

Montpelier Planning Commission
August 24, 2009
City Council Chambers, City Hall

Subject to Review and Approval

Present: Karen Vogan, Chair; David Borgendale; Members Bethany Pombar and John Bloch.
Staff: Gwen Hallsmith, Director of Planning and Community Development.

Call to Order:

Karen Vogan, Chair called the August 24, 2009 meeting of the Planning Commission to order at 7:07 P.M.

Downtown Sidewalks:

Gwen Hallsmith, Director of Planning and Development said there has been a lively summer in Montpelier with lots of new proposals for vendors and street cafes on existing restaurants. Positive Pie has expanded its seating arrangement and there is the proposal from Charlie-O's to expand its seating into the lot nearby. Samosaman even picked up a table and brought it outside one day when someone suggested it might be nice to have seating outside. Skinny Pancake has outdoor seating that was approved as part of their site plan and Rhapsody puts table outside, although they have not applied for a site plan amendment to accommodate that. That, combined with the street vendors, has made a lot of the existing restaurant businesses a little bit touchy about all of the things the city is allowing. For example, there was a request recently from both Uncle Mike's and Pinky's to put more outdoor seating in their area. The outdoor seating that we have so far is largely on private property. For other ones it would be on the city property which means that the city has even more control over whether it happens at all because they need permission from us to extend their seating.

Mr. Borgendale asked if Positive Pie was on public property.

Ms. Hallsmith replied that some of it is, but it was approved as a site plan amendment. There is still a question about whether they actually got the city to sign off on their permit application.

Mr. Bloch asked if there was a way to electronically review permits when they are signed off.

Ms. Hallsmith replied yes. Most of the permits go out to the DRB electronically.

Mr. Bloch asked what about after they are signed off.

Ms. Hallsmith said we do have them electronically. We aren't yet posting them to the web site because they haven't started the web site where that would be possible, but that will be available within the next month. The Planning Department has spent some time looking at how other cities handle it and she has developed a folder about how other cities are doing it. There are guidelines in other places about seating arrangements and exterior seating areas. She wanted to know what the Planning Commission thought about it and how we might go about considering it in a more comprehensive way. The street vendors issue is again an ordinance that City Council might to adopt. It has come to their attention this year that there aren't probably enough guidelines in our existing ordinances to accommodate an on-rush of vendor applications, which is really what we have had this year. There is a virtual food court down around the church now with everything from Thai foods to subs to hot dogs, but there are not guidelines for the City Clerk to issue those except maybe they should stay 50 feet apart. She doesn't think they all abide by that. There is some limitation about blocking sidewalks and parking spaces, but that is about it. They have received complaints about what is going on from existing businesses. It seems like the Planning

Commission is a good place to start this kind of conversation, even though these issues aren't necessarily going to be resolved with additional zoning.

Ms. Vogan asked what the complaints they have received in general.

Ms. Hallsmith said there are some concerns that the existing restaurants who are property owners are often being undermined by some of the vendors and by the number of vendors. There have also been some complaints about the degree to which the sidewalks are becoming cluttered with a number of different things like tables, sign boards, etc. If you are trying to get somewhere fast on the south side of State Street between Main and Taylor Streets, you don't because it is relatively slow walking. In fact, even after the little incursion that Positive Pie has made still 7 feet of sidewalk there. It's more a matter of encouraging businesses to control the placement of their sign boards and make sure that the handicapped access continues to be adequate. There are guidelines for sign boards, but our experience this year is that the merchants aren't following them as well as they could.

Mr. Borgendale asked what was the enforcement mechanism, or is there any?

Ms. Hallsmith said sign boards are not a zoning issue so they do not enforce them through the zoning ordinance. They do have some permission from the Department of Public Works so Tom McArdle and Todd Law might harass them if they aren't following the rules.

Mr. Bloch said he has had a couple of comments from people who have come to town saying how excited they are. The street traffic and the vendors along the way remind them of Europe. On the other side the restaurants are incredibly slow in getting their customers in and out, and if you are working for the state under the new egis of high efficiency/low pay they are standing there with a stop watch on you for your lunch break. Officially, a state employee only gets a half hour for lunch. What has happened in a good market economy a new method of meeting need has cropped up which a stationary food vending situation can't meet as a sit down restaurant? You have Uncle Mike's where you run in and get something and go out. It's basically an indoor food cart. He thinks, given the commentary by Council last week about wanting to see more growth and more diversity and more life on the street that we need to craft planning policies and suggest to the enforcement board or to the Council to adopt some rules and regulations that everybody has to follow. When he was in Geneva last summer the vendors weren't 50 feet apart and there was all kinds of food. But if 50 feet is what people thinks is a respectable distance, then we write it down so we can say to people they have to be 50 feet apart or have 7 feet width of pedestrian way. It needs to be written down. If it isn't adhered to by a restaurant you would come down on them the same way as you would street vendor because they are all sharing the sidewalk. They don't own the sidewalk. We pay good tax money for the sidewalks and the streets to get people in here so they can make a dime from the traffic. If street vendors are popular he hasn't seen anybody who hates them. He hasn't seen any trash problems. It's not like Dunkin Donuts and McDonald's out on the Barre-Montpelier Road where there is trash all the way back to Montpelier. He can tell them a lot about the trash problem from the roundabout to downtown.

Ms. Pombar said it seems that we have two separate issues they are looking at. One is outside seating for existing restaurants and the other is the vendor issue.

Mr. Bloch said there are three because the vendors they are complaining about are eating into the cake which would be a sit down restaurant, whether it is indoors or outdoors.

Ms. Vogan said she didn't think that is something the Planning Commission can address though.

Mr. Bloch asked why not.

Ms. Vogan said it is the competition.

Mr. Bloch said he isn't saying they should regulate competition but they should sit down rules if you are going to have outdoor vendors. Some of the vendors have outside seating also.

Ms. Pombar said her concern is around accessibility. Not only is it hard to get there on foot but she finds some wheelchairs finding it impossible to get there. They already have it tough in the city in the winter.

Mr. Bloch said he has been downtown around the Thai cart and has seen no impediment to vehicular wheelchairs or pedestrians to get from there to the Post Office, and it is all going to go away October 1st.

Ms. Hallsmith said there is no conflict between vendors, street cafes and snow banks.

Mr. Bloch said they have to ask the question, does the vendor really have any control over how they line up? They are busy dishing the food out and not traffic cops.

Ms. Vogan said she thinks there is a natural way for a line to form based on how you are placing a cart.

Mr. Borgendale said he thinks it is possible to hold them responsible. We hold all of the establishments responsible for the behavior and conduct of their customers and he doesn't know why these would be any different. He thinks they certainly can say they are responsible for the people lining up at their cart. He has a couple of comments for motivation for controlling this. He doesn't think we have any business worrying about whether or not these carts have any impact on other businesses. If somebody applies for a permit to open a new restaurant you don't go before the DRB and say we shouldn't do it because it is going to cut in to the guy next door. We can't consider that. He also is concerned, particularly given our geography of the community that we have to be very careful about crafting rules. When he hears things like they have to be 50 feet apart it really depends upon the site circumstance what the rules are and he doesn't think they can come up with some concrete figure. One of the things they could do with carts is to tell a cart vendor that they have to get a permit from the city to have one and they have to come in with a diagram of where you are going to put your cart and how that fits in with the surrounding streetscape. It would be more individual application specific as opposed to trying to come up with some across the board rules.

Mr. Bloch said if they did that, would Mr. Borgendale also by extension say the same for the street cafes?

Mr. Borgendale replied yes, the same thing.

Ms. Hallsmith said that fall under site plan review. The city requires the street cafes to go through site plan review and they are changing the configuration of the restaurant. It is a site plan amendment. We already do have some control over that, although what we are lacking are any standards for how they are implemented. Some of the criteria around historic preservation, for example, try to prevent them from attaching some of the obstacles to buildings which didn't happen in one case unfortunately. Even though Positive Pie put the big bases on their ropes so people coming along either with wheelchairs or a

stick if they are blind can detect them. We don't talk about things like having the chairs not push out into the sidewalk but being in alignment with the sidewalk, or making sure that the umbrellas aren't going to be poking people in the eyes. Possibly there could even be some specific design criteria, given it is in a historic district, for how the tables would look are the kinds of things they will be looking to develop. Not necessarily right away, but she thought it would be good to start the conversation tonight and receive the Planning Commission's feedback on it before we go into it with any more depth.

Mr. Bloch said it would be a good time to start in anticipation of next spring.

Ms. Vogan said she would like to add that it is a terrific addition to the downtown. She thinks the vendors and street café people should have to abide by the same rules they put forth for people who are opening up businesses inside to make it fair, that we shouldn't do anything so restrictive that it discourages people from setting up outside and making summer a little more enjoyable around here.

Ms. Pombar said she agrees and appreciates the vendors.

Ms. Hallsmith said given the economic times we are in and the fact that our downtown is really a bustling lively and interesting place is a miracle. She thinks it's great we have sidewalk cafes and vendors and people are out on the streets and people are even walking slowly by the retail stores. She has never heard retailers complain about slow foot traffic. It's a good idea, but it is a good idea only insofar as it doesn't become an obstacle that need to get through. Given the Commission's input they will prepare some more materials and be back to them soon with some recommendations.

Mr. Bloch said there probably should be an early deadline that if you want a street vending license that you come in to give the staff plenty of time to process these things. You don't come in the day before you want to open.

Ms. Hallsmith said they have to go through City Council. They have to get a permit from the City Clerk and the City Council would be responsible for issuing the guidelines.

Mr. Borgendale said it seems to him that if they are going to have much of that it is a regulatory function that ought to really be with the City Council. Mr. Bloch said he absolutely agreed. It should be more like ordinary permitting.

Ms. Hallsmith said there are health regulations that need to meet, but the Health Inspector wouldn't be approving their vendor permit. That still would be with the City Clerk.

Mr. Bloch said it should be the City Council that regulates it. It shouldn't be the City Clerk to be the enforcer and processor. That is asking a lot.

Ms. Hallsmith said the Council is free to pass an ordinance changing the way it works and making themselves or another entity responsible for issuing the permits. Vendor permits are a little out of the Planning Commission's bailiwick, but since it is related to the issue of what is going on in the downtown and the streetscape.

Mr. Borgendale asked if there was any rule that says the Planning Commission can only suggest zoning bylaws.

Ms. Hallsmith said it isn't something they would typically take up but given its relationship to the downtown at this point it is reasonable for the Planning Commission to make some recommendations to the City Council.

Mr. Bloch said if it is to have any value it should be about designing plans to be implemented for the well being of the downtown. He would suggest that in the second meeting of September that Gwen give the Planning Commission some suggestions they can chew on, that we just don't put it in the parking lot.

enVision Priorities Meeting:

There is a date set for September 30th to hold a Stakeholder meeting to prioritize the targets and strategies that the Stakeholder Group has developed for the enVision Montpelier Plan. She passed out a sample of what those look like. There should be a rough draft of the Economics and Livelihood compilation of targets and strategies and the Governance compilation. This gives you an idea of the magnitude of this exercise because there is a lot of material they are asking people to absorb and prioritize in a relatively short period of time. She is looking for their input basically on how they do that. One of the ideas they have come up with in discussions in the Planning Department is they make a game out of it, and as people come to the meeting they are given a game card that has squares on it for the different issue areas. Each of the sets of goals and targets and strategies will be organized in an area with the committee so there will be five distinct areas of the room. There will be a listing of the different targets and strategies that are associated with each goal. If you look at the Economics and Livelihood compilation you can see under the goal of economic well being there are five targets and several strategies under each target. That goal and those strategies and targets would be in one section of that committee's work. The second goal for entrepreneurial opportunities would be presented on a large flip chart but somehow visually easy to understand with numbers. Each of these areas would have little sticky notes people could use. We would ask them to give us their top three priorities and strategies in each of the committee areas. The card they receive would have a place for them to put sticky notes with the number of the goal and the target and strategy on them. By the end of the night they would have filled out five sections of their card.

The other idea that has been discussed is structuring it all like a bit of a world café. They have done on or two of those in the enVision meetings so far where they had small tables. Maybe for each goal that would be good if they could manage that; that's about 30 plus small tables. It will be up in Noble Hall and the rooms around it.

Mr. Borgendale asked anyone done this, or is there a way we could basically review all of these because he is sure with goals and strategies there will be overlaps. The other kind of analysis that would be lovely to see is the conflict analysis. In one area we have a goal and a set of strategies that are going to have a negative impact on another area of goals and strategies, and that may be where the difficult decision comes to.

Ms. Hallsmith said they have been doing all along an overlap analysis so that will be easy to sort out prior to the meeting. The conflict analysis they will also do, although she has been sitting in on every single committee meeting and to date she has not discerned any real notable conflicts among the different strategies. The conflicts will come with prioritization more than with subject matter or content. The content is fairly consistent. People will walk away from each committee with a number of priorities. Five isn't a bad number. Across the board that would mean each person walks out of the meeting having prioritized about 25 of the 300 strategies they are proposing. The strategies are really the critical things to prioritize. Look at the economics one, for example. Under that committee you have 7 goals, and then each of the goals have a certain amount of targets and a certain number of

strategies. The goal is really the long range vision and the outcome we want to achieve. The target is just a way of measuring our progress toward the goals. All of the targets in fact are just ways of measuring the progress toward the goal. The goal is really the important thing. The actions are what we are going to take those are the strategies. Prioritizing targets is just a funny thing to do. The goals are already adopted by City Council.

Mr. Bloch said if a lot of low priorities were assigned to a set of strategies around a given goal then by inference that goal drops down in the ranking of what is going to be accomplished.

Ms. Vogan said the purpose of the meeting is to find out what is most important for people to accomplish.

Ms. Hallsmith said the way she has proposed to structure the exercise would help insure that every area is prioritized so you wouldn't have any of the committee's work falling out without any priorities set at all. You would have within each substantive issue area we have been considering over the last two years a set of priorities. You aren't going to have a strong economy if you don't already and always have a vibrant and healthy environment. You are not going to have any of that unless you have good participatory governance systems that help insure that all of the different issues are readily considered, and all of that occurs in the context of a respectful and caring social system and value system. She thinks it is important to have priorities within each issue area for those reasons. Even the City Council's goals every year now are structured along the committee's lines. They have goals in every area every year. Some make more progress than others but they still do hold all five of these issue areas as important for the city to be making progress on.

Ms. Pombar said it takes more than one strategy to achieve any goal. We are going to be wanting to use all of the strategies we have accessible under a particular target to achieve that target versus if we just prioritized on strategy under that one target. In her thinking it might make more sense to prioritize the targets and then to flush out all of the multiple strategies under that.

Ms. Hallsmith said let's look at economics and livelihood. The goal is that Montpelier, Barre and other adjacent communities cooperate as an economic, social and cultural center of the Central Vermont region and provide jobs, income, housing, cultural activities, recreation, health care, goods and services to area residents. That's the long term goal. There are two targets and this measure our progress toward that goal. That is the only real purpose of targets. Local production of an essential food and energy increases in order to reduce dependence on imports. There is a gradual decrease of imports, a 10 percent decrease by 2015, 40 percent decrease by 2025, and a 60 percent decrease by 2040. That is the first target. Then, the strategy that flows from that target is to encourage local purchasing and investment. Target 2 is that 2025 the City of Montpelier exercises leadership and has taken steps to promote regional planning. The strategy there is a regional planning and economic development entity has been established which enables Montpelier and surrounding communities to retain and promote the prosperity of existing business as well as to attract economic development appropriate to each community while not pitting one against the other. The question to you is which is more important to you? A prioritization of the target or the strategies? Or, do you want to roll them together? In these cases there is only one strategy under each target.

Ms. Vogan said she sees this less as than an elimination issue as which action do we take. It's time to take action. In order for that to happen we need to designate what actions people are willing to take. By bringing the community to the table and asking them to prioritize you are also asking them to say what they are willing to do. How are you willing to put your feet and hands where your mouth is and actually

stand up and do something? Have them participate in the process of prioritizing strategies is giving ownership to the actions that are about to come. She doesn't think it necessarily means not using the other strategies. If you think this strategy is a priority, then let's do it. The targets are a necessity to get to the goal. It's important that we are not losing the strategies that have been set out here but just asking people what they are willing to do first.

Ms. Hallsmith said the intent is not to take any of these things off the list. When we draft the final plan the prioritized strategies and the targets that are associated with those strategies will be the ones where they would likely move the date up. The date in target one would be 2015 and the next would be by 2025.

Ms. Pombar asked whether regardless of what is prioritized they will still be reflected in the Master Plan.

Ms. Hallsmith said unless the Planning Commission and/or City Council in the adoption process take them out. There still is that process to go through. It's not an elimination process; it's a prioritization process.

Mr. Bloch said that is something he would like to address. There is a very interesting report at City Council last week about what to call the committee to increase revenues and decrease expenses. That one sits right on top of the head of this economic well being. We need to hear just where those folks think they are going as the standing committee of the Council. That report had profound implications. He was transfixed by just the headlines. We need to get things synchronized. Who is the lead dog on that committee? What is that committee's name even? It was about revenue, growth and tax burden. The whole issue of growth, housing and sustainability and economic viability – who is going to buy those houses? What are those houses going to cost? Each of those subtopics has huge impacts on what the Planning Commission has on its table.

Ms. Hallsmith said it might be good ideas to have that Council committee meet with the Economics and Livelihoods Committee. The key recommendation she received out of the description to spend the time and effort to hire a consultant to look in more detail at all of the different options. They had a long list of options, including privatizing and outsourcing a lot of city services.

Mr. Bloch said there is a blind thinking that if you outsource it is more efficient. The state found out that the janitorial services it cost them an arm and a leg. It costs money to service a contract.

Ms. Vogan said it might also be helpful to the Economics and Livelihoods Committee to hear the City Council subcommittee about the reality of how money gets spent and maybe come up with recommendations that are a little more reality based.

Mr. Bloch said he was a little troubled by the idea of going out and hiring a consultant. The old joke in the industry is a consultant is a grip on depression. That is an interesting committee and they know a lot about this town. They probably know a lot more than any consultant would bring in, but the real caring capacity of this town and what people are willing to do to insure there is a caring capacity, particularly around housing. They are already jumping up and down about the traffic jam at State and Main. They first blamed it on the road construction. When you have growth your caring capacity is sorely tested. They need to be honest in looking in that direction, and we have the responsibility as their planners to take that and formulate some plans and get them to endorse or modify a set of plans. He said he is talking about the committee that has been appointed by the City Council that has been given a blank

check right now. This frames the whole question of where this town wants to go and where the Council is trying to take it with this committee, and how does the Planning Commission work in concert with them.

Ms. Vogan said the Planning Commission has tried to do that in almost every aspect. They have tried to synchronize the different groups of the existing enVision Plan.

Mr. Bloch said the enVision plan is extremely well thought out. He is more concerned about this august committee.

Ms. Hallsmith said the report the committee made to City Council last week was actually the first time they had presented any of the information about the work they had done. They were chartered at the beginning of the election year this year, and this was the first presentation they made. She thinks the suggestion about getting them together with enVision is a good idea because they should sit down with the Governance and Economics Committees and try to figure out where some of their potential recommendations fit in with the plan and how aligned it is with the plan. Their charge really is revenue and cost savings for the city, and this is a very important piece of what we are doing. They have planned a meeting with the City Council in mind and part of the selection process for choosing September 30th and she has been encouraging them to come to that meeting. The Planning Commission could make a motion to request a meeting with the Revenue Committee.

Mr. Bloch said he would make the motion for the sake of moving things along, that we set a time certain to meet with the Revenue Committee, and get a fuller presentation so it would inform the Planning Commission's work.

Ms. Vogan said she is wondering if the suggestion is that the Planning Commission meet with them or the committees of enVision Montpelier meet with them.

Mr. Bloch said no, the Planning Commission should meet with this committee on revenue at a time certain. It could be one of our scheduled meetings or a different time.

Mr. Borgendale said the discussion concerns him a little bit just because if the focus is really on city revenue enhancement we are down to the level of taxes at this point. He knows that is where our day to day focus is, but it seems to him that enVision Montpelier has a lot longer time horizon than how the devil we are going to raise money to run the city over the next two or three years.

Mr. Bloch said that wasn't the intention of his motion. We need to clarify that enVision Montpelier is a subcommittee of the Planning Commission. EnVision Montpelier, which has been exceedingly well executed to date, there is a larger question about people having other visions. He's not talking about taxes now. For example, there is only one way to solve the water and sewer problem other than hanging up your first born for the payment of the water and sewer bill. That is to increase the number of units and people that use it because they have just about hit the wall in raising the rates, and they know that. They had a wonderful discussion back in May about this very thing which tore the Council apart for about an hour, how are people on limited means going to pay for this. They are up against the wall. You don't need a consultant on that particular issue; you need more users. How do you get them?

Ms. Hallsmith told Mr. Bloch that is another subject we are going to be addressing tonight with the growth center designation update because that is the whole subject of that. We can request a meeting with the revenue committee, but she would like to get back on how to structure the meeting on the 30th.

Ms. Pombar said she likes the idea of the meeting being participatory. The beginning should somehow frame or make visible for everyone to take in all of the information on the goals, targets and strategies. What resources might be strengthened? What are the risks? Why is it timely? What is the great opportunity that may be existing? What are the existing barriers that folks can see? A scorecard would be good.

Ms. Hallsmith said let's say there are 300 strategies. It would actually be hard for them to go through a detailed scorecard analysis of each of the strategies. But to give them those considerations is a very good idea. Having an introductory talk is also a good suggestion and then 20 minutes in each committee area to look at the different goals.

Ms. Vogan inquired if there was a second to John's motion about meeting with the revenue committee of City Council.

Ms. Pombar seconded the motion. The motion passed on a vote of 4 to 0.

Growth Center Designation:

Ms. Hallsmith passed out information on the Growth Center Designation response to Members of the Planning Commission. The information is due tomorrow. The maps are important and with the green zone they are trying to show how we surround the proposed growth center virtually with protected or open land. With the other two maps she is trying to address their concerns about the General Business District being included in the growth center designation by demonstrating that it in fact is a currently a fairly compact area. It's not a sprawling area as they continuously seem to indicate. There is another General Business area on a very steep slope next to National Life that doesn't have any development on it.

Ms. Borgendale said he was thinking about the stuff down between Memorial Drive and the Winooski, basically starting with the high school and where you turn off to go to Montpelier Junction. Are they concerned about that?

Ms. Hallsmith said she gathers.

Mr. Borgendale said that isn't sprawl at all.

Ms. Hallsmith said the interesting thing about most of the General Business District, which she has pointed out to them in a variety of different ways over the last year, is that it is built out. She didn't include the build out map in these maps because they are new. They have produced for the, which is above the call of the application, a build out analysis of the entire area we designated in the growth center. That area is built out. It has the amount of development on it that is permitted under zoning as does most of the General Business District, save about 18 acres more than half of which is on a steep slope. We aren't looking for the potential for a lot of new development in a big open field which, unfortunately for us, a lot of what the downtown board and the planning and coordination group have considered to date when they looked at growth center applications. We are talking about an area that is basically built and where the most likely potential is redevelopment and redevelopment generally tends to occur when state and local government are involved. It is rare for a lot of redevelopment to occur over a broad section of these types of built out areas without government involvement, partially because the kind of redevelopment they would be concerned about where residential properties along Route 2 are turned over into strip commercial properties. The residential properties are relatively small and numerous. In order to turn that into a low density commercial strip they would have to be able to

acquire more than one property all at the same time, which really is not that easy to do without government intervention, eminent domain, condemnation powers unless there has been some serious disruption to agree to sell all at the same time for the same purpose.

Mr. Bloch said certainly a large section of Barre Street is crying out for redevelopment.

Ms. Hallsmith said Barre Street is in the proposed growth center. She is talking about River Street. The part they are worried about is the River Street section.

Mr. Bloch said the River Street section, unless you are going to a west coast model where they put 60 foot steel beams into the side of the hill, you aren't going to develop the upper side of River Street.

Ms. Hallsmith said she just wanted to see if the members of the Planning Commission concurred with her answers.

Ms. Vogan said she thought they were consistent with the discussions they have had.

Ms. Hallsmith said they were ruled that the application was complete June 26th. That triggered a 90 day review period by the Downtown Board so they are supposed to have convened and given an answer by September 24th. The Downtown Board meeting is now scheduled for September 28th but there will be another PCG meeting on it on September 9th, and all of these comments, in addition to the comments that others have submitted to the state, will be considered then. She supposes at that point the Planning and Coordination Group will vote to make a recommendation to the Downtown Board on whether to approve or reject our application, or reject it with amendments. In the recent notes she received from the PCG they are articulated three possibilities for the Downtown Board. The first is that the application be approved as submitted; the second is the application is approved but that the General Business and Industrial Districts be taken out of the growth center designation; and the third is the rejection option. There was one letter to them calling for the rejection of the application from the Smart Growth Collaborative. She has responded to that letter point by point and hopefully clarified some of their misunderstandings about it. She personally found the letter to be shocking, that any group purporting to promote smart growth could say that Montpelier's application for designation should be rejected when the state's approved things like the Home Depot and Wal-Mart at its crossroads in Colchester that has basically been sprawled up into an area of development and our historic state capitol with one of the best downtown districts in the state is somehow rejected.

Mr. Bloch asked what the definition of smart growth is. It certainly is not any growth.

Ms. Hallsmith said she has included the legal definition. The PCG seems to be under the misconception that they have to have a finding demonstrating that a majority of our commercial development cannot be accommodated in our designated downtown. The statute actually does not say that. It says that a majority of the growth center proposal. Our growth center proposal targets residential development. When we have adequately demonstrated the residential development we are projecting can't be counted in our designated downtown; that is almost laughable. They are saying if your commercial development can be accommodated in the designated downtown, then that is a finding they can't make and that would be grounds for rejection. They say they have to make that finding. She has searched that statute and the statute does not say that. They also seem to be implying that the growth center shouldn't be fostering a sprawling or linear pattern of development, and they are saying we are including such a large area with our medium density residential zones that it would be scattered development. The statute says that scattered development located outside of compact and urban and village centers, not outside designated

downtowns. Arguably, most of Montpelier within our MDR District is a compact urban and village center, so if we are promoting growth in that area we are not promoting growth outside of a compact urban center. It is the same thing with the linear development. They are saying we are doing this along Route 2. It is linear development that lacks depth. Route 2 is surrounded by development for at least half a mile on either side. That isn't like some kind of strip out in the middle of a farm field. She is trying to make these distinctions to them so they see our application a little more clearly.

Mr. Borgendale said they are applying rules that would be appropriate in Central Iowa to Montpelier.

Ms. Hallsmith said they are acting like we have one big empty field here just waiting to be built when most of the town is already built up. It is very hard to develop in Montpelier.

Ms. Vogan said it sounds like their potential recommendations are contradictory to their discussion, though. If one of the options on the table is to approve our application while removing the General Business and Industrial, but their discussion is they think we are encouraging growth in the MDR where they don't want it. If they wanted to approve our amendment with an amendment, why wouldn't they approve it amended removing MDR?

Ms. Hallsmith said there are two issues. One is the scattered development outside the compact urban center, and that is what we are talking about with the MDR. Then, there is this linear development that lacks depth. There are plenty of houses in Montpelier sitting on a real steep hill. It's not like we have developed on the flat at all.

Mr. Bloch said the only problem he would see in the high residential development along Route 12 going north the road itself is a delineator. You are forced into a very narrow arrangement. Either they don't know how to read the topographical maps of this town, or they don't care.

Ms. Hallsmith said she think what they are experiencing with the Planning and Coordination Group is the fallout from bad past decisions, or decisions they perceive as having not been perfect in the past. There are groups that were angry, for example, that the state extended the boundary of the Williston Growth Center to include Home Depot and Wal-Mart when the city did not ask for that. The city had excluded Home Depot and Wal-Mart from their growth center and the state changed the boundary to include them. The state approved an application from Bennington that was much, much larger than ours. Their designated growth center was large enough to accommodate 700 percent of the growth the city was projecting for the next 20 years; ours is at 100 percent. Our growth center is big enough to accommodate 100 percent of the growth. Now, does that mean we won't have any growth outside of it? Not necessarily, but it does big enough to accommodate the growth we are anticipating over the next 20 years. We are taking the fallout from these other past decisions, but unfortunately what the net result is that we are being treated inconsistently, and that isn't good for any government organization to treat one applicant different than the other. We have been asked for a lot more detail in our application than any of the other cities. She had to provide extensive detail, for example, on archeological data. Archeological data isn't even in the application questions. It has been an ordeal.

Mr. Bloch asked who they are.

Ms. Hallsmith said the State Downtown Board and the Planning and Coordination Group. They are like an advisory group to the State Downtown Board.

Mr. Bloch asked if there a nonprofit group.

Ms. Hallsmith replied no. They are representatives from each of the state agencies such as ANR, Transportation and a number of other agencies.

Mr. Bloch asked if they had gone out and done a field drive through.

Ms. Hallsmith said she didn't know. She would assume that since it is in Montpelier, and most of them work in Montpelier, that at least this would be more familiar to a lot of them than some of the other places that applied. She has never been included in a notification or the tour of a site visit from any of these state folks to the areas we are describing.

Mr. Bloch asked if they had a conflict of interest.

Ms. Hallsmith said some of the members that have been commenting do have a conflict of interest, but not necessarily anybody on the PCG.

Mr. Bloch said we are really talking about their office space expansion. It would be like Wal-Mart commenting on this if they wanted to build a second center and they were sitting on the advisory committee.

Ms. Hallsmith said our growth center designation, if they did have a conflict it would work in our favor because with growth center designation state office expansion within the designated growth center in the Capitol Complex has been proposed to be included and could potentially be facilitated by the incentives.

Mr. Bloch said there are some broader considerations here with state agencies sitting in judgment of an application for designation for another state agency.

Ms. Hallsmith said it was ruled back in June and yet she has been spending a lot of time producing additional information for them. John Bloch was raising some concerns about growth in general. He was talking about in the water and sewer districts how the answer would be to have more ratepayers, and that is partly the rationale for the growth center. The Planning and Coordination Group would find it optimal if inside our growth center we encouraged hookups to the water and sewer but outside the growth center we discourage them, so there would be a limit on the number of new hookups or new sewer extensions being granted outside of the growth center. That is also part of the reason they tried to make it as large as we could because that is a severe limitation. The growth center looks big when you are looking at it on just the Montpelier map, but when you look at it from the perspective of the whole region it is tiny. They have tried to include as much of the sewer and watered area as possible because that is really what the statute is trying to encourage, growth in areas where you have the infrastructure to support it rather than continuing to proliferate in farm fields where you have to have on site water and sewer. It does seem very inconsistent the way they have been addressing our application. She thinks it has more to do with the problems of the past than the actual merits of our application.

Mr. Bloch asked what the worst outcome they can do is.

Ms. Hallsmith replied rejection.

Mr. Bloch asked what the odds were. Ms. Hallsmith said it is hard to know. She doesn't think it is likely. It could be approved with an amendment. At least the Planning and Coordination Group could recommend that. She thinks it is unlikely that the Downtown Board would agree to that.

Multi-Modal Transit Center:

They met with the City Council last week and we are continuing to move forward with that project. We have mobilized the Project Manager. She also asked the appraisers to continue with their work to redo the appraisal. We have the appraisal done before EPA stepped in, so we have to have the reappraisal done because it isn't current enough. The Project Manager has prepared a detailed update for the City Council on all of the costs. It looks like even though there has been this long delay the costs still work in terms of the way the development move forward. They are hoping to build it.

District Energy Plan:

They are preparing a \$5 million grant application to the Department of Energy at the federal level to support the plant. That application is due September 3rd and was approved by City Council last week. Like any federal application, we literally have people working on this every single day around the clock until it is due. There has been a lot of support from our partner, which is Veolia Energy. The City Council selected them as a partner a couple of months ago. They are from Boston but are an international firm with district energy plants all over the world. She actually visited one of them in France last year. This is stimulus money. She thinks they are actually asking for \$10 million. It's a very competitive grant application. There is only \$22 million nationwide for this particular application. Given the criteria and the application and the fact we are moving forward with a state, local and private partnership, because the state has agreed to work with the city on the application, which means we are on the same drawing board we were before where the proposal we are making is to expand the state facility because that actually is a designed and shovel ready project. It isn't if we do it on our own, but she didn't think that would be a competitive application. The state could see the reasons for doing this, and if we get the grant that is what we will be doing. It is a lot more economically feasible with the state as a partner and it will be more competitive for the grant application. Given that we are spending some money getting help to prepare the grant application she thinks it is worth every penny just getting to that point with the state because it helped move them off the dime. We will know the results of the grant in January 2010. There are also a couple of other federal grants we applied for that we will find out the results on this month.

enVision Montpelier:

We talked about the upcoming Stakeholders Priorities meeting on September 30th. After that, we do have a new VISTA volunteer who is replacing Cynthia Wasser. Erin and Kristin will be helping work to complete the draft of the enVision Plan, including identifying the organizations and stakeholders that are positioned to carry forward the priorities and strategies we identify at the meeting on September 30th. We will also need to complete the update of the City Master Plan by July of next year, and that will also flow from the enVision Planning process. It probably won't include everything that is in the plan, but she expects the two plans to be fairly commensurate with each other. The enVision Montpelier Steering Committee meets September 1st to talk about what we talked about tonight.

Montpelier CAN!

Montpelier CAN is moving right along. They are planning a major citywide event on October 3rd up at Vermont College to help Vermont College celebrate their 175th anniversary. We are doing posters for that and planning some really interesting things. There is going to be a chili, apple pie and zucchini contest. Zucchini sculptures are one of the categories. Every neighborhood will have tables where people can bring chili, apple pie and zucchini for judging. Vermont College will have a lot of activities going on as well. She is also speaking in the Mad River Valley on September 10th, which is another issue associated with Montpelier CAN because they have pulled together a panel there on pandemic flu. Apparently, the state and the folks in the Mad River Valley are really interested in what we have done the CAN Organization in terms of emergency preparedness and emergency planning. What she has

heard at the national level are they expect that the flu will amplify as school begins because it is already at epidemic strength. As kids all go back to school that is likely what is going to trigger the flu. Interesting enough, it is the same strain of flu that came around in the 70's. It could be conceivably quite deadly. They are projecting that 90,000 people will die nation wide over the next several months from the flu, which is quite a bit higher than the usual flu. Flu usually kills around 20,000 to 30,000 people a year.

Other Business:

Ms. Hallsmith reported that Garth Genge has been hired as the Community Development Specialist in the Planning Department. The Onion River Exchange is moving over to 58 Barre Street and they have an open house and pot luck dinner tomorrow evening. They have moved into the old recreation offices there.

City Council Member Jim Sheridan said he was listening to their discussion about sandwich boards on the sidewalks and heard about accessibility issues. There is a new disability committee that is starting on September 3rd. He can provide feedback from that committee.

Next Planning Commission Meeting:

The next meeting will be near the end of September.

Adjournment:

Upon motion by David Borgendale and John Bloch, the Planning Commission adjourned.

Respectfully submitted,

Gwen Hallsmith, Director
Planning and Community Development

Transcribed by: Joan Clack