

Montpelier Planning Commission
Monday, March 24, 2003
City Hall, 7:00 p.m.

Subject to Review and Approval

Present: Chair David Borgendale, Vice-Chair Sara Teachout, Members Bryan Mitofsky, Anne Campbell, Irene Facciolo, Curt McCormack, Carolyn Grodinsky, Planning Director Valerie Capels, Planner Stephanie Smith

Others present: Fred Connor, Chris Cochran from the Division for Historic Preservation, and David Kidney

Approval of the Minutes

There were no minutes to approve.

Call to Order by the Chair

Mr. Borgendale called the meeting to order at 7:08 p.m.

Comments from the Chair

The Chair stated that this would be the new Planning Commission's first public hearing.

Review of the Agenda

No comments.

Public Hearing of 204.B.2

The Chair asked Ms. Capels to provide background for the public hearing. Ms. Capels explained that the City Council requested clarification of the language found in Section 204.B.2 of the Zoning and Subdivision Regulations, which states that no more than 25% of a lot can be used for above ground parking. The Council believes their intent did not include enclosed parking, and parking within the building footprint (60%) was over and above the 25% allotment for surface parking. Ms. Capels read the warning for the public hearing, which included the proposed zoning revision.

The Commission acknowledged receipt of a letter from Fred Connor outlining a request for a clarification of the proposed language, and a suggestion for additional language. There were no other public comments. The Chair closed the public hearing and opened commission discussion. Mr. Borgendale suggested going over Fred Connor's letter point by point. The first point was a correction to the public hearing notice. It was noted by the Commission.

Mr. Borgendale read item #2 concerning removal of the term "accessory". Ms. Teachout believed that "accessory" is necessary to the zoning amendment and that 49.9% seemed greater than what one would normally conceive as "accessory".

Mr. Borgendale read item #3. The commission confirmed that the percentage 49.9% referenced the total square footage of the building and not just the footprint. Ms. Capels added that she understood the commission's intent was to prevent the development of structure in this area where parking was the primary use.

#4 The Commission agreed with Mr. Connor that their intent was that parking spaces on the same site could be either enclosed parking, unenclosed parking, or a combination of the two types to satisfy any parking requirements.

#5 Mr. Connor in his letter requested additional language to exempt access/egress to parking garage from screening. Ms. Facciolo agreed that an entrance or exist from a garage should not be screened. Ms. Campbell thought that theoretically it was possible to have an open first floor with no walls, and that the addition of this language is not the intent of the Commission.

Mr. Connor representing the Pryalisk Art Center, owners of the "Salt Shed Property," asked to speak and clarify his request. He stated that envisioned access to the enclosed parking on either on the side of the building facing Hunger Mountain Coop, or off Stone Cutter's Way. Ms. Campbell asked if he envisioned more than two entrances/exits. Mr. Connor said he envisioned two entrance/exits, one in and one out, approximately the width of three parking spaces. They would be open doors, much like City Center's garage entrance/exit, with architectural treatment around doorway.

Ms. Facciolo restated Ms. Campbell's concerning with an open parking area under a building and that the proposed language had to apply for the entire district regardless of the Prylisk's intentions for enclosed parking.

Mr. Connor stated that the structure would need support and it would be impossible to have an open front. Mr. Borgandale believed it is possible to have a building raised on pylons with parking underneath. The language should not permit this type of solution.

Ms. Capels stated that the determination of screening could be made on a case by case basis and advocated for a less prescriptive regulation, and that there was other language in the Section 204 which would deal with the need for screening.

Mr. Borgendale agreed with Ms. Capels and read Section 204B.3.d Screening, and thought this requirement would address the issue of screening. Service entrances and dumpster could not be located on the street, or water side. Ms. Facciolo thought that service entrances and delivery entrances are very different from parking garage entrances, and that this language would not cover the issue being discussed.

Mr. Borgendale said that the commission should amend the zoning amendment and then forward it to the City Council. The Commission discussed various changes which addressed the need for un-obscured access to a accessory parking facility.

Ms. Teachout thought that the Commission did not need to amend the zoning amendment. Mr. Borgendale still wanted to clarify the intent of the regulation with regard to screening and visibility of a parking garage entrance and suggested that the location of entrances not be located on the river or street sides of a property. Ms. Facciolo thought that it was a good decision and that if that is what the Commission wanted it should be outlined in the regulation.

Ms. Teachout thought adding language about screening was unnecessary, and that it was to prescriptive. Discussion continued about where entrances should be located and whether or not they should be located on a primary elevation of a building.

A motion was made to amend the proposed zoning amendment to Section 204.B.2 by Mr. McCormack to include language as requested by Mr. Connor with some additions as discussed by the Commission. The amendment as proposed by Mr. McCormack was as follows: and (3)

feature up to two vehicular access/egress entryways which are not required to be screened, and shall not be located on the street side or the river side of the structure.

Ms. Facciolo seconded the motion.

Ms. Campbell asked if it was necessary to clarify the width of the entrance/exits. The Commission decided that “two vehicular entryways” would imply width of car and that no clarification was needed.

The motion passed unanimously.

Mr. Connor asked for clarification of the word “accessory”. Ms. Capels explained that the Commission added the word in order to prevent construction of a commercial parking structure in the Riverfront District.

Mr. Borgendale discussed the next steps and asked for a motion to forward the proposed amendment to the City Council. The stated motion was moved by Ms. Grodinsky and seconded by Mr. Mitofsky. It passed unanimously.

Mr. Borgendale asked Ms. Capels to explain the next step with the proposed zoning amendment. She gave the time line and thought that the first hearing could happen in late April early May. If the Council makes any substantive changes they must rewarn the hearing. Once warned the proposed amendment is in effect and any proposals must meet both standards.

Review Process for Sabin’s Pasture Re-Zoning Petition

Mr. Borgendale asked Ms. Capels to inform the Commission of what the petition is for and whether it meets State Statute requirements. Ms. Capels said that a petition for a zoning district boundary change is before the Commission. The petition meets state statute requirement of being signed by more than 5% of Montpelier registered voters. The Commission must forward the petition to the City Council promptly and can only make changes to correct for technical deficiencies.

Does the Commission want to prepare a report addressing the proposed zoning map amendment? The statute does not mandate a report. It does provide guidelines for the report, but no time line for how quickly the report should happen. If the Commission does not want to prepare a report a public hearing could be warned as early as April 14th.

A commission member asked what are “technical” changes versus “substantive” changes? Ms. Capels said that the Commission cannot change the substance of the petition but can recommend that changes be made to the petition; it will be up to the City Council to take action on any changes or to accept the petition as written by the petitioners.

Mr. Borgendale asked what type of issues would be covered in a report. Ms. Capels provided the Commission with a copy of state statute and read the statute, but she stated that what is contained in the written report on the map amendment is up to the Commission.

Mr. Borgendale asked if the Commission could have the public hearing and then decide to assemble a report. Ms. Capels said she didn’t see why not. The statute seems to imply the report would happen first, and it would be available for public review. Mr. Mitofsky thought that

the report was very necessary by the use of the work "should" in statute. Ms. Grodinsky thought a report would not be needed because the proposed amendment reduces the impacts to land and the community. Ms. Teachout thought that statute implies a report should be written whether or not impacts to the land are reduced. The request before the Planning Commission alters the density in "Sabins Pasture" and there might be greater impacts city wide. Mr. Borgandale thought the proposal would definitely have long term costs for the city.

Ms. Capels said the statute applies to all zoning amendments, not just petitions. The Commission might find that the petition should be forwarded to the City Council expeditiously and that the public hearing process would bring to light the intent of the petitioners and the needs of the city.

The Commission discussed timing and content of the report, and including recommendations to the City Council.

Mr. Mitofsky made a motion to have a public hearing on the proposed zoning map amendment and then produce a report. Ms. Teachout seconded the motion.

Mr. McCormack asked to clarify if the report and recommendations to the City Council happens at the same time. Mr. Mitofsky thought this was a reasonable request. Mr. McCormack amended the motion on the floor to include recommendations and a report be forwarded to the City Council after a public hearing is held.

Mr. Borgandale discussed the need to establish the intentions of the petitioners. The graphic exhibiting the desire to change zoning district boundary lines does not provide much information on the intent of the petitioners. Another item is whether the petition accomplishes the intended objectives and whether the Planning Commission agrees with those objectives.

Ms. Teachout asked if they should set a date for the public hearing. The petitioners requested that the hearing take place as soon as possible potentially April 14. Mr. Mitofsky thought that this was pushing the amendment to quickly through the public process and that the petitioners represent one side of the issue.

Ms. Capels said the Planning Commission is not limited to one public meeting. Ms. Campbell asked if the Commission could begin the process by warning one meeting for April 14, after that the committee could have another if they needed to. Mr. Mitofsky modified his motion to warn two public hearings and restated the complete motion as:

The Commission to hold two public hearings , April 14, and April 28, 2003 to discuss the proposed zoning amendment to the area commonly known as "Sabin's Pasture", with a report done in conjunction with recommendations to the City Council.

David Kidney, representing Friends of Sabin's Pasture, said that until the City Council publishes their warning, the existing regulations are in effect, making this petition and the Commission's work moot if a development application is submitted in the meantime. The Planning Commission needs to move quickly. A report is not required, but the Planning Commission "shall" move promptly and forward the amendment to the City Council. He expressed a concern about the Commission scheduling two hearings, and dragging the process out, and proposed the that a single hearing be warned and continue if needed.

Mr. Mitofsky took exception to the fact that the Commission was moving slowly. They moved to put the proposal on for the two next meetings.

Mr. McCormack asked at what point does the proposed zoning come into affect. Ms. Capels stated that it is the day the City Council's notice for a public hearing comes out in the paper, and that any development proposal or zoning permit application must meet both standards or a permit can not be issued until action is taken by the City Council or until 150 days have passed.

Mr. Borgandale asked if the Commission would need to warn a second hearing and in doing so it could not take place until early May. Ms. Capels said that the Commission can continue a public hearing to another meeting without re-warning it. Mr. Mitofsky felt that it was important that both meetings were duly warned in the paper so the public knew in advance of the scheduled meetings.

There was more discussion of process, forwarding the request to the City Council, and substantive changes to the scope of the request.

Mr. McCormack asked what constitutes a development application. Ms. Capels said that it must be a complete application per the standards of the regulations.

Ms. Grodinsky asked what was the normal process? Ms. Capels said it varies depending on the situation, but the city tends to err on the side of public involvement. The Commission in the past held more than one hearing when needed.

Mr. McCormack moved to reconsider the earlier motion, seconded by Ms. Grodinsky. The motion passed 6-1, with Mr. Mitofsky in opposition. Mr. McCormack made a motion to amend the reconsidered motion to hold a public hearing on April 14 and April 17, seconded by Ms. Teachout.. The motion passed unanimously.

The Commission presented to the public the petition to amend the zoning map in an area commonly known as "Sabin's pasture" and adjacent neighborhoods.

Certified Local Government

Chris Cochran presented information about the federal program administered by the Vermont Division of Historic Preservation that provides funds to communities to promote historic preservation. Many communities in the state participate in this program, which provides money for historic preservation, training of boards, and provides technical assistance to communities. The money is from the National Park Service; it is 10% (~\$50,000) of the federal appropriation to Division. It is a consistent source of funding for historic preservation activities. If the money is not used it goes back to Washington DC.

To be eligible, a community must pass a preservation ordinance and appoint a historic preservation commission. A draft of the "bare bones" ordinance was distributed to the Commission in advance of the meeting.

Ms. Teachout asked if there were any down-sides? Mr. Cochran said it is the creation of another entity, but there really are no down-sides, as long as a community's philosophy supports preservation. Once a community is designated a CLG, it does involve reporting, but

the guidelines are not stringent. He said consistently, year after year, most projects are funded.

Ms. Campbell asked for examples of funded projects. Mr. Cochran said that projects are only limited to a community's imagination, but the money must be used for preservation activities. The money could be used for the design of facade enhancement, but is not normally used for "bricks and mortar" projects. Burlington is using money to update their zoning regulations. Who applies for and administers the grants depends on the community.

Mr. Mitofsky asked if money be used to pay for staff time. Mr. Cochran said yes, but there is a matching requirement which can be in-kind so staff time would be wiser used toward that match. Mr. Mitofsky asked if the money could be used to support local tourism, and fund a docent to lead historic walking tours through the city? Mr. Cochran said yes.

Ms. Capels said that a CLG grant could help fund initiatives that are already on the Planning Commissions "To Do List," such as hiring a consultant to help with design guidelines for the Design Control District or updating the sign regulations.

Mr. Borgandale felt there is considerable overlap between the DRC and a preservation commission. Mr. Cochran said that a preservation commission would not necessarily conduct design review. The two committees could be made up of most of the same members, except the preservation commission must meet the professional background requirements.

To go ahead, Mr. Cochran suggested that the Commission hold a public hearing and then forward the proposed ordinance to City Council. Once adopted, a preservation commission is appointed. The city asks for certification, the state reviews the application and forwards it to the National Park Service in Washington DC.

Mr. Mitofsky asked if the MDCA was supportive? Ms. Capels said the MDCA is very supportive of Montpelier becoming a CLG.

Ms. Teachout asked to whom does a preservation commission report? Ms. Campbell read from the information provided to the Commission and said that the preservation commission would report to the Planning Commission and City Council.

Ms. Facciolo asked how would this designation alter the permit process and the responsibilities of the DRC. Ms. Capels said the preservation commission would not be a review authority and only if federal funds are used on a project does the preservation commission have a role in commenting on that project.

The Commission decided to table the discussion and to talk to the MDCA, Design Review Committee, and the Montpelier Historical Society, as well as, mull over the content of the sample ordinance, requirements, and the impacts this would have on the city. The Commission planned to revisit the topic again May 26.

Other Business

The Commission postponed review of the March 10th retreat to another meeting.

Adjournment

The meeting adjourned at 10:15 PM.

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.