision Montpelier Stakeholder Meeting:**

There are two presentation topics. One is on district energy and the Riverside Center. Ms. Hallsmith hopes to recruit more committee members at the Stakeholder meeting. A lot of the people on the committees are from the original stakeholder meeting. While they have had a number of new people join the stakeholder group, we haven't done a good enough job trying to get them signed up for committees as they have come to the meetings.

On Wednesday there will be an opportunity for the proposal for the Riverside Center to gain the support of the general public. He doesn't know what people think of the relationship between that meeting as an enVision Montpelier meeting and the Planning Commission. Is it going to be seen as a way for the Planning Commission to invite the public to support a project when we didn't get to discuss it? We also had a very specific discussion here about parking issues around that lot and what it could be to meet the parking needs for development there. Again, he doesn't know what they are going to do about parking for that location. Are they going to be working with Hunger Mt. Co-Op to make sure parking will be helpful for both entities?

Mr. Patterson said part of the role of the Planning Commission with any sort of project like this is to be the historical memory. This is what we thought we were getting. We're not saying it is a bad idea. There are lots of reasons why projects change over time, but let's remind ourselves as a community what the initial proposal had been.

Ms. Campbell said you don't even have to look that far. The existing Master Plan has a river front district that very clearly spells out what should be there. The gap that exists is between the Planning Commission and the

DRB, and if it is not written very specifically in the form of regulations and ordinance it doesn't really register with the DRB. Just as the DRB has a Design Review Committee which looks at design, it seems it would be a great idea to have for any large development proposal that comes before them a Planning Commission review committee that makes the same kinds of recommendations and looks at the Master Plan. When we revised the ordinances the last time we wrote in that the DRB should take into consideration the Master Plan, but if it isn't written specifically in terms of regulation and ordinance it doesn't happen. But if the Planning Commission had its own Master Plan review committee, that seems to be at least as important as design review.

Ms. Hallsmith said that was a great suggestion.

Ms. Campbell said that would clarify once and for all our role in these kinds of activities.

**Orton Heart and Soul RFP:**

About three months ago Chris Paterson brought in the idea to bring the Orton folks here to describe this process because it may enhance the enVision process with regards to the development of vision. A few weeks ago they put out an RFP to pay money for two municipalities in Vermont and Northern New England to follow through on this hearts and soul planning process. Through Chris we did ask them to come here and talk about it, although we haven't finalized the schedule yet.

Mr. Paterson asked if we still want to have someone from Orton come visit and talk about what they are doing. We even proposed that one of the topics we would like to explore with them was the notion of how you move from maintaining a vision throughout the entire planning process all the way down to implementation of specific projects. The other issue is whether or not there is anything in the RFP that intrigues us to responding to the RFP. The RFP has a submission deadline of March 3, 2008. Their Director of Northeast Projects was talking about visiting with us in late March. The RFP is more time critical in terms of decisions whether we want to respond to it.

Ms. Hallsmith said she had a long conversation with Betsy about this. It wasn't clear to her after reading the RFP if it was \$100,000 in cash or if it contributed to Orton staff time. It is \$100,000 in cash, and then there is Orton staff time on top of that, which is good. She sent materials to them trying to demonstrate that we are doing what they plan to do and she wasn't sure we would be eligible to apply since we have it under way and have done so for a year. They really want this to be their project. In order for us to do that we would have to start at the beginning. In fairness we have got the project going and demonstrated that we can do it. When it comes to competitiveness on these proposals they are going to be looking to help somebody who doesn't have resources of their own to make a project like this happen.

Maybe part of what we could get Orton involved in would be to thoroughly articulate the State Capitol dimension of the project. We have done a reasonably good job of getting people in the City of Montpelier engaged in this to date, and we certainly haven't excluded surrounding communities or state offices or state employees from being involved, but she doesn't think we have come anywhere near achieving what an ideal State Capitol project might be in terms of getting a broader base of representation involved from around the state so people could take some ownership of having their state capitol be this type of vision and sustainable over time. Betsy said she didn't think Montpelier would be competitive for the RFP.

Once this RFP is done they are coming out with a new program that will enable cities to use the arts more thoroughly, and that would be a cool program.

Mr. Paterson said if we went to the Orton Foundation and asked for the additional funding with what we have already done it probably wouldn't sell. What are they looking to do that would augment what we have done and add value to the enVision process. We would have to be very deliberate about that. Secondly, the notion of looking at specific aspects of Sabin's Pasture, the idea of going through the heart and soul community planning process for the community but also saying as part of the implementation of that we would apply that to what we will do with Sabin's Pasture. That would require some conversations with the city.

Ms. Campbell said Sabin's Pasture occurred to her and land use planning in general and involving the whole city in the process. We as a Planning Commission certainly have a whole history of failed attempts at land use planning and conservation overlays. The same is true with the Natural Resources Committee that was formed to deal with that.

Mr. Kaufman said it says it must incorporate, but not limited to, explore and identify the heart and soul attributes of the community. That's one attribute. If you take a single attribute and move forward in that direction with this, it seems to negate what their overall concept is, that it is a holistic approach to supporting everything that makes the heart and soul of the community.

Mr. Paterson said they would say they would engage in that larger community wide discussion of the heart and soul of Montpelier, but the uniqueness of what we are going to do is through enVision Montpelier and also get into some very specific land use discussions where that will be applied. This would get into the implementation discussion. How do you go through a heart and soul visioning process and make something come of that in a particular place?

The greater concern to him was on page 2 under eligibility. The community must be experiencing growth pressures.

Mr. Jones said he needs a sentiment from the members of the Planning Commission. Are we interested in having a representative from Orton to come talk about the heart and soul process absent whether we are going to pursue this? Is that a worthwhile discussion?

Ms. Benedict and Mr. Goldberg both agreed it would be a good idea. Mr. Jones said let's at least pursue this. Chris can contact her and pick a date.

Mr. Jones said the second question is whether it is worth pursuing a proposal for the RFP.

Ms. Hallsmith said the impression she had from Betsy is that they would have to start over.

Mr. Jones said he is getting the sense that we shouldn't be putting our effort into this. Ms. Campbell said it doesn't sound like we would be competitive for the grant and perhaps staff time is better spent generating other grant opportunities.

**Zoning Revisions Needed:**

The Planning Commission drafts zoning bylaws. There is one we are legally obligated to get into place as soon as we can, which is floodplain development. She handed out corrections to the regulations that the Regional Planning Commission felt we needed to come into compliance with the federal rules. Yet, there may be some additional ones we want to add as this moves forward. Clancy didn't have time to increase the points we get for our community rating system in Montpelier. We are one of only three communities in Vermont that participate in the FEMA community rating system, which basically means our staff has to take on a lot more work around floodplain management. Everybody who has to buy flood insurance in the floodplain gets it at a discounted rate because the community is taking more responsibility for it. Every year we need to do a bunch of stuff.

Mr. Jones asked if that was a decision that you face currently as to whether Montpelier should continue with that process.

Ms. Hallsmith it does involve some extra work. This we have to do if we want to maintain our flood insurance. Clancy may make a few more proposals as we review this that would enhance our community rating system score that would further reduce our flood insurance costs. Those enhancements have impacts on property owners when they try to do things in the floodplain. We would get a lot of points if we would just prohibit all further development in the floodplain, but given that our downtown sits smack in the middle of it that won't work. But there are certainly areas in the floodplain outside of the downtown that we could pass more strict bylaws on if we choose to.

Mr. Jones would ask if Clancy could contact the river management folks at the Agency of Natural Resources to determine the status of geomorphic assessment and their hazard identification process because where that process leads to is municipal ordinances to prevent flood damage. If we are going to open this up, which we need to in order to comply with the law, there may be some opportunities to also get accomplished what the state wants to get accomplished with regards to the river management piece.

Mr. Paterson said on 816.A.7 where it lists recreational vehicles placed on site permitted in accordance with the elevation and anchoring requirements for “manufactured homes,” that seems to imply to him that is a semi-permanently occupied recreational vehicle versus one that is just parked next to the person’s house. It talks about the 180 consecutive days.

Ms. Hallsmith said that sounds they are looking to go after people who put an RV there and try to live in it year round.

Mr. Paterson asked what about the people who own an RV and park it next to their house in a floodplain 350 days a year. Is that now going to have to be anchored? Ms. Hallsmith said it sounds like it. It is consecutive days, not days per year. As long as you go out on your vacation in the summer with your RV you are not necessarily ever there more than 180 days. Big things like that are hazards in the flood zones.

Mr. Paterson said in 816.B.4, until a regulatory floodway has been designated what is the acceptable documentation? Will it be an engineer’s report? Will it be by city permit? Ms. Hallsmith said they have to get an engineer to demonstrate it when they come in with proposals right now.

Ms. Campbell asked how that would apply to a multi-modal transit center.

Ms. Hallsmith said there is a difference between floodway and floodplain. Floodway is really in the river, where the water goes. The floodplain is where it spreads out occasionally. Through our downtown the floodway is designated.

Mr. Jones said they need to establish the schedule when we need to do the hearings. Ms. Hallsmith said this time of year it is slow in the Planning Office, and if we could get it done and adopted by the time the construction season begins then we are looking at the new construction season with zoning bylaws in place that meet our requirements. She is thinking more of that than the federal regulations. They have been having a hard time getting the maps out, but there is no harm in getting this done.

Mr. Jones said to let the Planning Commission know what the hearing schedule would need to be on this.

### **Parking Standards:**

Mr. Jones said he remembers the discussion they had with the last zoning revisions about what we are going to do about parking in terms of the requirements for development. Ms. Hallsmith said the changes are dealing primarily with residential units and not commercial. This is talking about the number of parking spaces we require for residential units. Right now we require 1.5 spaces per unit. That means when people come in to use our One More Home Program to add an accessory unit they often run into this problem and have to go to the DRB for a waiver to get around it because they don’t have three parking spaces in one of our high density residential neighborhoods. They might have two, which is plenty for a small unit and a house next door, but they don’t have three. There have been a couple of cases on Cliff Street where they would have to literally fill in some of the area around their home to meet the requirement. Having served as the Zoning Administrator for most of the summer, to sit there and talk about .5 parking spaces makes us feel like stupid bureaucrats. There is no such thing as a half a parking space. All it does is require 3 for 2 units when she thinks 2 for 2 units is plenty, especially where we are looking forward to an era where we aren’t going to have cheap gasoline any more and cars won’t be as predominant as they are now. We are actually blocking some of our other programs that are trying to accomplish important goals for the city with this parking regulation in place. She doesn’t support it, and is hoping the Planning Commission will change it.

Mr. Kaufman asked if it was as simple as saying single family residence requires only one parking space.

Ms. Hallsmith said knocking it down to one per unit is fine.

Mr. Jones said this is something they can agree to move forward on it and warn the public accordingly. The reason this exists is because of problems in the past where people rent space and there is no place to park. They have gone to the city and asked them not to let it happen again, so the ordinance is in there. Times have changed. We're ready to have the question reopened, but we need to go back to the folks who remember the past and tell them we are putting it back down to one.

**Renewable Energy:**

One of the things the Planning Office has run into is people looking to install solar panels in the design control district. There is no way solar panels will ever be historic. Requiring design review for solar panels is only going to stop people from using renewable energy. There are already exemptions in the ordinance for solar panels and wind turbines with the dimension in everything except the design control district. If people are putting solar panels on, we are not going to make them hide them behind something because that will make them not work. The equivalent item in design control which is parallel to this is certain types of ventilation features and other things technically required for the operation of some of the buildings downtown. There is already a provision in the ordinance that you says you don't have to dress it up. The technical requirements demand that it look like that. The solar panels and wind systems in the design review district are close enough to that eventuality that it makes sense. She hasn't brought this up with the Design Review Committee yet, but she will. These are already exempt from zoning review in the rest of the city. It is only in the Design Review District. Essentially, it is the aesthetic piece we are talking about, not their permissibility in general. There is just no way to make them look historic. In this case our interest in renewable energy is important enough to say solar and wind are a different animal and we need to consider them in that light.

Mr. Paterson asked where the design review district boundaries are.

Ms. Hallsmith said it is pretty much the downtown, but it also includes Vermont College and the entire office park area. It is a big district with a lot of undeveloped space. It goes all the way up Cliff Street and some of East State Street and includes the entire college campus. It includes all of the area where we are thinking about developing an office park at National Life. It is a big area.

Mr. Jones asked Gwen to put this before the Design Review Committee members and get their reaction.

**Fences:**

There needs to be a clarification. They aren't exempt, but there is also nothing in the fence part that says you should get a permit. There was a history of not needing a zoning permit for a fence, and the way the current ordinance is written you do need a zoning permit for a fence. It makes sense because you are sticking it right on your neighbor's lot line, and to have a zoning permit up for awhile gives your neighbors at least a warning you are going to install a fence.

**Signs:**

The temporary sign definition could be clarified. One of their other short term goals is to clarify the sign regulations in the ordinance. They are very complex. You practically need a computer program to figure out what size your signs are going to be and how many you are allowed. This is more of an in-depth review of the sign regulations. They could make it easier to just figure out the size. She has the sense that the current ordinance has evolved over a long period of time into essentially the standards we have now, and it is a complex equation.

**Accessory Apartments:**

Our current ordinance defines accessory apartments as only being allowed in single family homes. She still needs to check the state ordinance. We have a lot of big duplexes and triplexes around the city. Some of our duplexes are the size of single family homes and we have had people coming in to take advantage of the One More Home

Program, which is not fully subscribed, to convert part of their duplex into an accessory apartment. Right now under the city's current ordinance that is not possible. Ms. Hallsmith said they need to change the ordinance to reflect the fact that you can also add accessory apartments in duplexes and triplexes so people in those buildings can take advantage of the One More Home Program. It is much easier to add a unit in an existing multi-unit building than it is to add one in a single family home. It is much more marketable and more consistent with what is there already. If we are really trying to encourage affordable housing in higher density in our already developed areas to lift the pressure off new development that needs to go into our green fields and conservation areas we really should look at this.

Ms. Hallsmith suggested the Planning Commission members could dedicate a larger chunk of time to the zoning changes. They can draft the language and move forward with the hearing process.

**Growth Center Designation Process:**

The update on the growth center designation process is she has met with the consultants and still working on the paperwork with the state. Our consultants are the Regional Planning Commission and Michael Crane Associates. They have restructured the work plan slightly, but it is moving forward. The City of Montpelier is the first group to come through the RPC scoping. They are trying to move it forward with all due haste, partially so they can help inform the Trust for Public Lands Sabin's Pasture project. If we can get the project mostly done by May or June, then it will be in time to help them decide what to do with that property. Ms. Hallsmith said she is still waiting for the contract from the Regional Planning Commission and then get it approved by the State with our grant agreement.

Mr. Jones said there is still the tricky step of drawing lines on a map. He is curious whether there is some opportunity to involve the public so they know what is coming. Where are we talking about in Montpelier? If they do an analyses that doesn't include some of the options that may be favored by the public, he is afraid there may be a challenge when they start drawing lines.

The Regional Planning Commission and the consultants will project what may happen in the city, but then they will look at the build out for different areas. In other words, how do you accommodate that growth? In order to do that they will have to pick an area in which to do the analysis.

Ms. Hallsmith said part of the way you achieve the growth center designation is by demonstrating that you are rationally considering the area you need to accommodate the growth that is likely over the next 20 to 30 years.

Mr. Jones said he did population projections for the State of Vermont for two cycles, and he remembers quite clearly that Montpelier was not projected to grow. Lo and behold it didn't, but they are going to have to do something to alter the projection approach so that Montpelier has any growth.

Ms. Hallsmith said some of the trends would argue for rational reasons to change those projections. People are going to want to live closer to all of the services they need. It is not unreasonable to say Montpelier can face some growth over the next 20 years, but if all we are doing is taking an extrapolation from a current trend line we don't get there.

Mr. Jones said to the extent this issue is a little sensitive, when we get the analysis back people will challenge those assumptions. This is another example where it would be very worthwhile as they move forward to have some interaction with us about what those assumptions may be for potential areas of growth, and even some of their assumptions in terms of infill.

Ms. Hallsmith said to get to where Ken is talking about part of the way they are going to do the projections is to use a new build out model that has been developed up in Lamoille County. Right now they are still in the contracting phase.

Ms. Campbell asked if this designation would involve any kind of public approval process. Ms. Hallsmith said there would be public hearings. They have already started talking about it at the stakeholder meetings.

Mr. Jones said the School District is also very interested in the discussion about future growth. As you know, the capacity of our schools and what we are going to do with the three buildings in part depend upon future school populations. The School Board is interested in meeting with us after the budget cycle to go through what their perspective is on growth. They would be interested in seeing if there is something we are doing, whether it be with the growth center designation, so they could feed some assumptions into the projection process to start to prime the discussion in Montpelier about whether we are going to actively pursue growth. The School Board is interested in meeting with the Planning Commission on that topic. He would like to have the second meeting in March for a presentation by John Hollar of the School Board. The meeting with the School Board will center around residential growth.

**Parking and Transit Public Forum:**

Mr. Jones said they are scheduled for the Infrastructure Committee to deal with parking and transit. February 5<sup>th</sup> is their next meeting. He hopes the Planning Commission can provide a little bit of early brainstorming about how that meeting works. We want more attendance than a typical enVision committee meeting. If you look back, we actually dissuaded City Council from putting on a hearing last fall. We said the Planning Commission would cover this topic. How can we set this discussion up to get the kind of participation from the public to get a stronger sense of where Montpelier citizens are with regards to the needs and possible solutions with the parking?

**Other Business:**

None.

**Adjournment:**

Ms. Benedict moved adjournment with Ms. Campbell seconding the motion. The Planning Commission adjourned.

Respectfully submitted,

Gwen Hallsmith, Director  
Planning and Community Development