

Montpelier Planning Commission
Public Hearing on Proposed Amendments to the 2000 Montpelier Master Plan
January 19, 2005
City Council Chambers, City Hall

Subject to Review and Approval

Present: David Borgendale, Chair; Carolyn Grodinsky, Vice Chair; Anne Campbell; Curt McCormack; Marjorie Power, Richard Sedano
Staff: Valerie Capels, Planning & Community Development Director

Call to Order

Mr. Borgendale called the public hearing to order at 7:05 p.m.

Comments from the Chair

Mr. Borgendale said the hearing was to consider the proposed amendments to the Montpelier Master Plan. The amendments were drafted by Ms. Power. After discussion and revisions, the amendments and the report on the amendments were approved by a majority vote of the Planning Commission on December 13, 2004.

Mr. Borgendale asked that anyone wishing to speak at the hearing put their names on the sign-in sheet so that they could be called in order. He emphasized that the subject of the hearing is the amendment to the Master Plan and asked that comments be kept focused on the Master Plan amendments.

Overview of Proposed Amendments

Mr. Borgendale asked Ms. Power to give a brief overview of the proposal. Ms. Power said the proposed amendments were not meant to be a comprehensive revision to the Master Plan. The Commission is planning to undertake that comprehensive review of the Master Plan in the future. There has been considerable contention related to the Sabin's Pasture land for some years, most recently in 2003. At that time, the City Council adopted interim zoning which basically overrode the planning that was in place. The idea was that the Planning Commission would undertake a rezoning of Sabin's Pasture to put more appropriate zoning in place. The interim zoning was to last for up to two years. The Planning Commission has done a great deal of work on the new zoning, but it is not yet complete. Based on the draft zoning, the City Attorney advised the Commission that it should undertake a minor amendment to the Master Plan to keep the revised zoning and the Master Plan consistent. As a result, the Planning Commission has proposed this minor amendment to the Master Plan.

Ms. Power said the proposal contains some general changes to the Master Plan including:

- Extension of the existing tenor of the plan to reference development that is in keeping with existing historic development patterns. The reference in the proposed amendments is to traditional neighborhood design.
- Reference to the need to take care when balancing the community's desire for open space with other community needs when zoning undeveloped land.
- Encouragement of affordable housing.

She said these general changes are basically more specific statements of concepts that were in the existing Master Plan, but were not specifically stated. The proposed amendment also makes the following two specific changes:

- Specific reference to open space planning was added. The amendment refers to the Open Space Advisory Committee which was created since the last Master Plan. The amendment also refers to the Committee's goals and the fact that their work will be incorporated into an open space plan by the Planning Commission.
- A reserve designation was created for Sabin's Pasture. The designation is different from a preserve. The amendment states that the "zoning for these areas is particularly sensitive and shall be revised carefully to balance the City's need for open space with its need for housing and mixed-use development."

Ms. Power said the Reserve designation does not prejudice the zoning outcome. She said that it takes off the current restraints on rezoning and admits that it is a difficult area with many public wishes for its use.

Public Comment

Mr. Borgendale acknowledged that written comments had been received from the Ackermans, the co-chairs of the Housing Task Force, and Lou Friedland. He then called the speakers from the sign-in list.

Carol Dorflein said she was speaking in support of the proposed amendments. They will lay the groundwork for future growth that will be good for the community. She was in favor of the principles in the Master Plan amendments like preserving open space by carefully balancing community needs. She liked the notion of creating incentives for development that result in preservation of high quality open space. She would like to see Sabin's Pasture become a park, but the bulldozers have to be stopped first. The community can then sit down and consider balancing the needs for open space with other community needs. She strongly supports the notion of encouraging development that is compatible with the existing variety and character of the city's neighborhoods. The majority of the residents want to see development that is compatible with the scale and type of development that exists in Montpelier. It is good to include the goal of creating opportunities for affordable housing for young families, renters and older residents.

Polly Nichol, a member of the Housing Task Force, thanked the Planning Commission for responding to previous comments from the Housing Task Force, including the need to amend the Master Plan. She said the Housing Task Force supports the sections that were added on inclusionary zoning and on affordable housing. She thinks there are opportunities to go further toward addressing the wishes of most of the community regarding Sabin's Pasture. The Housing Task Force believes there is agreement among the community to preserve the upper pasture and build on the lower pasture and the Master Plan should specifically state that. The Housing Task Force submitted written comments that include the following:

- The Master Plan should include the statement previously approved by the Planning Commission saying that "Montpelier should be organized around a more dense center with multiple, less dense zones around the center."
- Add language about increasing density in existing buildings and on the maintenance of existing housing stock and prevention of conversion of housing.
- Mention other tools such as ordinances related to housing replacement, abandonment and demolition by neglect.
- A strong statement regarding housing along the Barre Street portion of the property will add balance.
- Traditional Neighborhood Design should be defined.
- It is reasonable to designate the upper portion of Sabin's Pasture as a Reserve and important open space if the Open Space Advisory Committee completes an objective inventory.

- Add tools that promote reasonable compensation such as fee purchase, transfer of development rights and purchase of development rights.

Lyman Castle said the recent Planning Commission meetings have been inclusive and a great experience. He was concerned by Bill Fraser's statement to the City Council that the proposed amendment would fulfill the requirement for the 5-year Master Plan review. Mr. Castle said he would like to hear some assurance that the Planning Commission still intends to do the full review of the Master Plan because that is the process where the public will have opportunities to get involved in the Master Plan. The Planning Commission's use of the term "Traditional Neighborhood Design" in the amendment implies that it is committed to TND and a "DPZ-like" zoning scheme for the city. The language at 4.5.1h regarding acquisition of rights to open space was ambiguous. There is no assurance for the land owner that the rights will not be acquired through regulatory means rather than through fair market compensation.

Gordon Hall referred to page 85 of the proposal and said he believed that affordable housing is an admirable public objective, but inclusionary zoning results in only a few new buyers assuming the cost for the greater public good of providing affordable housing. He noted the proposal also refers to a substantial number of units and said that the development of a substantial number of units could have significant impacts on the city.

Michael Hoffman said he had participated in prior Master Plan reviews. He was an early supporter of neighborhood design, but believes that the TND language has problems including jargon and baggage that frighten people. Clarity and specificity is not the nature of a Master Plan which is a vision statement for the city. He recommended dropping the TND references and, instead, describing the goals for the city in order to address the language problem without dragging zoning issues into the Master Plan. The specificity should be included in the zoning. He felt the Planning Commission had done a good job of keeping the larger vision in the Master Plan.

Nancy Wasserman said she agreed that the proposed zoning and the existing Master Plan were not concurrent. She identified the following concerns with the proposed amendment:

- Singling out one piece of land appears to be contrary to the goals of 24 V.S.A. 4302 as it is not a coordinated, comprehensive process and did not encourage citizen participation, although the inclusionary process has improved since the zoning has come before the Planning Commission.
- The term Traditional Neighborhood Design should be removed because there is not clear definition of what it is or a clear community understanding of what it is. Therefore, the use of the term results in a major Master Plan revision, not just a minor one.
- TND is appropriate for some, but not all, parts of Montpelier. The document suggests that the approach is appropriate for all parts of the city. The Planning Commission may need to think about the appropriateness of the approach, especially for small, undeveloped parcels.
- An open space inventory is needed, but the Master Plan should prioritize what characterizes high quality open space.
- Page 86 of the existing Master Plan recommended that the City seek statutory authority to create a municipal conservation fund to purchase land for conservation and open space. That should be done before committing to the goal "h" on page 26.
- The concept of creating a reserve raises concern. The Planning Commission should do the planning now rather than using the reserve designation to say that it will do the planning later.

- Page 12 of the proposal says that the City has historically made efforts to protect Sabin's Pasture. That should be deleted because the City has not historically done that.
- Item 4b on page 35 of the current Master Plan regarding the provision of pedestrian/bike paths should be rephrased to add "especially along Barre Street to Pioneer Street to get sidewalks out the Sabin's Pasture." It would also be good to add Elm Street to VINS to the statement.

Doug Zorzi said that table 11.3 should be corrected to reflect the proposal which would result in a reduction of the land in the General Business zone to 25 acres. After listening to the City Manager's budget report, he believed the city cannot afford the 55% reduction in the land in the GB zone. Two of the other sites in the zone are wetlands, resulting in only 14 acres being available for increasing the commercial and business infrastructure, a 75% reduction. He would like to know what the Planning Commission envisioned for growth of the GB infrastructure and the availability of land. Mr. Zorzi urged the Commissioners to express to the City Council that the ballot could be used as an opportunity to get public input on the Reserve concept as Sabin's Pasture. There could be a yes or no question put before the public on the ballot. He strongly suggested that the Planning Commission coordinate with the School Board on the addition at the high school. The Master Plan expresses a desire for affordable housing, but the addition is based on the current decreasing trend in student population which is not consistent with affordable housing.

Fred Connor said that the notice for the hearing cited the pending zoning change. That zoning change would not conform to even the proposed Master Plan since the amendment contains provisions that would apply city wide. The amendment would have to be gutted to take out everything other than the T4 and T1 references. Work on the comprehensive Master Plan amendment was derailed by the City Council zoning subcommittee's work on the zoning. That work created open public meeting issues. The Planning Commission's pending zoning change also had open public meeting and conflict of interest issues. The Planning Commission initially denied the need for a hearing, denied the need for a Master Plan amendment, denied public comment, issued a fraudulent report saying that the zoning was consistent with the 2000 Master Plan to the State and the Central Vermont Regional Planning Commission. The Planning Commission has since acknowledged the need to revise the Master Plan, retracted the fraudulent report and produced a revised report. The Council's TND proposal is dictating the Planning Commission's planning role. The Planning Commission endorsed TND before it met with the consultant to get more information on the concept. SmartCode is aimed at managing sprawl on large, flat undeveloped parcels and it does not disturb the underlying density. It is not being used that way in Montpelier and there is no information that the code has been used anywhere in New England. There has been no review of combining the PUD and PRD provisions and no review of the village or town center zoning as permitted by Chapter 117. There has been no city wide open space planning as required under SmartCode. There has been no review of the 2000 Master Plan. The Commission has proposed a mandatory replacement of the code that features illegal takings and the elimination of existing districts. The Planning Commission is now struggling with applying the code to built areas where it was not meant to be used.

Jack McCulloch said he was co-chair of the Housing Task Force and had submitted written comments. The amendment is not really a planning tool because it just says that sometime the planning will be done. It is really a "cop-out." The amendment does not give guidance on what should happen with the land. The Planning Commission has not done the work on thinking about open space and the consequences of expanding open space within the center of the city. One consequence is sprawl. Based upon Table 11.1 of the 200 Master Plan, 73% of the city is open space which consists of parks, forest, reserve, open space

and agricultural land. TND is used as a buzz word and the Planning Commission should work on what it really means. Mr. McCullough said the Housing Task Force's letter asked for the opportunity to provide further written comments. He asked if they would have to opportunity to submit them. Mr. Borgendale said that they would. Commissioner Sedano said that one interpretation of the Reserve designation was that it puts pressure on the Planning Commission and City to resolve the issues. The designation makes it important to work on the issue and creates a public expectation that the issues will be resolved. He asked Mr. McCullogh for his reaction to that view. Mr. McCullogh said the City is aware that it is a hot issue. The Planning Commission is in the Master Plan update process now with a deadline that it is trying to meet. The Reserve designation does not add anything.

Jay Ancel commented on the process. He said that, typically, the Master Plan would be developed as a first step and the zoning would follow. The current process seems to be the reverse of that.

Mr. Ancel provided additional comments including the following:

- The Reserve map is difficult to interpret and the boundaries are not clear. An overlay of the Reserve area related to property maps would be helpful.
- The amendment seems to eliminate accessory apartments and PUDs within existing residential uses. [Ms. Power explained that the section was only added to take out an existing limitation in order to comply with Chapter 117 which does not allow limitations.]
- There are parts of the Union Institute and the lower portion of the Sabin's Pasture property that are appropriate for a higher level of development and they should be identified as such.
- This change is not minor, it is a significant change to a major piece of property in Montpelier which may have a major impact on the city and surrounding communities. It could force sprawl outside of the city.
- TND may be a good idea, but it will not fit everywhere in Montpelier.
- Many properties like Sabin's Pasture have been posted. It does no good to have open space that no one can use. This could be an opportunity to look at a mix of development uses on Sabin's Pasture that would also retain open space and pathways that people could use.

Alice Soule-Collins, representing the Union Institute, said she had a hard time understanding how the Reserve map related to the Union Institute property and the Aja-Zorzi property and asked that an overlay be developed to show the Reserve in relation to property maps. The amendment seemed to create a Catch-22 because the property owners cannot make any plans until the issue is resolved. Union Institute bought Vermont College because the land was an asset. Union Institute has been involved with discussions with the New England Culinary Institute and the Vermont Land Trust about developing housing on the portion of the property that is currently zoned HDR. The reserve designation seems to take most of the property and reclassify it, making the property unusable. Ms. Power said that the current zoning on the majority of Union Institute property has not been over ridden by the interim zoning. She said that the Reserve designation does not change the currently applicable zoning for the property except for the small portion that was included in the interim zoning. If the zoning changes, all of the property subjected to the zoning will be affected. Mr. Borgendale noted that the Master Plan amendment does make rezoning possible. Ms. Capels said that Figure 16, the land use map, is not intended to show specific boundaries, but was intended to be more conceptual for use by the Planning Commission in deciding where lines will be placed.

Mr. Borgendale said that everyone who signed the list had spoken. He asked if there was anyone else wishing to speak.

Nancy Wasserman said she believed that the Reserve is larger than the interim zoning. The Reserve designation will impact any Act 250 proceedings because those reviews consider whether a proposal is consistent with the Master Plan. Ms. Power said that housing development would be consistent with the Reserve concept. Ms. Wasserman said that everyone is aware that the Planning Commission is also considering zoning changes to that area.

Fred Connor said the Council asked the zoning subcommittee to address zoning on the portion of the Union Institute property that was subject to the interim zoning, but the subcommittee went beyond that request. The challenge for the Planning Commission under Chapter 117 is that it has cherry picked 100 acres out of 6,000 acres to treat differently. He also questioned why, if the Master Plan is not tied to into zoning, did the notice say that there was a pending zoning amendment. Ms. Power said that this non-comprehensive amendment is intended to allow rezoning of the Sabin's Pasture property because the City Council found that the zoning did not reflect what the community wanted to see for that property. There was no question there is an unfinished plan for rezoning the property. This property is distinguished from other properties in the city by the Council's finding that the current zoning does not reflect the community's needs for the future use of that property. Mr. Borgendale said this amendment enables a change to the zoning for that property. The Planning Commission is currently struggling with the proposal, but it is not ready to be warned. Ms. Power said that she would say working rather than struggling. Ms. Capels said that the language was included in the hearing notice to acknowledge the relationship between the Master Plan and the work that is being done on zoning.

Mr. Borgendale said that the hearing was closed except for the acceptance of written comments. Ms. Capels noted that the written comments that were received were available for review at the Planning office.

Recess

Mr. Borgendale called for a brief recess.

Discussion of Next Steps for Master Plan Amendment

Mr. Borgendale asked the other Commissioners for their thoughts on the next steps for the Master Plan. Ms. Capels advised the Commissioners that, if they were hoping to present the proposed amendments for final Council action prior to the March elections, the draft would have to be acted upon by the Commission this evening. The proposal would be transmitted to the Council tomorrow. Ms. Power said she would like to move that the proposal be forwarded to the Council. Mr. Borgendale said he thought the Commission heard some things at the hearing that it needs to respond to. The Commission could try to go through the issues, but that he doubted that the work could be finished that night.

Mr. Borgendale said that the first matter was to define Traditional Neighborhood Design or reconsider the use of the terminology. Ms. Power said the Commission may want to strengthen the language on page 11. The term is part of planning jargon, but the Commission's intent in using the term was to say that it wanted Montpelier to continue to develop in the historic patterns in which it has developed. People have looked at the SmartCode which has not yet been tailored to Montpelier and they do not have a full understanding of what the Planning Commission intends when it uses the term. Ms. Campbell said she thought the language on page 40, item 2a could be used the first time that TND is used and the amendment could say ". . . provide for mixed-use and residential neighborhoods based on the principles of development that Montpelier has traditionally used." That would maintain the character of Montpelier. Ms. Grodinsky said that the new language was okay, but it is still too vague.

Ms. Capels said she had done a quick Internet search prior to the meeting and found three definitions of TND. She passed copies to the Commissioners and placed copies on the table for the public. Ms. Power said she liked the second definition better and that it could be added at the end of 2a after traditional neighborhood design and would say “the focus of the community shifts from automobile to the pedestrian and is characterized by mixed land uses, grid street patterns, pedestrian circulation, intensive use of open spaces, architectural character and a sense of community.” That would show what the Commission intended, that traditional neighborhood design is defined based upon Montpelier’s traditions and neighborhoods.

Mr. McCormack said that TND sometimes stands for traditional neighborhood development rather than design. He would like that term better because it gets away from the design aspects of the code. He generally liked the definition except for the reference to architecture. Ms. Grodinsky said the Commission could just use the first sentence of the definition and say “development patterns that reflect characteristics of smaller, older communities”. Ms. Power said she left the first sentence out because the Commission is saying that they want to model the traditional neighborhood design on Montpelier. Ms. Grodinsky said that would be okay if it referred to Montpelier’s older neighborhoods. Ms. Campbell said that reference would prevent development like some of the newer developments that people seem to like. Mr. Borgendale said the city is eclectic and has been built over a history that does not end in 1930. He said the reference to older neighborhoods implies that a date would be chosen and everything that came after that date was not good. The Commission is collectively in favor of discouraging single use classifications and in favor of seeing new development that fits into the context of where it is. Development did not have to match some historic date. Ms. Power said that, similarly, the Commission would not want to force a Victorian to be built in a neighborhood of ranch houses.

Ms. Campbell suggested saying that “Traditional neighborhood design is characterized by mixed uses, pedestrian circulation, intensively used open spaces, architecture in harmony with the neighborhood and a sense of community.” Ms. Power said the sentence should be inserted on page 11, where TND is first mentioned. Mr. McCormack said he would like to say “with increased densities.” Ms. Power said she thought “dense development” could be added. Ms. Campbell reread the second sentence as “Traditional neighborhood development is characterized by mixed land uses, pedestrian circulation, intensively used open spaces, architecture in harmony with the neighborhood and a sense of community”. Mr. McCormack said the word “land” had been added to the term mixed uses. He said that implies the use of green land rather than the use of existing developed land. Ms. Campbell said that she did not object to striking “land”.

Mr. Sedano said that the term “intensively” is too specific to spaces that might be found downtown. The modifier might not be appropriate for other open space like the North Branch trail. Ms. Capels suggested the Planning Commission consider separating the idea of open space from intensively used public space. Mr. McCormack asked if anyone needed to have the word “intensively” in the sentence. Mr. Borgendale said that he did because the issue of having the open space be usable by the public is important. Mr. McCormack said it could say “usable by the community”. Ms. Power said the sentence is intended to be the definition of traditional neighborhood development which does not necessarily include undeveloped land. The entire thrust of the Master Plan did not need to be included in the definition. Mr. Borgendale said the Commission is defining the fundamental principle that the community will use for land use and that it was important to get it right.

Ms. Power said the issue of open space is addressed in the next set of bullets which address the issue of having open space that is consistent with TND. Mr. McCormack asked Mr. Borgendale if he would be satisfied by saying “open space usable by the public”. Mr. Borgendale said he was not sure. The Commission is talking about communities with village squares rather than open space in general. They were not talking about North Branch style open space in the neighborhood context. Mr. McCormack said, with that understanding, he could accept the use of “intensively”.

Mr. Sedano asked why the reference to grid street patterns had been dropped from the definition. Mr. Borgendale said it could be because of terrain in the city. Ms. Power suggested “interconnected street patterns”. There was general agreement.

Mr. Borgendale asked Commissioners if they intended to try to make all of the modifications this evening. Ms. Power said she did. Ms. Campbell said she thought the Planning Commission had made a good start. Ms. Grodinsky said she was not willing to stay until midnight and suggested that an end time be agreed upon. Mr. Borgendale said he thought the Commission should decide what needs to be changed and assign Commissioners to draft the changes rather than trying to wordsmith the changes in committee. Ms. Power said she thought the Commission had addressed the issue that needs the most discussion and word smithing. Ms. Grodinsky suggested each Commissioner identify the changes that they thought were needed.

Ms. Campbell said there had been a comment about the text on page 87 regarding land acquisition. Mr. Borgendale said that was part of the existing Master Plan and the comment was just drawing Commissioners’ attention to the fact that the text says that the City requires statutory authority to purchase land. Ms. Capels said she was not sure that the statement is accurate. Ms. Power said that it does not need to be addressed for the proposed amendment.

Ms. Campbell referred to page 35, item 4b. There was a suggestion that pedestrian and bike paths be added along Barre Street. Ms. Grodinsky said she agreed with that suggestion. Ms. Campbell agreed, saying that it was appropriate since the Commission wants to add dense development along Barre Street. Mr. Borgendale said he was not sure how Barre Street is different from other locations in the city in that regard. Ms. Power said the suggestion was really an amendment to the current Master Plan rather than the proposed draft.

Mr. McCormack said that he did not hear Bill Fraser’s comment that this change to the Master Plan being sufficient for the 5-year amendment. Ms. Capels said that it was correct. She said that any amendment to the Master Plan will reset the 5-year clock. Mr. McCormack said he understood that the Planning Commission intended to continue to work on the comprehensive amendment to the Master Plan. There was general agreement.

Mr. McCormack asked if Mr. Borgendale intended to have a vote on the proposal this evening. Mr. Borgendale said that was not necessarily his intention and that he would vote against moving ahead with final action this evening. Mr. McCormack said Mr. McCulloch of the Housing Task Force asked if they could submit further written comments and the Chair said that they could. Ms. Power said the Housing Task Force has made some good comments, some of which she would be glad to incorporate now and others that could be addressed in the larger amendment. She would be willing to address the additional comments in the larger amendment. Mr. McCormack said he did not know whether others who heard the Chair’s response to the Housing Task Force question would also be expecting to provide additional

written comments. Mr. McCormack asked Mr. McCulloch whether the comments he intended to provide were pertinent to the currently proposed amendment. Mr. McCulloch said they would be. The Task Force was working on comments as a committee so he did not know the specific comments, but based on his notes, some of the comments relate to page 11 and page 26. Mr. McCormack said the question was asked and answered in open session and he thought that the Commission should wait to vote until its meeting on January 24.

Ms. Capels said that another option would be to present the comments at the City Council level. She noted the Council would have to have a new hearing if it made substantive changes to the proposal. Ms. Power said she was opposed to putting off the vote. The hearing was warned for 30 days and the Housing Task Force had ample opportunity to comment. This is not the end of the public process and there will be additional time to comment. Mr. McCormack said he did not think that anyone hearing the answer to Mr. McCulloch's question would have believed the answer that written comments would be accepted meant they would be reviewed by the City Council rather than by the Planning Commission.

Ms. Campbell asked what the implication would be if the amendment was not voted on that night. Ms. Capels said the City Council would not receive the draft until their next meeting which is scheduled for a date around February 9. That would mean that their first public hearing would not occur until March.

Mr. McCormack said he did not know for sure how he would vote on January 24th, although he was inclined to vote for the amendment, but he could not vote for it tonight. Ms. Power said he was saying that the rest of the Commissioners were committed to not taking action because the chair said that the Commission would receive comments until the 24th even though the chair has already said that he would vote against the amendment. Mr. Borgendale clarified that he said that he would vote against moving ahead with the proposal tonight. He said the Commission has too often voted to move out products without seeing the final draft with the written changes. If the Commission redrafts the proposal and it reflects the changes that were discussed, he will probably vote for it. He did not want to vote out a product that the Commission members have not seen in order to meet time pressures that are based upon which Council members might be acting on the product. He is not opposed to the proposal in principle. Ms. Campbell said, in that case, she would propose the Commission consider all input and have a draft prepared that it can act on at the next meeting. Mr. Borgendale agreed. The Commission needed to identify all necessary changes tonight.

Mr. Borgendale said one of the needed changes was to 3.2.1.a on page 18. He proposed deleting the words "prepare" and "resource permitting" and adding the word "complete" so that the sentence would say ". . . will complete an inventory of key natural features . . .". The stronger language is needed to show a commitment to this effort. Ms. Campbell said that, as a representative to the Open Space Advisory Committee, she did not know if the committee thinks that this is feasible. Mr. Borgendale said that the point of making this a commitment is that the Planning Commission and Council will also be committed to providing the resources needed to get the work done. Ms. Grodinsky said she thought the work was a project for a consultant, not for volunteer citizens. Ms. Power said the point of putting the commitment in the Master Plan is to let the Council know that they need to dedicate the resources needed to do the work.

Mr. Borgendale said that item 4.5.1.h on page 26 needed to be fleshed out. Ms. Grodinsky proposed that it say ". . . develop a toolbox that includes tools such as . . . to accomplish preservation of the public open space. Mr. Sedano said the description of the tools was the important part. Mr. Borgendale said the City

needs a plan for the acquisition of lands. The intent was to indicate the City would not use police powers. Mr. Sedano suggested saying "which includes ways and means" as that is the legislative term for how things are paid for. Mr. Borgendale said that was a good phrase.

Ms. Power recalled that Mr. Borgendale wanted for the Open Space Advisory Committee to do the work it was to do and then for the Planning Commission to use that work to prioritize the pieces of land that the City was to preserve by various means. Mr. Borgendale said the purpose was not just to identify what to preserve, but also what purpose the land was to be preserved for. That will affect the means that are appropriate. Mr. Sedano said that is not complete because Mr. Borgendale was also saying the Planning Commission needs to do work to apply the system to the open space recommendations. Ms. Capels said she thought that would be embodied in developing a plan. Mr. Borgendale said there should be a map, the prioritization of parcels, and a plan for acquiring the rights. He wants to be explicit. Ms. Campbell said the second part of that is not in the Open Space Advisory Committee resolution, but the Conservation Commission was working on it. The statement should refer to collaboration with the Conservation Committee. There was general agreement on the inclusion of the reference to collaboration. Mr. Sedano suggested that 4.5.1.h be revised to state . . . shall develop a plan "*which reflects the Planning Commission's use of the criteria and tools developed by the Open Space Advisory Committee and, in collaboration with the Open Space Advisory Committee, to evaluate the inventory of open space identified by the Open Space Advisory Committee which includes the way and means*" for the preservation . . . Ms. Campbell said the statement should be revised to say "*in collaboration with the Conservation Commission*". Mr. Sedano agreed to the change. Mr. Borgendale said that there are really two parts which are, first, identifying and prioritizing parcels and, second, determining how to get rights for the preservation of the parcels. The second part is more the role of the Conservation Committee.

Mr. Borgendale said Mr. Zorzi noticed a numeric correction that is needed. The triangular portion is 30 acres that would be subtracted from 55 acres, leaving 25 acres. Mr. Sedano said that Mr. Zorzi also suggested the Planning Commission assess the budgetary effect of doing that. Mr. Sedano said that was not really the Commission's role. Ms. Capels said that it actually should be addressed in the Commission's report. Ms. Power said the interesting point is that the development proposal was not for business development. The GB zone is so broad in the uses that are permitted, it would be difficult to assess any effect on the budget.

Mr. Borgendale said his last issue was that the Commission has not identified and prioritized what constitutes valuable open space. The Commission should be doing that in the next few months. Ms. Power said the Commission could wait to make those decisions when the needed information is available and risk that the land will be developed in the meantime or it can move on and return to that issue if needed when the information is available.

Mr. McCormack asked whether TND was being changed to traditional neighborhood *development* everywhere that it appears. Ms. Power and Ms. Campbell agreed that it should. Mr. McCormack said that he had also heard one comment suggesting that the amendment should not refer to Sabin's Pasture by name in order to avoid the argument that the plan is for an individual property. Mr. Borgendale said the point of the comment was that Sabin's Pasture should be deleted from the sentence on page 12 describing the City's past preservation efforts since it is a statement of historical preservation efforts. Ms. Grodinsky said the City did try to protect Sabin's Pasture with the interim zoning. Mr. Sedano said that was how he read it also.

Mr. Borgendale said he had a general comment. The term “comprehensive plan” is a critical one. The amendment needs to fit in as a piece of a comprehensive plan and not just something done to this property as a result of public outcry. The Commission needs to be satisfied that the treatment of this land is similar to the treatment that the Commission would give any piece of land in the city. Ms. Grodinsky said she thought that was the purpose of the inventory, to identify all of the features on those properties. That would put all of the properties on the same level. The problem for the Commission is that it may not have the inventory when it needs to move ahead. Ms. Power said this property is different than other properties in the city. Community support for Sabin’s Pasture extends well beyond the adjoining property owners. The property has community importance and the controversy demonstrates that the City planning has not gotten it right.

Mr. Sedano said one of the Housing Task Force comments that he was struggling with is the statement that the Reserve extends beyond the interim zoning Area. He did not understand why that is true. Since he recused himself on map issues, he did not want to get further into the issue, but simply wanted to say that it sounded strange. Ms. Power said she was thinking the overlay was meant to cover all of the Sabin’s Pasture property including a part that was purchased by Union Institute because the issues seem to be the same on the entire Sabin’s Pasture parcel, not just the part covered by the interim zoning. Ms. Campbell asked if it was necessary that the mapping extend into the Union Institute property. Ms. Power said that in order for the Commission to consider the college property in any rezoning, it has to be in the Reserve. Placing the land in the Reserve does not extinguish the existing zoning until such time as the Commission chooses to rezone it. Mr. Borgendale said he thought the way that the Commission’s map was drawn was possibly too specific to the zoning subcommittee’s proposal. Ms. Power said she simply redrew the boundaries of what was Sabin’s Pasture. Mr. Borgendale said, if that was the basis, he was okay with it, but it does look strange. Ms. Campbell asked whether the line was based on the historical boundary line of Sabin’s Pasture. Ms. Power said she did not know. The land included in the Reserve is not developed and that was the basis of its inclusion. The Commission does not have the exact boundaries of Sabin’s Pasture.

Mr. Sedano said he would restate the question, asking why the Reserve goes beyond the interim zoning. Ms. Power said that the interim zoning was imposed primarily on property that was the subject of the development proposal. The Reserve map shows all of the College property that was acquired from Aja-Zorzi and the Aja-Zorzi property. Mr. Borgendale said he was bothered by drawing lines based on the property lines. He wondered if that is the right way to do it. Ms. Campbell said if the Commission just looks at the interim zoning limits, it would not be really looking at land use planning for the whole area. The essential question is whether the map allows the Commission to do the land use planning for the area as it needs to. Ms. Power agreed and said the property line generally follows the bottom of some rather steep contours behind the College. Ms. Campbell said she was not hearing a compelling reason to change the map for planning purposes and asked whether it could be left as it is. Mr. Borgendale said he supposed so, but it seemed when lines are drawn based on ownership lines, the mapping is not being done properly.

Mr. Sedano said he wanted to get to the Housing Task Force comments. The first comment could be addressed in recommendation 2 on page 40 by adding “. . . and which adheres to the principle that Montpelier should be organized around a more dense center with multiple, less dense zones around the center.” That change would also address the Task Force’s second comment. Mr. McCormack said he would like to point out, for the record, that he did not agree with the statement quoted in the first bullet of

the Housing Task Force comments. He was the dissenting voter when the Planning Commission approved the statement.

Mr. Sedano said the third recommendation was that the Planning Commission take notice that ordinances and by laws aimed at increasing and maintaining housing are possible. Mr. Borgendale said he seemed to remember there is something like that in the 2000 Master Plan. Mr. McCormack said he agreed that those issues may not be pertinent to the current amendment. Density bonuses may be an exception as they may be relevant to the amendment. Mr. Borgendale said he did not think so.

Mr. Sedano said he thought that the three comments on TND are addressed by the way that the Commission has defined the term. The comments on the Reserve have been addressed although the Commission has not taken up much of the Housing Task Force suggestions. The last bullet will be addressed in the work that the Planning Commission has committed to do.

Mr. Borgendale asked Ms. Capels if she had enough input to produce a draft and get it out to the Commissioners by the end of the week. Ms. Capels said she did.

Ms. Power said since the Commission knows what changes it is making, she will make a motion that the Planning Commission pass the proposed Master Plan amendment on to the Council tomorrow. Ms. Campbell seconded the motion.

Ms. Grodinsky asked if there was a chance the Commission could do that and then make the changes. Ms. Capels said the Council would have to receive the document tomorrow. She believed the Council could make some adjustments before they warn the document as their own. Their notice would have to be published by February 8. Ms. Grodinsky said the Commission could give them the draft and then say here are some suggested changes. Ms. Campbell said she would vote in favor of the motion if the changes were put forth as the Commission's recommendations.

Mr. Sedano said Ms. Capels recorded the changes where the Commission reached consensus. He heard Ms. Campbell to suggest that the Commission vote on what it has agreed upon and rely on Ms. Capels to produce it tomorrow for the Council. Ms. Campbell said that was part of it, but the Commission would not have an opportunity to see the changes, so it should have the opportunity to tell the Council of any suggested changes that have not been made to the draft that is transmitted to the Council. Ms. Grodinsky said the Commission could send a memo. Ms. Power said, if the printed version does not reflect what the Commission has decided upon, there is a process for corrections.

Ms. Campbell said that, since the chair said the Commission would accept further input, the Commission would want to state whether it believes that input should be addressed. Ms. Power said if the Commission believes the comments should be addressed, it could pass the comments and its thoughts on to the Council. Ms. Capels clarified that the Council would receive the draft tomorrow and would not have a chance to discuss any additional adjustment that they receive until their next meeting on February 9 which would be after the hearing notice would be published. The Council would have to republish another 15-day hearing notice if substantive changes were made.

Mr. Sedano said he wanted to commend Ms. Power for heroically answering the questions that came up during the public hearing. He cannot vote on the map but would be happy to vote on all parts except the map.

Ms. Power said she would move the Planning Commission adopt the changes that have been discussed and proposed and send the results to the City Council tomorrow. Mr. Borgendale said the motion would need to be that the Planning Commission adopts the draft amendment to the Master Plan. Ms. Power agreed and said that the motion would be that the Commission adopt and approve the changes to the Master Plan proposal. Ms. Campbell reiterated that Mr. Sedano needed to abstain on the issue of the map. Ms. Capels said that there would have to be four affirmative votes for the motion to pass.

Mr. Borgendale asked Ms. Capels to read the motion. Ms. Capels said the motion was to adopt the changes that were discussed and proposed and to send the results to the City Council tomorrow. Ms. Power said she would revise the motion to say that the Planning Commission incorporate the changes to the proposed amendments to the 2000 Master Plan and approve them for transmission to City Council with the recommendation that the City Council adopt those amendments to the Master Plan.

Mr. Borgendale said he intends to vote against the motion. If the motion was made on Monday when the Commissioners have had a chance to see the final draft, he would vote yes. He did not approve of the Commission submitting work products when it has not seen the final draft. Mr. McCormack said he would vote no because the Commission said it would not do this tonight.

Mr. Borgendale called the vote, which was 3 affirmative votes (Ms. Power, Ms. Grodinsky, Ms. Campbell), 1 additional affirmative vote that included an abstention with respect to the map (Mr. Sedano) and 2 negative votes (Mr. Borgendale and Mr. McCormack).

Ms. Capels said she was not certain what the vote means because of the partial abstention, but believed the motion failed. Mr. Borgendale suggested she discuss the matter with the City Attorney tomorrow morning.

Adjournment

Ms. Power made a motion to adjourn the meeting. Ms. Grodinsky seconded the motion. The motion was approved unanimously. The meeting was adjourned at 11:20 p.m.

Respectfully submitted,

Valerie Capels

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.

Transcribed by Kathleen Swigon