

Montpelier Planning Commission
October 12, 2004
Memorial Room, City Hall

Subject to Review and Approval

Present: Carolyn Grodinsky, Vice Chair; Anne Campbell; Richard Sedano, Irene Facciolo, Marjorie Power, Curt McCormack (arrived after the start of meeting)
Staff: Valerie Capels, Planning & Community Development Director
Others: Mayor Mary Hooper, Nancy Sherman, Ken Jones, Ken Matzner

Call to Order

The meeting was called to order by Vice Chair Grodinsky.

Comments from the Chair

The Commission members discussed the draft letter regarding the zoning consultants. Ms. Grodinsky said that the process would work better if all of the Commissioners agreed to the basic points that should be contained in the letter. Mr. Sedano noted that there does not seem to be unanimity on the matter. Ms. Power said that the letter could say that the Planning Commission members are citizen planners, that they wanted expert help in developing zoning that would have relevance to the rest of the city and that they asked the Council to get this help for them. Ms. Facciolo said that the Commission did not request that the Council hire the consultants. Mayor Hooper said that the Council clearly understood that this was a direct request from the Planning Commission. Ms. Facciolo said that she thought that the Commission was asking for funding to hire a consultant. Ms. Grodinsky said that the letter could say that the Commission was seeking funding for development of zoning that could be applied to the whole city. Ms. Campbell suggested the letter state that the Planning Commission unanimously felt the rationale for rezoning Sabin's Pasture must be applicable to other locations in the city. Mr. Sedano said the letter should say something about the Commission's interest to engage the city in the Master Plan and Sabin's Pasture rezoning work in the coming months.

Ms. Grodinsky summarized that there is agreement on three points:

1. The Commissioners are citizen planners who don't have the needed level of expertise;
2. There was a need to work on zoning particular to Sabin's Pasture, but the Commission wanted the new zoning to have applicability in the rest of the city. The Commission did not feel they had the necessary tools in the current zoning to address Sabin's Pasture in a way that would meet the goals for the city and funds were needed to get expert help; and
3. This is just the starting point, there will be opportunities for public involvement.

Mr. Sedano said the letter should not sound defensive. Ms. Grodinsky said that if everyone is in agreement on the points, she would get them to Mr. Borgendale and Mr. McCormack. The other Commissioners expressed general agreement. Ms. Facciolo said that when all of the members are in agreement, she will draft the letter.

Review of Agenda

Ms. Grodinsky said that Mr. McCormack will not be able to arrive until 9:00 p.m. and he requested that agenda items #7 and #9 be switched.

Minutes

Mr. Sedano made a motion to approve the September 13, 2004 minutes, seconded by Ms. Power. Ms. Campbell noted that her first name should be spelled with an "e" and Ms. Power added that the

abbreviation of her first name should also be corrected to be spelled with a “j”. The motion passed unanimously.

The Commission deferred action on the minutes of September 27, 2004. Ms. Grodinsky said that she believed that it was Mr. McCormack rather than Mr. Borgendale who mentioned “sharing the road” in the Transportation section.

Open Space Advisory Committee Resolution

The Commission deferred action on the Open Space Advisory Committee resolution.

Update of Council Rezoning Committee

Ms. Grodinsky asked whether a request could be made to Ms. Facciolo to send an update by e-mail.

Master Plan PR Plan

Ms. Grodinsky said that the printout of the PR plan did not include all of the text box. She said that the copy that Ms. Capels is making will have the hand written notes.

Ms. Power volunteered make a poster. Ms. Grodinsky said the Planning Commission agenda or other points should be in the Bridge. Mr. Sedano said the City’s page in the bridge would be a good vehicle for announcements if some space could be allocated from time to time. Ms. Power said information could also be sent to The World since it is a free paper that is delivered to all residents. Announcements could also be put on the local cable TV station. A public access show discussing the issues could also be put together. Mr. Sedano said that, in these efforts, the Commission should focus on a few specific issues that will capture the interest of the people. Mayor Hooper said that she was thinking of putting up posters at gathering places. The posters would be designed so that people could write their comments on them. Election day might be an opportunity to reach out to people coming through City Hall to vote. The posters could pose a couple of questions to generate responses. Someone should check with the City Clerk to see if this is possible. Ms. Power said the question could ask about the type of density people would like to see on Sabin’s Pasture. It could allow a choice between densities.

Mayor Hooper said that parts of the Master Plan chapters could be placed at gathering places like Capitol Grounds and the Coop. Mr. Sedano said that someone should check on whether the proprietors would want to have the copies.

Mr. Sedano said that the forums represented a significant part of the outreach process. The Commission is now synthesizing the input from the forums.

Ms. Capels asked whether the “Changing Montpelier?” logo used for Town Meeting could be used. Mayor Hooper suggested that Michael Hoffman be contacted. She thought the use of the logo would be a good idea. Ms. Capels said she would check to see if it is available.

Ms. Grodinsky confirmed that Ms. Power would work on the poster. Ms. Grodinsky asked whether someone would be willing to put something together for publication in The Bridge. The piece should be kept simple and focus on one issue per paper. Ms. Campbell said that she would take a stab at the first topic of concern.

Ms. Grodinsky asked what the Commissioners thought of a poster at City Hall on election day. Mr. Sedano said that the occasion will be right, but the question is how to do it. Ms. Grodinsky said she was thinking about pictures reflecting different types of density and asking how the residents would like those densities in their neighborhoods. Mayor Hooper suggested the honor system be used to vote on the densities using dots. Ms. Facciolo said that sticky notes could be used for comments. Ms. Grodinsky said that she would try to put the poster together. Ms. Facciolo said that she would help if there is a problem finding pictures to use.

Ms. Grodinsky suggested that the public access TV idea be kept on the list for future use. The “graffiti-type” posters could also be held until after the results of the election day poster are seen.

Mater Plan Timeline

Ms. Capels passed out copies of the draft timeline. Mr. Sedano asked Ms. Capels to advise the Commission on how realistic the timeline was. Ms. Capels said that, at this point, she did not know. She said that the timeline was developed at a point when the planning office was fully- or soon-to-be-fully-staffed. There has since been additional staff turnover and the planner position is now vacant and probably eliminated. In addition, the rezoning initiative is a high priority.

Ms. Power said that the Commission should work backward from the date that the Master Plan must be in place: September 2005. Ms. Capels said the City Council cannot have its first hearing on the Master Plan until 30 days after they receive it from the Planning Commission. *[Staff note: I subsequently learned that one of the Chapter 117 changes reduced that time period from 30 days to 15 days.--VC]* Ms. Power said that would mean 1½ months assuming that there are two weeks between the hearings. Ms. Capels said there is no set time frame required between hearings.

Ms. Capels said that, alternatively, the existing Master Plan could be readopted for up to five years or for a set time period, if the Commission and the Council are concerned about not having the updated plan done in time. Ms. Campbell said that readoption for five years seems totally irresponsible on the Planning Commission’s part.

Ms. Grodinsky said she is wondering if the goals and strategies can be issued as a first draft in order to begin to receive public comment. Mr. Sedano said he would ask what the Planning Commission wants the first draft to look like. There are two rounds of public process built into the schedule, which is more than the one hearing required; four hearings are built into the timeline.

Ms. Facciolo questioned whether the Planning Commission really has the time to rewrite the Master Plan concurrently with holding the hearings on the Sabin’s Pasture initiative. The Planning Commission and City staff have limits on the amount of time available. Ms. Grodinsky suggested putting out the Master Plan table of contents in order to get the ball rolling. Ms. Capels said that a big piece of the Master Plan--the land use plan--has not been drafted. She recommends that it be done before the draft sections of the Master Plan are issued to the public.

Ms. Campbell asked if Ms. Capels would be able to prepare the land use plan. Ms. Capels said that she could not do that immediately and it will require considerable involvement from the Commission.

Ms. Power said that the public will not pay attention to the words of the Master Plan. She said they will get involved when lines are placed on a map. Until the maps are ready, the Commission will not get significant public response.

Ms. Grodinsky said there needs to be a timeline so that the Planning Commission can decide which tasks it needs to work on. Ms. Capels said she is not sure of how much assistance the consultants will be able to give in this work. It may make sense to send out excerpts of the other sections for early feedback, but, given the rezoning schedule, she is unsure when the Planning Commission would be able to process that feedback.

Mr. Sedano said that the public will not react to the chapters. Putting out the simple questions the Commission previously discussed might be more effective than sending out the chapters. Ms. Grodinsky said the Commission has gotten some of the chapter work done and that information can be put out.

Ms. Campbell said the Commission needs to decide whether it is working under a one-year time frame or some other time frame. Mr. Sedano said he was not comfortable making that decision without Mr. Borgendale and other commissioners.

Ms. Grodinsky reiterated her suggestion that the Commission put out the chapter goals and policies as a first draft for feedback. Mr. Sedano said it would be deceptive to put the chapters out while the key chapter is not finished. Ms. Facciolo asked who will work on the land use chapter. Ms. Capels said she would ordinarily expect to do that in-house and to prepare the maps for the Commission's review. Ms. Campbell asked whether the Commission could have a special work session to work on the land use element and maps. Ms. Capels said the Open Space Advisory Committee has produced information the Commission was awaiting. Ms. Campbell said there are persons on the Conservation Commission who would also like to assist. Mayor Hooper suggested that the Commission have a workshop to work on the maps as a start of the process. Ms. Capels asked whether at the workshops we should use vocabulary of the SmartCode or our present frame of reference. Ken Jones said he believes that the new language will be understandable. He would not recommend doing the workshop with the old zoning language.

Ms. Grodinsky suggested discussing the zoning timeline and how the Master Plan will fit in. Ms. Facciolo said the deadline for finalizing the Sabin's Pasture zoning is Town Meeting Day. Ms. Capels said that the goal was to have the Planning Commission's first hearing in November. If we followed the Commission's regular schedule, November 22 would be soonest possible. Ms. Facciolo said the RFP provided that the consultant would be present for the Planning Commission's first public hearing in mid-November; that the second public hearing would be held two weeks later; that the consultant would discuss possible revisions with the Planning Commission two weeks after that; that the consultant would deliver the revised draft two weeks later; that the City Council would hold its first public hearing two weeks after that; and that the schedule would extend beyond that to Town Meeting Day. The question is whether the Planning Commission wants to arrange a special meeting in the week before Thanksgiving rather than holding the hearing on November 22. Ms. Power said that was the best way to proceed since the Commission did not want to be accused of stealth. Commissioners discussed the feasibility of having the hearing on November 16. Ms. Capels said that notice would have to be delivered to the papers by October 26. Ms. Facciolo said she would have to check to see if the Commission will have the draft zoning before the meeting.

Ms. Power asked how many hearings the Planning Commission is required to hold. Ms. Capels said at least one hearing is required. Ms. Power said the Commission need only be concerned about the notice requirement for the hearing that is required by statute. Ms. Capels said the Planning Commission is also required to prepare a report on how the zoning proposal will affect a list of criteria. That report has to be made available 15 days prior to the public hearing and included with the distribution to the statutory parties. Ms. Power noted that the report will only cover the Sabin's Pasture zoning. The second hearing could be the statutory hearing, but that the hearing where the consultant is present should be televised. Ms. Capels recommended they both be televised. Mr. Sedano said that it may be appropriate to set the statutory hearing for the date after the meeting with the consultant because the public will then have an opportunity to hear the consultants before they need to provide comments.

Ms. Grodinsky said the Commission needs to check on the consultants' availability and on the public access TV coverage. Ms. Capels said she will check on the TV availability. Ms. Power recommended a back-up date. Ms. Capels said that November 22 could be used as a back up date, but deer hunting season will have begun.

Ms. Facciolo said that the consultant is supposed to meet with the Commission on December 15 and deliver a revised draft by the end of December. January 15 is supposed to be the date of the first public hearing before the Council. Ms. Power asked what steps the Commission needs to take to accept the zoning. Ms. Capels said that, in the past, the Planning Commission has passed motions approving the zoning changes. There then must be 30 days between the Planning Commission's transmittal of the zoning amendment and the Council's first hearing. *[Staff note: I subsequently learned that one of the Chapter 117 changes reduced that time period from 30 days to 15 days.--VC]* The charter calls for two Council readings, but the statute calls for one hearing. Ms. Capels said it was her understanding that the first reading could be the meeting at which the Council receives the zoning amendment. Traditionally, the readings were considered as the hearings. Ms. Power said that the Planning Commission should consider its discussion with the consultant on December 15 as the final discussion. A resolution could then be passed accepting the zoning so that it can be transmitted as soon as it is received.

Ms. Facciolo reviewed the schedule:

Revised draft	10/25/04
First Hearing	11/16/04 (back up date 11/22/04)
Second Hearing	12/1/04
Discussion of changes	12/15/04
Revised draft	12/31/04
City Council Hearing	2/2/05

Mr. Sedano said that if the hearings cannot be broadcast live, they should be taped for broadcast at another time.

Ms. Grodinsky said she would still like to put the Master Plan chapter work out for public comment. Ms. Facciolo said that Mr. Borgendale wanted to have an entire draft rather than put out pieces of the Master Plan. Mr. Sedano said that he can deal with the lack of coherence because it is important to get some indications out showing what the Planning Commission is doing. He is concerned about "shooting an arrow out there" without any idea of what is happening out there. He wants the Commission to take control of how it is doing communications.

Ms. Grodinsky said that she is not saying that. The Commission has held forums and has drafted ideas based on them. The chapters could be placed on the Web site with an explanation of how they relate to

the element that is not finished. There will be some feedback from citizens who are interested. Waiting until the Plan is all put together is too long. She is advocating putting the work that has been done on the chapters on the Web, soliciting public input through the PR plan, and setting a time frame for accomplishing that. Ms. Campbell agreed.

Ms. Grodinsky asked when the economic development, education and parking chapters could be ready. Mr. Sedano said that economic development is scheduled for the next meeting. Ms. Power said that she will not have the parking section ready in time to allow for lead time for the next agenda. She may not be able to attend the next meeting.

Ms. Campbell asked whether a date could be set for the workshop on the land use chapter. Ms. Capels suggested November 29. Mr. Sedano said that people will be better able to participate in the workshop after they have an understanding of the Sabin's Pasture zoning. Ms. Grodinsky suggested that the discussion of the workshop time frame be tabled.

Ms. Grodinsky asked whether the Commission could set up a timeline for completing the Master Plan chapters. Ms. Facciolo said that timeline was not as important at this point. Ms. Power suggested that the Commission discuss the Master Plan items that were on the agenda. Ms. Grodinsky said the process that was agreed upon provided that the topics would be sent out before the meetings, e-mail comments would be received, and the final draft would be discussed at the meetings. She is concerned that the process is not being followed. She suggested that the Natural Resource chapter be discussed now, but that comments be sent by e-mail on the other chapters and final drafts be brought to the next meeting.

Master Plan - Natural Resources

Ms. Campbell said that the draft Natural Resource chapter represents input from the Open Space Advisory Committee, a great deal of help from members of the Conservation Committee and input from Ken Jones. Ms. Grodinsky said that it contains a lot of good ideas. She said there is a need to use more layman language or to define terms. She would send her comments to Ms. Campbell by e-mail. She did not agree, however, with the concept of a park at the convergence of the North Branch and the Winooski River without knowing the size of the park.

Mr. Jones said that he wants to stress that responsibilities be assigned for proposed actions when possible. Ms. Grodinsky said the old Master Plan had a table at the end with a list of goals and responsible parties and time frames.

Ms. Facciolo asked for clarification of the second to last bullet on the first page. Ms. Campbell said that it is referring to natural resource inventories. Mr. Jones said that a sanction can be a negative incentive, such as losing some of the development right if negative impacts are not avoided. Ms. Facciolo said that it is very difficult to prove those types of effects on adjacent property. Mr. Jones said that the City does have to make difficult choices to protect important locations. Ms. Grodinsky suggested that Ms. Campbell go back and take a look at the language in that section.

Mr. McCormack said that the last bullet on page one and the second bullet on page two raise concern because they should not sound like they refer to LDR. Ms. Campbell said that the final language will reflect the new zoning. Mr. Jones said that the language was intended to say that important resources should be identified and development should occur in a way that preserves the resource values. Mr. Sedano had a question on the whole policy of land acquisition: whether the Planning Commission wants to say why and when land should be purchased. Ms. Power said that was a good point because the City policy on the issue has changed. Mr. Sedano said that the Commission can push this issue until it becomes uncomfortable. The language should not be too rigid, but it can articulate some things to further

the goal. Mr. McCormack said that he was thinking that the Commission should put forward a plan to take steps toward pursuing this goal. Ms. Grodinsky noted that there are other tools in addition to purchasing land.

Mr. Sedano asked whether there was an opportunity to connect goal #2 to the goals in the civic chapter.

Adjournment

Ms. Facciolo made a motion to adjourn the meeting at 10:20 p.m., seconded by Ms. Campbell. The motion was approved unanimously.

Respectfully submitted,

Valerie Capels

Transcribed by Kathleen Swigon

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.