

**Montpelier Planning Commission**  
**February 28, 2005**  
**City Council Chambers, City Hall**

Subject to Review and Approval

**Present:** Marjorie Power, Chair; Carolyn Grodinsky, Vice Chair; David Borgendale; Anne Campbell; Irene Facciolo; Richard Sedano. Staff: Valerie Capels, Planning & Community Development Director, Stephanie Smith, Administrative Officer

**Call to Order**

The meeting was called to order by Ms. Power.

**Minutes**

Ms. Power noted that there are no minutes for the February 14, 2005 meeting because the meeting was not held due to lack of a quorum.

**Public Appearances**

There were no public appearances.

**Comments from the Chair**

Ms. Power said she wanted to express her concern about the recent news articles comparing planning in Montpelier to planning in Barre and other municipalities. The articles focused only on costs and did not look at the results of the community planning. She has taken part in the planning process in both municipalities and believes that Montpelier does a better job. She asked Ms. Capels for her comments.

Ms. Capels said that she was concerned that the article did a disservice to the citizens of the community by misrepresenting and omitting key information from the comparisons. She discussed several aspects of the article that needed clarification. Some of her points are summarized below.

- Montpelier's planning department was originally a community development agency with three staff members before the planning and development review functions were added to it. Removing the community development position from the discussion does not level the comparison field because the community development activities are a core function of the entire department and is reflected in the department's other work and in the budget.
- Planning department projects and responsibilities omitted from the comparison include the Carr Lot multi-modal transit and welcome center project, traffic and parking studies, downtown redevelopment projects, Web site management, and others.
- The claim that the city's planning department budget is four times that of Barre while suggesting that the functions are comparable is not correct. It does not appear that the Times Argus made much effort to look at the actual budget line items to understand what is and is not included in those figures. The cost of employee benefits is included in Montpelier's department budget, but not in the budgets of the other communities for which the comparisons were made. The Montpelier department budget also includes training, public outreach through advertising and broadcast of meetings, Web site hosting, GIS services, dues to organizations like the Chamber of Commerce and the CVRPC, legal expenses. The Montpelier budget also includes other expenses incidental to community development activities such as \$3,000 for holiday lights and the "Welcome the Legislators" reception.

- Most of the planning department staff members have been with the City for 10 years or more. The experience that they bring to the City is reflected in their salaries, but was not mentioned in the article. The average salary for this year is just under \$30,000, not the \$49,000 that was reported.
- The scheduling of appointments for the public seeking information was an experimental attempt to eliminate the need for people to wait or come back to the office when the staff was unavailable to assist them. It failed because the staff continued to assist people as they came in rather than require an appointment. Appointments are still encouraged, but not required.
- The planning department tried for some time to find a way to streamline the abutters' notice procedures, but implementation of the solutions was beyond the department's control. More and more communities have shifted to requiring applicants to bear that responsibility and the state statute amendments specifically authorized it. Montpelier's decision to do this was a policy decision supported by the Council that saved tax dollars by reducing postage and overtime costs.
- Citizens are encouraged to review the department's 2004 report, which can be found on page 25 of Montpelier's Annual Report and on the Web site.

### **Montpelier Streetscapes Presentation**

Ms. Capels explained that she discovered a short time ago that the borrowed laptop did not contain the software necessary to run the PowerPoint presentation, so the discussion would proceed using the paper handouts. Ms. Power noted that copies of the handouts would be available to the public at the planning office.

Ms. Capels said that the presentation brings together baseline information about the range of dimensional details and variety of building forms in Montpelier's neighborhoods to help establish context as the Commission discusses the new zoning districts and new standards for the city's residential areas. She considers this a work-in-progress and will appreciate commissioners' feedback as she continues to bring more information together. She proceeded to discuss the information in the handouts which included photographs of existing neighborhoods with information on density, type and age of buildings, lot sizes, frontage and setbacks, and building forms.

Ms. Grodinsky said that, if the goal is to have as many infill units as possible in the downtown districts, it will be important to consider the size of the residential units. Ms. Facciolo said the information would be more helpful if the map was consistent with the census block from which the density information is derived. Ms. Power said it was interesting that in many cases, buildings that contain multiple units look just like the nearby single family dwellings.

Ms. Capels said this information will be helpful in considering the applicability of the T-4 zone in the rest of the city and how to fit the other zones into the city. She hopes to have a map showing the distribution of densities and nonconforming lots for the next time these issues are discussed. Mr. Sedano said that he is interested in seeing graphs or histograms showing the distribution of characteristics such as existing frontages because he is interested in the issue of non-conformity of existing structures.

Ms. Campbell asked for the density on 238-248 Barre Street. Ms. Capels said that there were three units in the first building and two units in the second.

Ms. Facciolo said the fact that the inset maps are not at the same scale make them less useful as a tool. They should be at the same scale in order to allow for quicker and more accurate visual comparisons. Ms. Grodinsky suggested that Murray Hill would be a good area to target for an analysis.

Ms. Power observed that nonresidential uses are not included in residential density calculations. She said it is clear from the presentation that the average density figures will be affected by nonresidential uses like cemeteries or granite sheds. Ms. Grodinsky wondered whether the density could be calculated on a building by building basis. Ms. Facciolo said that, since the stated goal is to allow for more density and infill, the only density calculations that the Planning Commission should ultimately be concerned with are those for neighborhoods that are fully developed.

Ms. Power said that the acceptability of density to the residents will largely be affected by the building design. She would not mind living next to a four-unit apartment house in one of the older buildings that look like the single family homes in the neighborhood, but might object to the same density in a building that was not suitable for the neighborhood.

#### **T-4 Zone Issues**

Ms. Power said that, in prior discussions, Mr. McCormack had stated his house at 184 Elm Street could not be built under the proposed zoning code. The Planning Commission thought it would be an interesting exercise to go through the code and see how it would apply to the house. Ms. Capels said that, for discussion purposes, Stephanie Smith had prepared a typical staff report using Curt McCormack's house and the proposed draft zoning. Ms. Grodinsky said that she would also be interested to know whether the house could be built under the current zoning.

Ms. Facciolo said the Commission was looking at this question in terms of what could be done without variances. Ms. Smith said that the analysis looked at what could be done through the administrative approval process. Ms. Facciolo said the Commission should also look at what is allowed under the current zoning because the house probably does not conform to those requirements. Ms. Smith said there were some comparisons of existing and proposed code in the table in her report. The house seems to meet most of the current dimensional requirements for the HDR zone, but she would have to verify those conclusions as the purpose of the analysis was not to address the existing code. Ms. Smith noted that the barn probably does not meet the setbacks. She had to work with the incomplete information that was available and that significantly more information would be required for an actual application.

Ms. Smith said the report notes a number of points of confusion in the new code. Some of the information that would be required might be difficult for a lay person to produce. She was not sure how the code would work for infill-type projects because information regarding the surrounding neighborhood is needed in order to address some of the requirements related to porches, fences, stoops and frontage. It is not clear who would make those evaluations.

Mr. Borgendale said he was concerned that the Commission's intention has been to make the code easier to apply, but that he was hearing that it might actually be more difficult. Ms. Smith said this was her first time using the code. It would become easier to administer over time as she became more familiar with the terms and the intent. She did not think it would be easy to use by someone who was not familiar with it. Ms. Facciolo said she thought that evaluating the entire house under all of the aspects of the code is very different from the way that the code will apply to an actual application. She offered the example of

someone putting on a new door and said that type of application would not need all of the information. It would only be evaluated to determine whether the proposed action complied with the criteria. Ms. Capels said that the installation of a door is not a good example because outside of the Design Review District, it ordinarily would not require a permit. Mr. Borgendale said the report is really for the development of a new house on a vacant lot; Mr. McCormack's question was whether his house could be built on his lot under the proposed code.

Mr. Sedano said the Commission needs to pay attention to how the process works. If the code requires more information from the applicants than the current code, there might be value in a conditional approval step where the applicant agrees to comply with the rules and then produces the plans and needed information. Ms. Smith said most applicants need assistance in applying the current code. Applicants might be wasting time and money if they agreed to regulations that they did not understand, did not know what they were promising and then produced plans without a good understanding of the requirements. In some cases, the code will require drawings where they are not currently required.

Mr. Borgendale said that it seemed that the conditional approval process would require that the City be really hard-nosed in insisting on remediation if buildings are not built according to the code. He questioned whether there would be the political will to insist on compliance. Ms. Power said the problem of political will exists today. She drew her garage up on a piece of paper when she needed a variance. People could also submit photographs for other types of applications. There are likely to be plans for new houses that would be sufficient. She hoped that most information could be addressed in some type of checklist that the applicant could go through.

Mr. Sedano said the Commission needed to be really clear on this. He said that, if there is a way to misinterpret the code, someone will. Ms. Power said it would be interesting to "test drive" the code using lay people so that problems can be identified and addressed.

Ms. Smith said there is also a need to clearly articulate the provisions that apply to manufactured housing. The code does not address the extent to which that type of structure must meet the code criteria. Ms. Facciolo said that manufactured housing would have to go through the same design review scrutiny as the other types of buildings. Mr. Borgendale said the code may not prohibit manufactured housing. Ms. Power said the code would not prohibit that type of structure, but would require that they meet the same design criteria as other structures.

Mr. Borgendale asked what the report concluded regarding Mr. McCormack's house. Ms. Smith said she did not have adequate information to conduct a complete analysis. There was an issue with the principal building meeting the height requirements.

### **Sabin's Pasture Zoning Amendment Timeline and Communication with City Council**

#### **Extension of Interim Zoning**

Ms. Power said that Commission members had received copies of her memo to the Council saying that it was not possible for the Commission to send permanent zoning to the Council in time for it to be adopted before the interim zoning expires. The Commission will have to see what the Council does with the current Master Plan amendments. Mr. Borgendale posed the question of whether the Commission should recommend that the Council extend the interim zoning.

MOTION: Ms. Grodinsky made a motion that the Commission request the City Council to extend the interim zoning for another year, seconded by Ms. Facdiolo. Mr. Borgendale agreed that it was a good idea, but said that it was premature at present. There will be enough time to act on the motion after the Commission sees what the Council does with the Master Plan amendment.

Ms. Capels said that, in order to extend the interim zoning before it expires, the Council would have to discuss and decide whether to consider extending it by April 27, 2005 and then hold a public hearing no later than May 25, 2005. Only one public hearing is required and it would have to be warned by May 9. Ms. Power said the interim zoning runs out on May 28 so, based on that schedule, the Council would have to adopt the proposal immediately after the hearing. If the Council wants more time, everything would have to move back two weeks.

Ms. Grodinsky asked whether there was any reason the Commission would not want to tell the Council of its recommendation now. The Commission would want to see the interim zoning extended regardless of what the Council does with the Master Plan amendment. Mr. Sedano agreed. The Commission voted to approve the motion unanimously.

Ms. Power asked Ms. Capels to ask Steve Stitzel why the statute refers to “re-enacting” interim zoning and whether that is the same as extending the zoning.

Nancy Sherman suggested that the Planning Commission might want to restate its support for the adoption of the Master Plan amendment.

#### Smart Growth Collaborative

Ms. Capels introduced the possibility of having the Smart Growth Collaborative work with the Planning Commission on the Sabin’s Pasture zoning issue. She suggested inviting them to lead the Commission through a design process that would result in the development of a site plan that shows the balance of housing development and open space protection on the Sabin’s Pasture parcel. Such a plan would inform the development of the zoning code. She said that if the Smart Growth Collaborative agrees to participate, they will have to determine when they can schedule the work shop.

MOTION: Mr. Borgendale made a motion that the Commission direct Ms. Capels to submit the request to the Smart Growth Collaborative, seconded by Mr. Sedano. He asked what the product would be. Ms. Capels said she believed it would be an actual site plan. Mr. Sedano asked whether there was a potential downside in that the development of such a plan could slow down or disrupt a developer’s plan for the site. Ms. Power said that she saw this as a useful process to allow the public to get involved in a constructive way. Ms. Campbell said that will depend on how well the workshop is facilitated. She would be interested to see the Collaborative’s facilitation skills. Ms. Capels said the Commission should continue working on the draft code while waiting for the Collaborative’s decision and their schedule. She did not know if there will be an issue of which code, if either, to apply to the exercise. Ms. Campbell said the process will be helpful to a future developer because the plan would not be binding, but the developer would know that the closer the proposed design comes to the plan, the better off the developer will be.

The Commission voted unanimously to approve the motion.

### Public Outreach Assistance

Ms. Power said that the mayor has asked the Commission to identify what help it needs for public outreach. Ms. Grodinsky said that space in the City page of the "Bridge" would help to provide updates on the Commission's efforts. Help in marketing the site planning workshop would also help. Mr. Sedano said he thought that the other help the Commission needs would become more obvious when the Commission gets back to work on the Master Plan. Ms. Power said she would write a note to the mayor with a list of the currently identified needs and mention that there may be more needs identified as work continues. Ms. Grodinsky noted that the Commission had developed a list of outreach activities some time ago. Ms. Facciolo said the Council can help with getting across the ideas about why smart growth is important.

### Other

Ms. Power said that a volunteer was needed to serve on the parking committee. No Commissioners volunteered. Ms. Power said she would ask Mr. McCormack if he was interested. She asked what other committees were active. Ms. Campbell said she served on the Open Space Advisory Committee. Ms. Capels said there is also the Carr Lot committee. Brian Mitofsky has been serving as the Planning Commission's representative to that committee and that the committee will become active again very soon. Ms. Power said she thought the representative should be a Commission member. Mr. Borgendale volunteered to serve on the committee. He would speak to Mr. Mitofsky. Ms. Power asked Ms. Capels to write a note to Mr. Mitofsky.

Ms. Power asked who represents the City on the Regional Planning Commission. Ms. Capels said Ed Larson was appointed by the City Council as the City's representative. She would be updating the Commission at the next meeting on the Regional Planning Commission's activities. Ms. Power said the Commission could decide if it wants to ask Mr. Larson to come to a meeting after hearing Ms. Capels' update.

Ms. Power said that a subcommittee of the Conservation Committee wants to talk to the Commission about conservation overlays. She suggested putting that on the next agenda. Ms. Capels asked if the Commission wanted the next meeting televised. Ms. Power said that it should be televised.

### Adjournment

MOTION: Ms. Grodinsky made a motion to adjourn the meeting, seconded by Mr. Sedano. The motion was approved unanimously. The meeting was adjourned at 10:10 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*