

Montpelier Planning Commission
July 14, 2003
City Council Chambers, City Hall

Subject to Review and Approval

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

Call to Order

Mr. Borgendale called the meeting to order at 7:10 p.m.

Approval of Minutes and Review of the Agenda

Mr. Mitofsky made a motion to approve minutes from April 28, May 12, June 9, and June 23, seconded by Ms. Grodinsky. Ms. Campbell thought she was misquoted on page 2 of the June 9 minutes. She said "the small size (population) of Montpelier makes the city a *desirable* place to live," not "beautiful." The motion to approve the minutes as corrected passed 7-0.

The chair reviewed the agenda. Mr. Mitofsky pointed out that agenda item #6 should read "508.B.4" and not "504.B.8." The change was noted by all.

General Appearances

The chair asked if any member of the public would like to provide comment on anything that was not on the night's agenda. No one from the audience spoke.

Public Hearing- Application for Zoning Amendments

The chair opened the public hearing on items #6 on the agenda, and asked Ms. Capels to present the application before the Board. Ms. Capels recommended that the commission not confuse the proposed housing project and the request for the zoning change. She reviewed the request to extend the Central Business-II (CB-II) district from Putnam Street to Granite Street, bound by the railroad tracks and Barre Street. Some uses are non-conforming grandfathered uses in this area and would remain unchanged with the proposal. Susan's Kitchen and the hair salon at 207-209 Barre Street are permitted uses in the General Business (GB) district and would become conditional uses with the proposal.

The other amendment before the commission is to reduce the minimum lot size requirement for developing a planned residential development (PRD). Ms. Capels stated that the current 3 acre lot size requirement for PRDs appeared to be an oversight in the August 2002 regulations, and is inconsistent with other housing development objectives.

Alan Lendway, representing River Station Properties III, reviewed the zoning change application they submitted. The request to extend the CB-II district down Barre Street would provide an opportunity to redevelop inefficiently used properties for housing, enhance the streetscape, and preserve historic structures. It also presents an opportunity to enhance pedestrian corridors by changing the GB designation, which §203 of the regulations clearly states is for automobile oriented development. Mr. Lendway conveyed that this area is a logical place to locate housing. The needed infrastructure already exists--roads, sewer and water lines, sidewalks into downtown. The Montpelier schools have capacity for additional enrollment if sites were developed as housing. A number of existing manufacturing uses compete with

adjacent residential uses. He added that Roger Dickinson provided a preliminary traffic analysis and pointed out that there are three or four potential outlets for additional traffic created by redevelopment within this area. This proposal reinforces a number of concepts within the Master Plan, which staff outlined in the report to the commission. Mr. Lendway asked that the commission look favorably on this request.

Ms. Hooper, speaking for the MDCA, supports re-zoning this area. The area is part of the designated downtown and the requested change supports the mission of the state's Downtown Program. In addition to extending the CB-II district, Ms. Hooper asked the planning commission to consider extending the Design Control District (DCD). The extension of the DCD will assist with retaining the integrity of the CB-II district and the Designated Downtown district.

Polly Nichols speaking for the Montpelier Housing Task Force endorses the zoning district change. The zoning change allows for denser housing in the downtown, where the city should encourage additional housing development.

Bob Rochefort stated that he is one of the affected property owners. He is concerned that the uses identified in the report as non-conforming uses would somehow be affected by the change. Ms. Capels stated that an existing non-conforming use would remain as such even with the zoning district change. The use runs with the land and would not change if the property was sold. Ms. Smith added that if a non-conforming use ceased for a period of time (six consecutive months), the rights to continue that use shall expire.

Mr. Borgandale asked for a clarification of extending the DCD. Ms. Capels stated that extending the DCD is not part of the application to the commission; however, the planning commission can include it among their recommendations to the city council.

Barbara Ripley, a resident of College Street, endorsed the proposed zoning change.

Trevor Cole, a property owner in the affect area, expressed concern about the proposed change. His property would be affected somewhat adversely, making a couple of the uses conditional, where they were permitted under the GB designation. He asked the commission to re-evaluate the conditional and permitted uses in the proposed district. Commissioner Mitofsky agreed, and said he would also like to revisit the use table with respect to the CB-II district.

Mr. Mitofsky commented that the proposed district change complements the idea of the Montpelier Parking Committee and will assist them as they move forward with parking recommendations for this area of town.

Mr. Borgandale suggested that staff develop draft language including the recommendation to extend the DCD, and asked the commission to table this item to the next meeting.

Mr. Lendway requested a time-line for the approval process. Ms. Capels explained that the proposed amendment could go before the city council as early as August 6. The council cannot hold its first hearing, however, earlier than 30 days from when they receive it from the commission, which means their first public hearing could be as early as September 10. Once approved, the amendment will not take effect until 21 days later, which will put it into October at

the earliest. However, the proposed zoning change would go into effect along with the existing regulation once it is warned for a public hearing before the city council.

Mr. Lendway commented that he approved of the proposed amendment to 508.B.4, and would like the planning commission to forward it to the city council as soon as possible.

Ms. Facciolo requested that at sometime the planning commission discuss the potential for extending the Design Control Overlay District down to River Street.

Mr. Mitofsky made a motion to table action on this item until July 28, 2003, and asked staff to include language about extending the Design Control Overlay District as part of the proposed zoning map amendment . The motion was seconded by ___? The motion carried unanimously.

Fix-it list

The commission continued discussion of the fix-it list, dated June 6, 2003. The following items were revised upon discussion by the planning commission:

Administrative Adjustments

#1 the fourth item down "Section 811.B.2 a-g" is a repeated in the memo, Ms. Smith asked the commission to strike it.

4 Graphics and #5 Prohibition of Structures in Required Setbacks, were determined to be substantive and were moved to be consider as substantive adjustments.

Mr. Mitofsky asked that #9 referencing Section 811.B.2.(3) read "Interior ~~Temporary~~ Signs"

Substantive Adjustments

#11 Ms. Facciolo and Ms. Teachout requested that the "district objective" for the Cemetery District be tabled for further review. Ms. Smith suggested that the commission still consider updating the zoning map to include all cemeteries in the Cemetery District, and all public recreational areas be included in the Recreation District. The commission requested clarification on the whether North Branch Park, the pool and ballfields were all public parks. Ms. Capels believed that are. Ms. Smith commented that including these areas in the appropriate districts should clarify the resources maps and make analysis in the course of the master planning process easier.

#12 "Accessory Structures and Uses," the commission thought that this provision could be applied to all structures not just existing historic structures. Ms. Smith stated that this provision was to insure the use of existing historic out-buildings within the downtown and that there are other provisions in the regulations that allow for development of another dwelling unit on a single property, as long as the development meets the setbacks. The commission asked that this item be tabled until further review of the existing provisions for greater densities on developed properties could be evaluated.

#13"Setback requirement for additional height" was tabled.

#14 PRD Definitions Section 508.B.4 was heard earlier that evening and should be removed from the fix-it list.

Mr. McCormack requested that the planning commission review the setback requirements. He would prefer there be no setback requirements, and he finds that setback requirements actually prevent traditional neighborhood development from happening. Ms. Capels agreed that the commission should review the existing setback requirements, but it will be a more involved undertaking than can be included with these suggested changes.

#16 Article 6 Sketch Plan Review, the commission asked staff to draft language for this provision. Mr. Borgandale asked if an applicant would ever be denied a sketch plan review opportunity, even if they went through the process 10 times. Ms. Capels stated that this was an interesting question as the city does not charge for sketch plan review, but that this was a pretty intensive process for all involved. It is assumed that by making sketch plan review optional it would actually cut down on the number of submissions for sketch plan. The commission agreed that they should be made option.

#17 Section 606.B Application Procedure, the commission disagreed with the proposed language. The commission members felt strong about retaining a deadline for when an complete application can be proceed to a public hearing. Ms. Teachout asked Ms. Smith if 45 days was better than 30 days. Ms. Smith said yes, but the intent was to eliminate the time limit. The commission felt it was important to retain that time limit in the interest of the applicant.

Ms. Smith asked the commission to review the proposed graphics carefully; they will guide future administrators and the public on how to interpret the standards.

The commission asked staff to amend the note under graphic #3 of Exhibit 207.A to read "Flat Roof on Slope" and not "Commercial Structure on Slope."

The commission began a discussion on whether the height of cupolas, weathervanes, and solar panels would be subject to the implications of the graphic, or be included in the height measurement. Ms. Capels stated that there is a section in the regulations which addresses church spires, radio towers and such. Mr. Mitofsky referred the commission to page 2-21 of the regulations; these type of roof top appurtenances would not be subject to the height restrictions listed in Table 207.H. Due to the length of discussion, Ms. Capels suggested that cupolas, radio and TV antennas, solar panels, weathervanes and such, and if they are included in measurements of height with regard to additional setback should be discussed at another time. The commission decided to table review of the proposed 207.A graphic.

Ms. Capels recommended that the abbreviation "Etc." in 207.G. should be removed from the heading. The commission agreed, and it was added to the "Fix-it" list.

Ms. Capels clarified that the illustrations in 207.B will assist in interpreting the standards in regulations and which setback requirements apply on irregular lots, or lots with two or more property lines abutting public rights-of-way. Mr. Mitofsky asked if side yards generally have shorter setback distances. Staff replied yes. Mr. Mitofsky recommended that the planning commission encourage more compact development, and stated that the side yard setback requirement should apply when there are two or more determined front yards. Mr. Mitofsky asked why properties would have more then one front yard. Ms. Smith said that front yards are

not determined by architectural fronts of buildings; they are determined by the number of property boundaries which abut a public right-of-way. Mr. Borgandale wanted a clarification on the term "public right-of-way," would this include a "bike path right-of-way" or a "trail right-of-way." Ms. Smith said she thought setbacks would only apply to public road way right-of-ways.

Mr. Mitofsky made a motion to resume review of the fix-it list for a work session in August or September, and requested that staff draft changes as recommended by the planning commission. Mr. McCormack seconded the motion, which passed unanimously.

Sabin's Pasture Work Plan

Mr. Borgandale distributed copies of a work plan he developed for review and discussion. He explained that he believes the plan should specify objectives, and facilitation and implementation issues. It is important for the commission to identify competing interests--open space preservation and need for housing, and recognize that there are trade-offs. Through this process the commission might develop broad policies for how much and what types of land should be conserved within the city, and how does Sabin's Pasture rank with other types of open space resources in the city.

Mr. Borgandale spoke about housing needs, and asked "how much housing is needed? What are the regional needs? What role does the city want to play in satisfying these needs?" He commented that the City might establish policies which allow for denser growth as an alternative to sprawl in other parts of the region. He asked what type of strategy should be developed to satisfy these needs? He suggested that the planning commission, with assistance from staff, should gather the information the commission should use to make decisions about housing needs by assessing potential development sites in the city. If we make 95% of Sabin's Pasture off limits, what are the impacts of preserving this resource? What other factors will constrain development; traffic, transportation, etc. ?

Once the commission arrives at a set of desired objectives for the area, Mr. Borgandale asked, what land use or open space management tools would the commission need to accomplish those objectives?

Mr. Borgandale reviewed the draft outline of tasks. He noted that some would need to be accomplished as part of the master plan update process.

Ms. Grodinsky requested that the commission review the Natural Resource Inventory (NRI). She wants to incorporate findings and recommendations for open space and habitat corridors protection. Mr. Borgandale thought #2 of the draft work plan included this.

Mr. Mitofsky thought that #1 and 2 of the draft work plan actually address the commission's review of both the NRI and the Draft Views and Vistas study. Mr. Borgandale thought that this review would happen citywide to put Sabin's Pasture into a relevant context.

Ms. Teachout was concerned that all the information might not be available to meet the planning commission timeline for producing zoning for this area of town. She urged the commission to continue to make decisions even if all relevant materials and/or analysis was not complete.

Ms. Capels reviewed the timeline in the e-mail distributed with Mr. Borgendale's outline. Workshop sessions are interspersed with forums. On August 11 or 25, Ms. Capels scheduled a speaker to make a presentation on land conservation tools. A couple of commission members would miss presentation in the month of August, due to vacation schedules. Julie Campoli will be available to address density issues on either September 27 or October 14. Oct 27 would be the next planning commission work session, and the tax map update should be complete.

Ms. Grodinsky asked if there a expected completion date on the NRI report. Ms. Capels said she believed the report is complete, but Geoff Beyer would like to finalize details before distribution.

Ms. Grodinsky asked if an inventory of developable space would be complete this summer. Ms. Capels stated that the tax map update should assist with this, but will not provide all the answers. She added that some of that a good amount of information is available now. Ms. Grodinsky felt that these were the two biggest pieces of needed information. The commission agreed that they need this information before October 27.

Mr. Borgendale does not want to get bogged down in details, though estimates of development potential will be helpful. Ms. Grodinsky would like to look at a full build-out scenario. Ms. Teachout commented that there may be some variables that are not addressed in a full build-out of housing. Ms. Grodinsky stated she understood that if calculated it would not be entirely accurate, but a full build-out could provide a baseline for analysis of development potential in the city.

Ms. Facciolo said that #3, develop forecast for regional housing needs, has been completed. She was interested in regional impacts of housing development. Mr. Borgendale wants to look at the issues of sprawl, and the role Montpelier serves as a high density residential area. He asked if there should be more houses in Montpelier than spread out into the region, or should Montpelier focus on open space preservation. What role does the community want to play in these decision? Ms. Grodinsky felt that housing and preservation alike are part of the regional issues, Montpelier should develop a balance between them.

Ms. Campbell wanted one of the objectives of developing zoning for Sabin's Pasture to be tied to the existing master plan (page 25) Section 4.5 "Reinforce Montpelier's neighborhoods, both commercial and residential by encouraging diverse, compatible, and dense land uses that build upon the existing variety and character in these neighborhoods." Mr. Mitofsky commented that this recommendation could be applied city wide, to all development. Mr. Borgendale agreed with the recommendation in the current master plan, but struggles with how the planning commission might craft language which secures this type of development.

Mr. Borgendale asked the commission if they feel this work plan is suitable. Ms. Grodinsky asked if she could review the work plan and report back at the next meeting. The commission agreed with this suggestion. Mr. Borgendale asked commission members to form sub-committees to handle each of the various assignments as outlined in the work plan. The commission again agreed and a discussion ensued about which commission members would cover which topics.

Ms. Ripley, a member of the community suggested that the commission review the work plan and choose assignments at the next meeting. She also suggested that staff help guide the commission with each of the tasks. A commission member stated that tools for conservation can be addressed with workshop scheduled for next month.

Carol Doerflin thought that this process appeared to be moving quickly. She stated that consideration and analysis of the various inventories and studies is very important, and the commission should take more time in assembling that information. Mr. Borgendale agreed with Ms. Doerflin, and said there is a tremendous amount of information that needs to be processed to make appropriate decisions, but the planning commission was instructed by the mayor to complete this task as soon as possible.

Adjournment

Ms. Facciolo moved that the meeting be adjourned, seconded by Ms. Grondisky. The motion carried unanimously. The meeting adjourned at 10:00 p.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.