

Montpelier Planning Commission
September 29, 2003
Memorial Room, City Hall

Subject to Review and Approval

DRAFT MINUTES

Present: Chair David Borgendale, Members Irene Facciolo, Carolyn Grodinsky, Bryan Mitofsky, Anne Campbell, Planning Director Valerie Capels, and Planner Stephanie Smith.
Others: Principal Burnt Rock Brian Shupe, and DRB member Ken Matzner, Parks Director Geoff Beyer

Call to Order

The Planning Commission began the meeting at 7:10 p.m.

Approval of Minutes and Review of the Agenda

There were no minutes to approve at this time.

General Appearances

There were no general appearances.

Discussion of zoning tools for land conservation

Ms. Capels introduced Mr. Shupe as a principal planner with Burnt Rock, who in the past worked as the Director of Planning for the Mad River Valley and Stowe.

Mr. Mitofsky asked when a Planning Commission makes a new zone what can get you into trouble? Mr. Shupe said that the question was general. Many problems can arise with the creation of a new district. Mr. Shupe stated that the PC should look to the master plan and make zoning decisions based on that document. If land conservation is a goal in the master plan, the commission should outline the objectives for conservation and then develop applicable zoning from there.

It was mentioned that large lot zoning is not an effective protection for land. An important way to protect community character is to create development standards that define community character, and that regulation of density is only one piece to defining community character.

Some communities adopt development standards for conservation subdivisions (a conservation subdivision is a housing development that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible¹. Conservation design principles can also be incorporated in other local ordinances to help ensure that developments that do not constitute a subdivision meet conservation design principles. Generally, conservation subdivisions allow for an adjustment in the location of residential dwelling units on a parcel of land so long as the total number of dwelling units does not exceed the number of units otherwise permitted in the zoning district. The dwelling units are grouped or clustered on only a portion of a parcel of land. The remainder of the site is preserved as open space, farmland, or as an environmentally and culturally sensitive area. This clustering of the dwellings into a small area is made possible by reducing the individual lot sizes. The open space is permanently protected and held in common ownership. Sometimes additional dwelling units may be permitted if certain objectives are achieved. Conservation subdivisions are an alternative approach to the conventional lot-by-lot division of land in rural areas which spreads development evenly throughout a parcel with little regard to impacts on the natural and cultural features of the area. Conservation subdivisions enable a developer to concentrate units on the most build-able portion of a site, preserving natural drainage systems, open space, and environmentally and culturally sensitive areas.)

¹ http://www.doa.state.wi.us/dhir/documents/conserv_subdiv_Model_ordinance_Feb2001.pdf

Conservation subdivisions can be required to protect mapped physical features including, wetlands, slopes, habitat, etc... The development standards should be zoning district specific, because different areas have different characteristics: HDR is a urban area, and LDR is predominantly rural. The zoning regulations could also include incentives to cluster units and preserve greater amounts of open space. Some incentives include density bonus for preservation of a particular percentage of open space.

Currently it is uncertain whether communities can require conservation subdivisions under state statute. However, if the Chapter 117 rewrite is approved this legislative session it will be allowed.

Other tools communities can use include TDR=s. Mr. Shupe explained a that the city=s roll in such a transaction is the administration of the process. It is a difficult thing to accomplish because you usually need two willing land owners: a willing land owner in a designated development area and another who is willing to sell their development rights. The parcels can be contiguous or non-contiguous. Communities in other states, have had greater success then those in Vermont. An example of a successful TDR is in Stowe (or Waitsfield).

Geoff brought the issue of land being given to the city as a form of protection. It could create a disconnected collection of parks throughout the city. Maintenance of this park system could be difficult. It was mentioned by Valerie that another option for protection a developer could pursue includes home owners association, or land trust.

The commission discussed Atakings@ and any changes in the zoning regulations need to show a clear public benefit only and not deny someone reasonable use of ones land; however, reasonable use could be a single house.

Dave is frustrated when the commission talks about Montpelier in a rural context. Montpelier is not rural, not even the fringes, once one looks outside its boundaries to communities like East Montpelier, and Middlesex. He feels that Montpelier should absorb development pressures that other communities experience. Another member thought that it is difficult keep development in check regionally, other communities have their own set of development regulations that Montpelier has no control over.

A member asked about resources on site design tools that the PC could integrate into the regulations. Brian suggested the PC look at Burlington and Bennington. Williston and the Mad River Valley have good mechanisms for protecting ridge lines. These communities address development issues that would not allow for the ridge line to be obscured by development.

The commission discussed floor area ratio (FAR) vs. Units/ acre ratio for calculating density. It was decided that FAR is not a useful tool in Montpelier to analyze density. It could be useful to regulate multi-story development in the downtown.

Some communities regulate parking as a public utility (like water and sewer).

Anne asked Brian if he was familiar with Smart Code. Brian stated that he was familiar with the principals behind Smart Code. It is primarily an urban zoning code which is based on design and dimensional standards.

There was a brief discussion on impact fees. They are strictly prescribed by the courts. Our impact fee schedule may be outdated.

The commission thanked Brian Shupe for his time.

The planning commission briefly looked at the Re-zoning for the Zorzi land and the work plan. They have addressed a number of the items listed in the work plan. Mr. Borgendale proposed attending a City Council meeting to update the council and asked Valerie if she schedule him on a City Council agenda, to give them an update of th Planning Commission=s activities.

The fix-it list was bumped to another meeting to be decided.

Adjournment

Mr. Mitofsky moved that the meeting be adjourned, seconded by Ms. Grodinsky. The motion carried unanimously. The meeting adjourned at 9:30p.m.

Respectfully Submitted,

Stephanie Smith, Planner

These minutes are subject to approval by the Planning Commission. Changes, if any, will be recorded in the minutes of the meeting at which they were acted upon.