

**Montpelier Planning Commission**  
**April 11, 2005**  
**City Council Chambers, City Hall**

*Subject to Review and Approval*

**Present:** Marjorie Power, Chair; Carolyn Grodinsky, Vice Chair; David Borgendale; Anne Campbell; Richard Sedano  
Staff: Valerie Capels, Planning & Community Development Director

**Call to Order**

The meeting was called to order by Ms. Power.

**Minutes**

The minutes of the March 28, 2005 meeting were not available.

**Comments from the Chair**

Ms. Power had no comments

**Public Appearances**

There were no public appearances.

**Review of Agenda**

Ms. Capels suggested adding agenda items for updates on the Smart Growth Collaborative and Carr Lot.

**Mini Master Plan Amendment**

Ms. Power explained that the mini Master Plan amendment was returned to the Planning Commission by the City Council for resolution of some issues that the Council did not address. Ms. Capels said the State Statutes are not clear on the procedures for situations where the legislative body returns an amendment to a planning commission for more consideration. The City Attorney was not aware of prior case law that would provide guidance for the situation. Based on the procedural intent, since the Council needs to hold another hearing on the changes and the Planning Commission needs to prepare a report on those changes, the City Attorney believed the Planning Commission would probably not be required to hold a public hearing and felt that it would prevail in a legal challenge on that question. However, to err on the side of caution, the Planning Commission might want to consider holding a hearing if there is time to do so. Ms. Power noted that the real deadline at this point is the expiration of the Master Plan. Ms. Capels said that the current Master Plan expires on September 13, 2005.

Ms. Capels said the Council was tentatively focusing on a public hearing on May 4, which would require publication of a warning by April 19. Ms. Power said that there is not enough time for the Commission to do the necessary work and to have a hearing by that date, so the Council will not be able to have the hearing on May 4. Ms. Grodinsky asked whether the Planning Commission's comments would be on all of the Council's changes or on only those portions of the amendment that were sent back for more work. Ms. Power said that the Commission should be commenting on the entire amendment. Ms. Capels suggested that the Commission could also provide comments on the Council's changes before the Council finalizes those changes.

Ms. Capels explained the notations and markups in the draft. Everything that was underlined or in italics reflect changes to the existing Master Plan that were either made by the Planning Commission or the Council. The highlighted text designated those areas that the Council wanted the Planning Commission to address.

The Commission discussed the Council's changes and the highlighted sections. Ms. Power noted that "traditional neighborhood development" had been changed to "traditional neighborhood design" on page 11. Mr. Borgendale said the Council had a split vote on the use of the term. Ms. Power said the mayor and some Council members objected to the term because it emphasized the concept of design criteria. She had explained to the Council that the Planning Commission's idea was to create an administrative process that would allow projects meeting design criteria to proceed without a public process but would provide the option of a design review process for applicants who did not want to meet the design criteria. Mr. Borgendale said it is important to clarify that, while neighborhood design has some components of architectural design, it is primarily focused on street layouts and mixed uses. The concept has been broadly misunderstood and the work that the City did with SmartCode added to that misunderstanding by placing an excessive focus on design control.

Ms. Campbell suggested striking the reference to "traditional neighborhood design" and reverting to "traditional neighborhood development" or "traditional neighborhood planning." Ms. Power suggested that Commission members give some thought to the appropriate term for the concept for discussion at the next meeting. Mr. Borgendale suggested the use of an extensive definition of the concept and implementation principles followed by a statement that "for shorthand purposes these concepts will be referred to as . . ."

The Commission discussed the next section of revisions on page 11. Ms. Grodinsky said the section says that key natural features should be inventoried, but actually the inventory is needed to determine which features are key features. Ms. Power suggested a change to "Inventory the City to determine the key natural features . . ." Mr. Borgendale observed that the task is really to come up with the best uses of open spaces, not just to identify land for preservation. Mr. Sedano said that this section is really a summary that works with the action statements on page 18. Mr. Borgendale said the problem with the statement may be that the list is supposed to be a summary of objectives, but the statement is really an action rather than a goal. Mr. Sedano said it could be moved to section 3.2 on page 18. There was general agreement that the statement would be appropriate as section 3.2.4. Mr. Sedano suggested that the language for the bullet on page 11 would be "Encourage an awareness by Montpelier's citizens of the city's key natural features based on objective standards and an inventory of the city." There was general agreement on that suggestion.

The Commission then took up the second highlighted section on page 11. Ms. Campbell suggested a change to "Balance the community need for open space and other uses when zoning undeveloped land." Mr. Borgendale suggested "Balance the community need for open space and other uses that support community needs." He said this section relates to the types of decisions that the city makes for all lands, not just land in a natural condition. He noted the question came up in relation to open space to be included in the Carr Lot design which did not involve land in a natural state. Ms. Power said she saw Mr. Borgendale's point, but that it might be more appropriate in another section since the section in question relates to preserving natural features. Ms. Power suggested using Ms. Campbell's suggestion and thinking about where to incorporate Mr. Borgendale's suggestion.

Mr. Sedano pointed out that the change would remove the phrase “Preserve open space” and would represent a significant concession. Ms. Power said the question is whether to emphasize the importance of open space in the City by saying that open space itself is a good thing. There is a value for open space that does not have significant natural resource value, but is still valuable by virtue of being an undeveloped area in the built-up city. Ms. Campbell said that, upon consideration of the discussion, she would retract her preciously suggested change and the statement be “Preserve open space by carefully balancing the community need for open space and other land uses.” Mr. Borgendale said he was inclined to agree, but was concerned that the Master Plan should not imply that the open space value trumps all other community values. Mr. Sedano suggested one way to address that issue was to change the statement to “Encourage preservation of open space . . .” Ms. Campbell agreed and said the statement would then say “Encourage preservation of open space by carefully balancing the community need for open space and other land uses.” There was a general consensus on this change.

Ms. Power noted that the Council changed the wording of the statement on affordable housing on page 11. The Commission members did not object to the change.

Ms. Power said she had objected to the highlighted objective on page 12 that read “Provide appropriate compensation to affected land owners”. She told the Council that the objective would make it impossible to downzone without spending a great deal of public funds. Ms. Campbell noted that it also would negate the ability to achieve many of the preceding criteria and would hamstring future planning. Ms. Power said the City should pay for land that it wants to make available to public use, but a change in zoning should not create a situation where the landowner must be compensated. The Council wanted the Commission to find a place for the concept. Mr. Borgendale said that he had a real concern about including the concept in the Master Plan. Mr. Sedano said there was a consensus that the objective should be revised and relocated. He suggested that Ms. Capels develop a revision. Ms. Capels said there might be something in the tools and implementation section in Chapter 12 that could be modified to address the concept. Mr. Sedano said that he would consider a statement about treating all landowners fairly. Ms. Power suggested “Treat all citizens fairly”. There was general agreement with this suggestion.

Ms. Power said the next issue referred back to the Commission was the question of the Views and Vistas study. Ms. Grodinsky said it would be appropriate to acknowledge the study, but that too much importance has been placed on it. Mr. Borgendale remembered that the Co-Chairs of the Conservation Commission told the Planning Commission that the Conservation Commission voted to accept the report and found that it contained useful information. He said that did not mean that the Conservation Commission endorsed the report of adopted the report, and the Planning Commission did not take further action at that time. He thought the issue with the study was the methodology that it suggests for identifying the resources to be protected. It also contains recommendations and prioritizes the importance of various views, but no official body of the City has agreed with or adopted those conclusions and findings. The document should go through a public process if it is to be used as a primary basis for a change to the Master Plan.

Ms. Power said there are two questions for the Planning Commission. The first is whether to refer to the Views and Vistas study in the Master Plan and the second is whether the status of the study should be clarified. The Commission members discussed issues related to the report and ways to clarify its status.

Mr. Borgendale said the Commission needs to address the Council's change at the top of page 2 of the Master Plan amendment. The revision states that the reason the Master Plan is being amended is to incorporate the Views and Vistas study. Ms. Power said that statement should be deleted. Mr. Borgendale agreed, saying that it is not appropriate to make legislative documents like the Master Plan dependent on an unfinished draft study. There was general agreement that the statement should be deleted.

Mr. Sedano suggested that the Views and Vistas Study is related to the natural resource inventory in section 3.2. He said the Master Plan should either say that the Views and Vistas study is an input to the inventory or the finalization of the study is the action needed to accomplish the inventory.

Ms. Grodinsky said she would prefer to keep the study as a draft and say that it will be worked on as part of the larger inventory efforts. Ms. Power said she was concerned that the inventory will become a constant work in progress while the City waits for funds to become available for each of the components of the inventory. Mr. Borgendale said the risk of taking one portion of the overall inventory and giving it an official status is that the finished portion will have an exaggerated status just because it is finished. Ms. Power observed there may be situations where the fact that there is an important view is enough information for decisions to be made on development proposals even in the absence of information on other natural resources.

Ms. Power suggested that the Commission consider how to refer to the Views and Vistas study in the mini Master Plan amendment and how to clarify the status of the study and continue this discussion at its next meeting.

### **Capitol Complex Commission Report**

Ms. Power said this item could be deferred to the next meeting, but she would like to hear the other Commissioners' thoughts on the draft Policy for Memorials in the Capitol Complex. Ms. Campbell said she did not have issues with the draft and asked whether the Planning Commission could deal with this item tonight. Ms. Power said the real issue that came up at the Capitol Complex Commission meeting was how to prioritize requests for memorials. The draft policy says the Capitol Complex Commission should review the design of each proposal and then refer the proposals to the General Assembly for decisions on how to prioritize the public desire for them. Mr. Borgendale said he did not think that the draft satisfies the directive to develop guidelines. Ms. Power agreed, but said the problem is that there is some pressure to move ahead on the pending crime victims' memorial and it will take too long to develop guidelines. Mr. Sedano said he was not inclined to let the Capitol Commission staff off the hook on developing the guidelines. Ms. Campbell suggested that Ms. Power and Mr. Borgendale develop a response for the Planning Commission to consider at its next meeting. Mr. Borgendale said that the only response would be that the draft is not adequate and they should go back and do the work. Ms. Power said there seems to be a consensus among the Planning Commission members that the draft is an adequate procedural policy, but does not address issues of substance. There was general agreement with that statement.

Ms. Power said she would like to hear the Planning Commissioners' thoughts on other issues related to the Capitol Complex. Mr. Sedano said that many issues related to the Capitol Complex were covered in the Planning Commission's write up on the Civic District. Ms. Capels said that she would e-mail a copy to Ms. Power.

### **Review of Draft Vision Statement**

The Commission agreed to place this item on the next meeting agenda.

### **Other Business**

#### Smart Growth Collaborative

Ms. Capels updated the Commission that Sandy Levine, of the Smart Growth Collaborative, said the collaborative is still in a quandary about how they could best add value to the process. Ms. Capels said the Collaborative did not think that the design exercise would be the best way to improve the process. She said Ms. Levine suggested that she or other members of the Collaborative could attend a Planning Commission meeting to present and discuss possible tools and techniques. Discussion would probably include the Commission's idea of a charrette. The Commission members agreed that would be a good idea and discussed scheduling such a meeting. Ms. Power asked the Commissioners if they would consider a special meeting. The Commission agreed to do so. Ms. Capels said she will contact the Smart Growth Collaborative to get some dates that work for them. Ms. Power said it would be helpful if the Collaborative could provide a summary of their ideas before the meeting.

#### Carr Lot Update

Ms. Capels said that the replacement parking and its impact on historic resources are the current focus regarding the Carr Lot. The City Council may be asked to convene a meeting soon to make a decision on the site for the lot. Ms. Power asked that the Commission be updated on any meetings with State Buildings on the issue of peripheral parking. Mr. Borgendale said the Council rejected the Carr Lot Committee's recommendation for the transportation facility design.

#### Next Agenda

The Commission agreed that the next agenda would include a CVRPC update, the draft vision statement and the mini Master Plan amendment. It was agreed that the meeting with Ed Larson would be deferred.

### **Adjournment**

MOTION: Mr. Borgendale made a motion to adjourn the meeting, seconded by Mr. Sedano. The motion was approved unanimously.

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*