

**Montpelier Planning Commission**  
**December 13, 2004**  
**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, Irene Facciolo  
Staff: Valerie Capels, Planning & Community Development Director

**Call to Order**

The meeting was called to order by Mr. Borgendale at 7:00 p.m.

**Comments from the Chair**

Mr. Borgendale did not have any comments.

**General Appearances**

No members of the public indicated that they wished to speak on items that were not on the agenda.

**Review of Agenda**

Mr. Borgendale said that Mr. Sedano wished to speak on the recusal issue. Mr. Borgendale said that the Master Plan amendment would be the next agenda item after that. Ms. Capels reminded the Commission that it had also intended to review the schedule and determine its readiness to move ahead. Mr. Borgendale said that discussion would be added to the agenda.

**Response to Recusal Request**

Mr. Sedano said the letter to the Planning Commission suggesting the appearance of a conflict of interest resulted in a discussion at the last meeting. He said that Mr. Borgendale had summarized those discussions for him and he realized these situations sometimes occur in a small community like Montpelier. He appreciated Commissioners' efforts in discussing and considering the matter. He understood there was no outcome on the issue of the map, but that the nature of the discussion suggested to him that the only course of action was to recuse himself from discussion and action on the map. He said that is what he will do.

**Master Plan Amendment**

Mr. Borgendale asked Ms. Power to review the draft Master Plan amendments. Ms. Power said she had developed the draft by proposing minimal changes to the existing Master Plan. She only revised the pages that clearly needed changes to support the three goals of rezoning the Sabin's Pasture area, incorporating references to traditional neighborhood design as the type of zoning to be used, and extending the life of the Master Plan to allow for more time to accomplish the larger overhaul.

Mr. Borgendale said that the citation in section 1.3 left out a reference to Chapter 117. He said that the omission probably had occurred in the original text.

Ms. Power said she had added three bullets on page 11 to refer to goals for open space, traditional neighborhood design, and affordable housing. References to Sabin's Pasture were added at appropriate locations and that references to traditional neighborhood design were added to section 4.5. Mr. Borgendale said it appeared that the word "affordable" was added to the housing bullet on page 26. Ms. Power said she did that in a number of places to reflect support for the inclusionary zoning provisions that the Planning Commission has considered adding to the zoning bylaws. She also added a recommendation

at the bottom of page 40 to encourage mixed uses and traditional neighborhood design. She added a new paragraph on page 75 to address the statutory provision that conflicts between the Master Plan and the zoning should be avoided.

Ms. Power said that figures 15 and 16 were revised. The interim zoning for Sabin's Pasture was not reflected in the figures. The draft showed an Interim Restricted Development zone for the affected area to provide an illustration of the current status. Figure 16 was changed to create a "reserve" designation which is described at the bottom of page 78. This designation states that the area is sensitive and should be zoned very carefully, but the actual zoning question is left open. The Reserve designation was applied to the entire pasture area. The table on page 79 was revised to remove the General Business designation from the Sabin's Pasture parcel. The expectation was that any business uses permitted would be addressed in the actual zoning of the area and that the type of business on that side of the road would be associated with the development that is permitted.

Ms. Power said that a note was added to the section on sensitive environmental features to indicate that the mapping is based on state and federal agencies. The note was added to clarify that the map does not reflect the information gathered by the City and citizens since the map was created. She would withdraw the proposed deletion on page 85 because the CB-II district will continue to apply to parts of the area after the Sabin's Pasture zoning is adopted.

Mr. McCormack asked whether the reference to community standards of affordability was appropriate in relation to the affordable housing discussion. Ms. Power said the idea was that the City would develop its own definition of affordability. Mr. Borgendale said Chapter 117 contains a definition that must be reflected in the Master Plan. Ms. Power responded that the City could go beyond the statutory definition if it wished to. The definition would be contained in the zoning bylaws and that she thought the housing task force would be involved. Mr. McCormack said he would be more comfortable if some of that was included. He was concerned that the wording could be misinterpreted. Ms. Power said the Master Plan could say "consistent with state laws, to be developed by the community in conjunction with the housing task force." Mr. Sedano said the wording proposed by Ms. Power is consistent with the wording on the page and he did not want to see the issue confused. Ms. Campbell suggested the phrase "established standards of affordability" be substituted for "community standards." There was general agreement on the suggestion.

Mr. McCormack asked why the text should refer to traditional neighborhood design if the Commission was not trying to prescribe the zoning in this document. Ms. Power said the Commission is trying to enable and encourage a new type of zoning. She thought the Commission had agreed that the traditional neighborhood design was the type of zoning to encourage. Mr. Sedano noted that the Planning Commission had voted on that point. Mr. McCormack said he did not believe that was the only type of zoning that would address the problems with the current zoning. Ms. Power said the residents have expressed a preference for the City that they have. The traditional neighborhood design might be more acceptable to them. Mr. McCormack said the matter did not have to be debated, but pointed out that the statements are actually prescriptive. Ms. Power said the language reflects planning for the future zoning.

Mr. Sedano said he had a concern about whether the document should refer to SmartCode specifically. He was comfortable with the use of the traditional neighborhood design term. Mr. Borgendale shared the concern. Ms. Campbell said that she would share the concern, but the term was used carefully as an example of a type of zoning. Ms. Capels suggested an option would be to include some of the SmartCode

principals as examples. Ms. Power said she was trying to keep it simple for the period in which this would apply. Ms. Facciolo said she did not think the document needed to refer to the SmartCode at all. Traditional neighborhood design is a broad enough term to cover the concepts and to allow any interested parties to research the specific uses of the ideas. The SmartCode will be a lightning rod. Ms. Power said she did not have a problem with deleting the reference. A footnote could be added to note that SmartCode is an example. Several other Commission members said that the reference should not even be added in a footnote.

Ms. Grodinsky suggested that the definition of the Reserve area be clarified to say “will be” rather than “should be, but is not yet.” The text also said that “zoning for this area is particularly sensitive” and that the parameters for the sensitivity should be described. Ms. Power said she was referring to the fact that areas such as this generate a high level of public interest in any zoning. These are areas where you want to take a great deal of time and thought in developing zoning. Mr. Borgendale asked whether the Commission was saying that this is the only area of the City that meets the criteria. Ms. Power said the amendment was saying that this is the only area of the City that has been identified so far. There may be others that are not known at this time, but that the City saw what happened with this parcel.

Mr. Borgendale said that he was concerned that, if the Planning Commission waits for public controversy to identify the areas, then the Commission will be constantly revising the Master Plan. The Commission would not be doing its job if it did not try to identify those areas now. Ms. Power said the City has had a lot of experience with this parcel over the years. When the Commission does the major revision to the Master Plan, it will consider whether there are other areas that meet this designation. Each time the Master Plan is revised, the Commission sees things that it did not see in the last Master Plan. Ms. Campbell pointed out that the Commission has not had the level of input about the rest of the City that it has had about parcel. Ms. Power said that the plan says that we are reserving, not preserving.

Ms. Campbell said the Office Park zoning on page 26 is not something that the Commission has talked about. She would rather say “the inclusion of open space.” Mr. Sedano said that Ms. Power was trying to limit the changes to a minimum on the pre-existing zoning language. Ms. Campbell said that a bullet should be added under item “c” on page 26 to promote the preservation of at least 50% of open space. Ms. Power said the text could just say that incentives for development should encourage the preservation of open space. Ms. Capels suggested that the reference be to “high quality” open space.

Ms. Campbell suggested the first sentence of the new section of page 75 be changed to say “. . . too frequently leading to piecemeal modifications and zoning variances . . .” Mr. Sedano asked whether the use of the word “reserve” on page 80 conflicts with the definition of the word added earlier in the document. Ms. Campbell said the word should be changed to “preserve” on page 80. Ms. Power agreed.

Ms. Facciolo said the table on page 75 needs to be updated to reflect the proposed amendments. Ms. Capels said the table needs to be updated anyway since it does not reflect the Riverfront designation. Mr. Sedano said the Commission could approve the changes with the understanding that the staff would correct the table. Ms. Power said the section at the end will have to be changed, but that she did not want to make the changes until there was agreement on the language.

Mr. Borgendale said he would like to Planning Commission to modify recommendation number 3.2a on page 18 to insist that the Open Space Subcommittee accomplish the needed efforts. The purpose

statement from the Commission's resolution on the Open Space Advisory Committee could be used. He would also like to set a deadline of the end of 2005. He would also like the reference in 3.2(1) to be to "other open space such as Sabin's Pasture" since the other areas noted in the section were all public land.

Mr. Borgendale said that the single family residential reference was inconsistent with Chapter 117. He said the reference to accessory apartments should be removed. Ms. Capels suggested the whole sentence could be deleted. Mr. Borgendale agreed. He would like the Master Plan to direct the City to develop an action plan for acquisition and preservation of open space. The statement should identify who would develop the plan. Mr. Sedano said the statement could be added to Chapter 12. Mr. Borgendale said it could also be added under section 3.2.

Ms. Grodinsky said she would like to use the language "acquire and preserve" to be clear about the purpose of the acquisition. Ms. Power said the statement could say "Develop a plan for preservation of open space for public open space," but that would not entirely address the issue. Ms. Grodinsky said the term "permanent preservation" could be used. Mr. Borgendale asked Chris Smart whether he had something to add. Mr. Smart suggested that "preservation in perpetuity" is the phrase that would cover the issue.

Ms. Power said the statement would then say "develop a plan for the preservation in perpetuity of public open space." Mr. Borgendale said he would like to include a reference to the method of acquisition to address the legitimate concerns of the public. Mr. Sedano said the statement could be ". . . including acquisition of rights to accomplish the same." Mr. Borgendale said he would add a statement of who should develop the plan. Mr. Sedano said if anyone is named it should be the Planning Commission. Mr. Borgendale said a deadline should also be specified. Mr. Sedano said the deadline should be set for a time after the information from the Open Space Advisory Committee is received. Mr. Borgendale suggested June 2006 which would give the Planning Commission six months after the information is received.

Mr. Smart commented that inclusionary zoning is not mentioned in the Master Plan, but is a key part of the zoning proposal developed by the subcommittee. He suggested changes to the wording of the bullet on affordable housing on page 85 to include references to inclusionary zoning.

Mr. Borgendale said the Planning Commission should take some formal action of the proposed Master Plan amendment. Ms. Grodinsky made a motion that the Planning Commission adopt the revised amendments to the Montpelier Master Plan 2004. Ms. Campbell seconded the motion. The motion was approved by a vote of 6-1, with Mr. McCormack in opposition.

Mr. Borgendale asked Ms. Power to discuss the report on the proposed Master Plan amendment. Ms. Power said that the statute requires that the Planning Commission address a long list of items when it amends the Master Plan. The statute includes a long list of goals that are already addressed in the Master Plan. The report further addresses some of those items. She will remove the references to SmartCode from the report.

Ms. Capels said the Fiscal Impacts of Development Report will be finished soon. The Planning Commission report could note that the Fiscal Impacts study will further inform some of the responses to the questions.

Mr. Borgendale said the Commission heard a great deal on infrastructure in the workshops leading up to the Master Plan review. He recalled that there is no issue with the treatment plant capacities, but there might be a need to look into the capacities of the sewer and water lines. Ms. Power suggested that Ms. Capels pursue the question with the Public Works Department.

Mr. Borgendale said he would like to eliminate the last sentence on the municipal tax base on page 4. Over development is in the mind of the beholder. He did not want to suggest in any way that the purpose of the amendment is to preserve property values of neighboring properties. Ms. Facciolo agreed. She said over development has no single definition and there is no need to get into property value issues. Ms. Power noted that the report is a first draft and will be revised.

Ms. Campbell made a motion to adopt the report as modified. Ms. Grodinsky seconded the motion. The motion was approved by a vote of 6-1, with Mr. McCormack in opposition.

### **Schedule**

Mr. Borgendale asked how soon the documents could be revised. Ms. Capels said the revisions will not take much time, but the question is whether the Planning Commission intends to have the hearing on this document at the same time as the hearing on the zoning. Ms. Power said she thought that the two matters should not be mixed. The Planning Commission needs to move ahead with the changes regardless of how it proceeds on the zoning proposal. She thought that a hearing on the Master Plan amendment should be scheduled. There will be a little bit of time for the zoning hearing because it does not require as much notice.

Ms. Capels said the earliest a hearing could be scheduled would be around January 17. Ms. Power said the draft has to be delivered 30 days prior to the hearing, but the notice needs to be published 15 days before the hearing. Ms. Capels said it does not make sense to deliver the draft without the hearing notice.

Ms. Power made a motion that the Planning Commission warn and hold the hearing on the amendment to the Master Plan on Wednesday, January 19 at 7:00 in the Council Chambers, seconded by Ms. Campbell. The motion was approved unanimously.

Ms. Capels said the regularly scheduled Planning Commission meeting on January 24 could be used for a hearing on the zoning. Mr. Borgendale said the Commission has so much work to do on the zoning that he would like to wait to schedule the hearing.

Ms. Capels asked if the Commission intended to meet on December 27. Mr. Borgendale said he did not think that meeting was on the Commission's calendar. Ms. Power said the Commission will need more meetings to work on these matters. Ms. Grodinsky suggested sometime in the upcoming week. Ms. Power suggested December 22. Ms. Capels said she would look into the availability of meeting space. Mr. Borgendale suggested the meeting start at 5:00 and said it should be a working meeting. The Commission discussed the need for another meeting. Mr. Borgendale said that the meetings were set for December 22 at 5:00 and January 3 at 6:00. He would like to figure out a way to notice the meetings while letting the public know that the meetings will be working meetings and that the work will not get done while excessive time is spent on public comment. Mr. Sedano suggested having a separate agenda item for public comment with a specific time frame. Mr. Borgendale agreed.

**Adjournment**

Ms. Campbell made a motion that the meeting be adjourned, seconded by Ms. Power. The motion was approved unanimously and the meeting adjourned at 10 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*