

Montpelier Planning Commission
July 13, 2009
City Council Chambers, City Hall

Subject to Review and Approval

Present: Karen Vogan, Chair; David Borgendale, Vice Chair; Jesse Moorman, Jason Czarnezki, Anne Campbell and Claire Benedict.
Staff: Gwen Hallsmith, Director of Planning and Community Development.

Call to Order:
Karen Vogan, Chair, called the meeting of the Montpelier Planning Commission to order at 7:05 P.M.

Review of Minutes:
Review of the Minutes of the last Planning Commission meeting was postponed.

Review of Agenda:
Gwen Hallsmith, Director of Planning and Community Development, added a request for planning around downtown management.

CVRPC Energy Grant Priorities:
David Borgendale is asking for input on the EECBG grant for the Regional Planning Commission. The Central Vermont Regional Planning Commission is receiving a grant under the American Recovery and Reinvestment Act of 2009 under which the Department of Energy is providing some grants to local governmental units for planning on energy efficiency. The RPC is scheduled at this point to get about \$80,000 from this. At their last Executive Committee meeting they were discussing what they might spend this money on. He is looking for some input from the Montpelier Planning Commission on some ideas on how to spend this money. That doesn't mean whatever we decide here will necessarily prevail because there are a number of other communities involved as well. If anybody has any specific ideas he would be happy to know what they are. At their Executive Committee meeting there were three ideas tossed out by staff. The first one was feasibility studies for small scale hydro. Apparently, it is quite feasible, but there are design issues. The question he would come up with on that is that this does need to be spent on something that has some regional impact. In other words, it isn't going to one particular community.

Mr. Moorman asked if that had regional application.

Mr. Borgendale replied it really doesn't because it really only would apply to those communities within the RPC regional area that have municipal water systems.

Ms. Hallsmith said what does have regional application that the Regional Planning Commission is ideally suited to deal with is the new clean energy district. It is the recent legislation that was passed by the state that enables cities and towns to set up a district where they would float a bond, and it has to be a general obligation bond, and they could loan the money from the bond to individual households and building owners to implement renewable energy and energy efficiency measures. The payback on the bond would be ratable against the property. The advantage of this system is a lot of times that homeowners are stopped in their tracks from making the kind of energy investments that would be good because people don't live in their homes as long as they used to. The return on investment is often not within the timeframe of the homeowner's tenure of that particular house whereas here it could be spread out over the life of the infrastructure that was developed. If the solar panels you put on your roof have a 20-year life you could pay it back over that 20-year life to the city as a tax on your property. There is a

pretty involved adoption process for the district. There are strong recommendations from people that know more about it than she does, that it would be advisable for multiple cities and towns to take it up rather than individual cities and towns. The whole issue of coordinating the loans and reviewing the proposals does take staff, so if the Regional Planning Commission dedicated the money they are getting under ARRA to be

a clearing house and a coordinator for the towns in their district that might be a good idea. That would be a regional thing for sure.

Mr. Borgendale said this basically becomes what you might call a special assessment on the property.

Ms. Hallsmith said taxpayers actually do not pay the money back; the homeowners do.

Mr. Borgendale said it would come with their property tax bill, though.

Ms. Hallsmith replied that is correct.

Mr. Borgendale said is like a sewer assessment. He doesn't think he has ever seen special assessments here but in other places he has lived there are special assessments. Actually, there is for water and sewer.

Ms. Hallsmith said the Solid Waste District is set up along these same lines, a regional entity that handles...

Mr. Borgendale said it doesn't go to individual taxpayers, though.

Ms. Hallsmith said it is a coordinated thing among different towns.

Mr. Borgendale said in this case it would be a specific special assessment on a property itself, right. In other words, if he puts solar panels on his house it gets financed through this program and the tax bill on his house goes up by some amount for the next 20 years.

Ms. Hallsmith said if it is an improvement that has a life span of five years it will pay itself back. You would expect that the legislation might have made it a requirement that the return on investment be solid, but in fact that is not a requirement, which probably means there will be a lot of windows done using this money, which isn't the best energy investment but in the meanwhile it does save energy and can be paid off over a long period of time.

Mr. Czarnecki said some people might not care about the return of investment. They just might not be able to afford the up front costs, which is a huge cost. Another thing you might do is rather than thinking about individual households you could also identify regionally the base energy wasters amongst public buildings and use the money that way. He doesn't know what those buildings would be – city halls, libraries...

Ms. Hallsmith said it would still be individual town by town thing whereas the regional district would be a regional project.

Mr. Borgendale said they talked about that because one of the proposals was to collect and analyze information on how municipalities are doing energy savings. Apparently, the biggest energy wasters for municipalities are municipal garages.

Mr. Czarnecki said the communities could agree collectively to come up with a system to identify the biggest energy hogs, and based on the savings they could be distributed amongst all of the communities so everyone would get the benefit even if all of the energy hogs in a region were in one particular area.

Mr. Moorman asked how it would be a savings to everybody.

Mr. Czarnecki said they would take the savings in energy costs and split it per capita amongst the communities.

Ms. Hallsmith said they would be asking the Regional Planning Commission to do a performance contract with all of the cities and towns. It would be more reasonable if they actually were an energy services company. They are not really well geared up for that kind of thing exactly.

Mr. Borgendale said it would be a significant administrative burden on municipalities that get it.

Ms. Hallsmith said that is why they are recommending it be done a regional level because then with a critical mass of municipalities under the same district roof you could pool your resources and have somebody coordinate it.

Mr. Borgendale said the people who would do the accounting for this would be shared and a regional entity.

Ms. Hallsmith said it would be like the Solid Waste District. The Solid Waste District handles stuff that actually used to be handled by individual cities and towns in recent memory.

Mr. Borgendale said he didn't know that the Regional Planning Commission has the authority to do something like that.

Ms. Hallsmith said they don't necessarily have the authority. The authority actually for this type of district resides in the municipalities, but they could get it organized.

Mr. Borgendale said this would be another regional municipal entity like a solid waste district.

Ms. Hallsmith responded yes, exactly. The Regional Planning Commission is actually ideally situated to do the work it takes to get it organized, but once it is organized it would be like the solid waste district and not something the RPC would manage for us. It would be a spinoff as an energy district.

Mr. Borgendale said the last thing we need is another regional municipal entity.

Ms. Hallsmith said she thinks they could do with a restructuring of the regional government in Vermont all together. We would be better off with some kind of regional council of governments that had some level of authority and representation that reflected their population and handled regional developments with a regional impact and these kinds of regional issues that arise. We are a long way from that so the alternative is to get the Regional Planning Commission to help organize whatever this regional effort would look like.

Mr. Moorman asked where the money for this come from.

Ms. Hallsmith said from a municipal bond.

Mr. Borgendale said there has to be a municipal entity with a charter granted by the state legislature and that municipal entity has to have bonding authority. Ms. Hallsmith replied that was correct.

Ms. Hallsmith said there is a whole flow chart on the process for getting it going she can send them.

Mr. Czarnezki said he is still struggling with the notion of what counts as regional.

Mr. Borgendale said the requirement is that the money be spent on some kind of planning endeavor for energy. The areas the money can be spent on are energy efficiency and conservation, technical consulting services, residential and commercial building energy audits, financial incentive programs, energy efficiency retrofits, energy efficiency and conservation programs for buildings and facilities, development and implementation of transportation programs and building codes and inspections and energy distribution.

Ms. Campbell asked where it said planning. Those items seem more like implementation.

Ms. Hallsmith said that is for the program as a whole which is this energy efficiency community block grant, but the pieces that have been identified for the Regional Planning Commission.

Mr. Moorman said another option would be to look into further transportation infrastructure in the region, which is generally poor. It could be everything from increased bus service to some sort of rail service other than the Vermonter. He would love to see a regional transit plan.

Mr. Borgendale said one of the things on the list is the development and implementation of transportation programs. There might be more money than the \$80,000. As he understands what happened with this is that the way that part of this bill was drafted it specified there was money that was supposed to go to counties. There was a list of municipal type entities that were supposed to get money under this program. Since Vermont really doesn't have any counties they were left out in the cold and that is subject to some kind of administrative appeal. Supposing that succeeds then we should get more money but he doesn't know how much. The \$80,000 is something that came about through an act of the Vermont Legislature in terms of allocating some money that way.

Ms. Hallsmith said the way it came into the state was there was money the state controlled on a formula allocated to counties and towns. The state has really taken a lot of the stimulus money that has come in. It is a rare type of thing that a town can apply directly for, even the stuff that was intended for cities and towns the state has taken.

Mr. Borgendale said there is a formula allocation for counties.

Ms. Hallsmith said the money all came to the state but then there were these special allocations for the towns with the ten top populations, and we are not one of them in Montpelier, and the counties. The city is planning on applying for one of these grants as well once the state opens up the grant process. Right now the formula towns had to submit their applications directly to the Department of Energy back at the end of June, but since we weren't one of those towns we have to wait for the state to issue an RFP to get it. With the City Council's direction she has issued a letter of intent to apply for one of these grants to the state for assistance with our district energy project and working on our end of the organizing needed for this new energy district.

Growth Center Designation:

Ms. Hallsmith said the next step in that process is a meeting next week with the Planning Committee of the State Downtown Board. They have to give us their feedback on the application and make recommendations to the full board. She will be going up to the state next week to talk about that. They are the ones that make the decisions on growth center designation. They have a planning committee that consists of the planners who are people around the state who have been working on the plans and who actually had a lot to do with drafting the legislation.

Ms. Campbell asked what had to change from the point at which they approved.

Ms. Hallsmith said there was more detail. They wanted more detail on the archeological resources inside and outside of the growth center. It wasn't actually in any of the questions and she couldn't find another town that had answered anything about archeological resources looking at the growth center applications and she made that point. She is happy the whole process is a step higher in terms of its planning information. She had to do some research on endangered species. They had put in a big section on the different recommendations that had been made for the transportation infrastructure in the city and they wanted to know what of those recommendations had actually been implemented, what might be found in the Capitol Plan and what might not be considered any longer. She had to work quite closely with the Department of Public Works to figure that out. Any time the Master Plan was mentioned they wanted her to say whether it had been implemented or sidelined. Since our Master Plan is more like 15 years old that wasn't easy to do because some of the things that were suggested in that she didn't know. Finally, they wanted her to put in italics every mention of the Master Plan throughout the 109 page document. They wanted the maps in the document instead of just the attachments. There is nothing substantive about the recommendations that were changed.

Once she had submitted the completed plan to them that was the moment that the 90 day clock started ticking. They do have 90 days to render a judgment on our plan so by September we should know and should have Growth Center Designation. She does not get the feeling from any of her conversations that the actual designation is in jeopardy. There is a possibility that the state will play with their boundaries. She suspects they are interested in removing the General Business District part that goes out along Route 2. If you look at the way the district is configured it would take a slice right out of the middle of it. The state changed the boundaries in Williston. Williston had not voted to include Home Depot and Wal-Mart and the state changed the boundaries to include them. There is no appeal for Growth Center Designation. That is the other thing that makes the groups

kind of mad about the whole thing, that there is no appeal. Williston wasn't happy; the environmental groups weren't happy; nobody was happy.

Mr. Czarnezki asked what would happen if they did something like that we didn't like.

Ms. Vogan said then we wouldn't have to apply for the TIF because that is where the problem came in with Williston.

Ms. Hallsmith said it was the designation that was so controversial.

Ms. Vogan said the value of the properties that were included, the box stores, went down.

Ms. Hallsmith said that happened in Winooski. Winooski was the city that had the devaluation of the commercial properties that caused problems with their TIF, but it didn't have to do with their boundaries. She doesn't know if Williston applied for a TIF. The controversy she is aware of is about the state extending the boundary around Wal-Mart and Home Depot against the town's wishes and against the wishes of all of the participating environmental groups.

Ms. Vogan said that would be a way to prevent that from becoming a problem, if they were to include or exclude something that was really important to us and not to apply for the TIF because that is where the real issues would come into play.

Ms. Hallsmith said not really. If they take that district out, obviously the city would be disappointed and the businesses along there would be disappointed because it is her contention that the reason they don't like that part of the city's designation is because it is a strip development.

Mr. Moorman said there is no strip to develop over there.

Ms. Hallsmith said there is only one property over there that is even available for development as an open piece of land and it has a substation on it and is really steep. There is no Wal-Mart going in on that piece of land. The only thing that is likely to happen in that area is redevelopment not initial green field development. Redevelopment from her experience never happens without the city being involved. If we have TIF authority in that area we are much more likely to be able to go in and do some redevelopment there and put in better pedestrian facilities, make some of the housing there more acceptable, etc. She doesn't see why they would take it out except for political points with people that are angry at the way the state has been handling the growth center districts and who would like to use Montpelier as another example of how not to do it or how they could do it better. She thinks part of their concern is that the city's current zoning doesn't actually change the configuration of that area at all. It is zoned for strip development. If we changed our zoning to mandate more thoughtful development in that area, which they are planning to do over the next five years, then we went back they could include that part of the city and they would be happy. There is plenty to do without that area being in the district right away.

Multi-modal Transit Center:

Ms. Hallsmith said she has brought on a project manager and he is moving forward with different work trying to ascertain the path forward from here. He is coming to the City Council on July 22nd to give the Council an update. Hopefully, the City Council will take action soon on property acquisition and we'll be able to move forward.

District Energy Plant:

The City Council awarded the feasibility contract last Wednesday to Veolia, Inc., one of the bidders on our RFP. Now we need to contract with them and proceed in to feasibility engineering, design and permitting. We're making progress.

enVision Montpelier:

The draft plan is being considered by department heads on Wednesday this week. The committees have mostly finished meeting at this point. She is hoping that the department heads will give us some valuable feedback on the plan on Wednesday. They are planning a mini retreat for department heads just specifically to look at the plan because it is important given all of the various areas that the plan covers that the department heads understand their role in implementing it.

Montpelier CAN!

The neighborhood parties have been going well. They have also engaged the Mountaineers to advertise for CAN this summer so each neighborhood is featured every night at the Mountaineers games when they are playing at home. They marched in the 4th of July parade and had a lot of people turn out for that with neighborhood signs and a big banner.

Care Bank – Community Innovations:

The City Council approved making an application to the Community Innovations Program to set up something we have casually been calling a Care Bank which is built in part on the infrastructure that we have already started to develop with the Onion River Exchange and the Time Bank system. That grant is due on Wednesday. It is a federal grant and very competitive. Only 15 are going to be awarded nationwide. There are two going in from Vermont. The second Vermont one is from Cathedral Square in Burlington. Her friend Nancy Aldridge is writing the grant. She didn't learn about it until last week and has busily contacting them and trying to see if there was a way to combine efforts instead of competing, but it is just too late. Federal grants are really difficult. To make it easy on them they ask us to be very concise so the abstract has to be 265 words. The grant can be no longer than 20 pages double spaced. The amount of information they really want in that limited period of time and space is significant. It is harder to write a short application than a longer one with the federal requirements tacked on.

Request for Planning for Downtown Management:

She has received a request from the Mayor and the Development Review Board for doing some planning around downtown management. It isn't a request for land use or zoning changes because the kinds of issues that have been a struggle recently in the downtown have more to do with management rather than land use. The sandwich sign boards, for example, have been erratically deployed. There isn't much we can do from a zoning point of view for that type of thing, but there is a need to control them. There are ADA issues when they start to obstruct sidewalks and make it difficult for people in wheelchairs and people with limited mobility to get around. When they are deployed in an erratic way instead of being consistently in a particular place it can make it difficult for people. She doesn't know what role the Planning Commission would play because most of these issues are not land use issues.

The Planning Commission does have a charge that goes beyond land use. We are charged with taking on just about any planning issue that the city has. If there is a sense on the part of the regulatory body and the leadership that some type of coordinated activity where we might serve as the convener for a discussion about it that might be appropriate. That might be what they are looking for rather than anything that would be inappropriately using more stringent land use controls.

Mr. Czarnecki said he reads the zoning – *While portable signs and sign boards are signs that don't normally require a permit*, under the next provision it says anything placed in the public right-of-way needs approval, which includes expressly public sidewalks. The Montpelier City Council may consult the DRC.

Ms. Hallsmith said one of the issues is that placed has typically been interpreted to mean more permanently and since the sign boards go in and out every day they are not considered a permanent placement. Typically, land use regulations in her opinion should really regulate stuff that is there to stay. If we start worrying about tents that people put in their yards for a couple of weekends for their kids....

Mr. Czarnecki asked if some people are just disregarding this. It also says temporary. In considering permit requests for items to be temporarily placed within the public right-of-way, which includes public sidewalks.

Ms. Hallsmith said it may be that when they first designed their sign boards they come in here and have the Design Review Committee look at them and get a permit, but that doesn't necessarily tell the poor employee who has just been working there a couple of weeks and saddled with the responsibility of putting a sign board out on the sidewalk during the day there is a particular place it is supposed to go.

Mr. Moorman asked what was prompting this. Have there been complaints?

Ms. Hallsmith said there have been complaints about the sign boards from people in the community that uses wheelchairs and have accessibility issues. There has been a fairly big controversy around outdoor drinking and outdoor establishments and restaurants and what hours they should be allowed to be open, and what the appropriate regulation for that type of thing is. What the City Council and the DRB is looking for is more of a consensus around these issues from both the residents and the business owners in the downtown. They are looking at it as a planning exercise. They would like the Planning Commission to take some leadership in convening conversations about it in the context of enVision Montpelier and the fact that we are working on finalizing the action plan. There is an important part of that plan that has to do with having a vital downtown. Maybe when September rolls around they could have a special meeting on the downtown and get the public's feedback on it. That is the kind of thing that would be appropriate for this request.

Mr. Borgendale said he senses that a lot of these issues really center on dining and entertainment. The downtown has evolved a great deal over the past few years and it is more of an entertainment center. What you are really talking about is how we address managing the issues that arise as a consequence of that trend.

Mr. Moorman said he thinks they have to be very careful because potentially the greatest asset of the town here is the vibrancy of the downtown area. While there are certainly concerns we need to deal with there are probably just as many people who would say they love the sandwich boards and like more outdoor dining and need more of it. How can that happen while meeting the accommodations of some people can pass the sandwich boards with their wheelchairs?

Mr. Czarnezki said it sounds like an enforcement issue with the sign boards. We already have stuff in place for them.

Ms. Hallsmith said he is right. However, we probably need to do more to make the business owners aware of the concerns because she doesn't think any business owner is going to want to block somebody's access down the sidewalk. If they are more aware of the fact that where they put their sandwich boards could do that, then they will be more conscious and instruct their employees on where to put them and it will be solved without the city coming in a heavy handed way. She agrees wholeheartedly they want to encourage that the sign boards are a vital part of our downtown and really help people know what businesses have to offer.

Ms. Campbell said for the upstairs businesses you don't otherwise know they exist.

Ms. Hallsmith said she isn't interpreting this to be heavier handed but rather to convene a conversation so that people understand some of the issues that go with these signs and have more of a broad consensus about it. You have to understand that the DRB and the City Council hear the squeaky wheels and they are not always aware as they could be about all of the things that people have which are positive about the downtown. When we are in that role and can convene a broader conversation about it we can hear all of the different sides of the story than just the people complaining.

Ms. Vogan asked if this was a message they could potentially deliver through the MDCA.

Mr. Czarnezki said to the extent that somebody rightfully so has a complaint about the placement of a sandwich board he reads there is already a scheme in place for proving this sort of stuff. The next step would be someone like the MDCA to receive the complaint and follow up with the business owner.

Ms. Hallsmith said she agreed that would be a good solution and they should be part of the dialogue.

Mr. Czarnezki said in terms of the new beer garden that is a real fun issue to deal with.

Ms. Hallsmith said going back to the enVision Montpelier one of the things they have been tentatively planning for the fall is a larger meeting where they convene all of the stakeholders and guests to review the plan which is now almost drafted and help to prioritize it. The plan is a fairly hefty document. It includes all of the things that have been brought up in the meetings over the last two years. So far she doesn't believe there are a lot of conflicting goals and strategies. They are all fairly well within alignment because she and the Vistas have attended all of the meetings. But they aren't prioritized. One of the really valuable things to get input from the public on is what are the most important things on the list? What do they want to see happen in the next five years? What do they want to see in the five years after that? What do they want to see happen in the next ten or fifteen years? They could have them vote on their priorities which will help them solidify the plan so they have a clear direction forward. When she did this with the City of Burlington they handed out the dots. They hung up all of the strategies on the walls and the stakeholders and families whose children participated in the essay contest and handed them out six dots each so they could vote on six of their strategies. The turnout at the meeting was high that there was still a line going out of City Hall and down the street and she ran out of dots. They received a lot of good feedback from people and it prioritized the plan. That meeting should be in September.

The next Planning Commission meeting was scheduled for August 24th to review the plan.

Other Business:

Ms. Hallsmith reported the city has a notice of conditional use determination from the State Department of Environmental Conservation. It is talking about the reconstruction of road way at the intersections of U.S. Route 7 in Vermont, Routes 2A and 127 in the Town of Colchester related to the wetlands rules. There is an announcement of the calendar of training that the League of Cities and Towns is offering this year beginning on September 16th. There is notice from the District 5 Environmental Commission about a land use permit that was amended for Capitol City Auto Mart also doing business as Woodbury Auto which has to do with a landscaping plan, 50 new parking spaces, and the utilization of 93 parking spaces for vehicle display and storage, installation of landscaping, etc.

Adjournment:

Upon motion by David Borgendale, seconded by Anne Campbell, the Planning Commission adjourned.

Respectfully submitted,

Gwen Hallsmith, Director
Planning and Community Development

Transcribed by: Joan Clack