

**Montpelier Planning Commission**  
**April 25, 2005**  
**City Council Chambers, City Hall**

*Subject to Review and Approval*

**Present:** Marjorie Power, Chair; David Borgendale; Anne Campbell; Irene Facciolo, Ken Jones, Richard Sedano  
Staff: Valerie Capels, Planning & Community Development Director

**Call to Order**

The meeting was called to order by Ms. Power.

**Comments from the Chair**

Ms. Power introduced Ken Jones as a newly appointed member of the Planning Commission.

**Minutes of March 28, 2005 and April 11, 2005**

Mr. Borgendale made a motion that the Planning Commission approve the minutes of the March 28, 2005 and April 11, 2005 meetings. Ms. Campbell seconded the motion. Ms. Campbell said the last sentence in the top paragraph of page 4 in the March 28 minutes should be clarified to read “. . . but she said that she did have the map that the Open Space Advisory Committee drew and that the Open Space Advisory Committee drew the line between the 625 and 675 contour”. Mr. Borgendale said the fourth sentence of the second to last paragraph on page 3 of the April 11 minutes should be clarified to better reflect the intent of his comments. He suggested a change to “He said that did not mean that the Conservation Commission endorsed either the methodology or the report’s recommendations. The Planning Commission did not take further action at that time.”

**Public Appearances**

There were no public appearances.

**Review of Agenda**

Ms. Power said it was originally expected that the CVRPC would attend the meeting to discuss their buildout model, but they asked that they be rescheduled.

**Continued Discussion of Mini Master Plan Amendment**

Ms. Capels said she believed that the two issues that remained to be discussed were the use of the term “Traditional Neighborhood Design” (or Development) and how to refer to the Views and Vistas study. Ms. Power said that the Commission will also want to discuss the map. Ms. Capels said she did not have the revised map to show to the Commission, but she understood that Ms. Campbell or Geoff Beyer spent some time with Eric to develop it. Ms. Campbell said that she and Mr. Beyer met with Eric and she understood that Eric had intended to complete the changes last Monday. Ms. Power suggested that staff might e-mail the map or send a hard copy to the Commissioners before the next meeting.

Ms. Facciolo asked for a brief summary of what the Council is looking for in relation to the TND term. Ms. Power said the Council passed that issue and the drawing of the map back to the Planning Commission. She said that Ms. Capels checked with City Attorney Stitzel who said it was not clear from the statute that a hearing would be required, but the Commission should take the safest course and hold a hearing. Ms. Facciolo said the minutes said that his advice was that a hearing was probably not needed.

Ms. Capels said that the minutes also note that he suggested erring on the side of caution. Mr. Borgendale said the minutes were not clear on whom that suggestion is attributed to, but that erring on the side of too much public input is the wisest course for a public body. Ms. Power agreed and said it is sensible to take time for a hearing since there is not an absolute time pressure. Mr. Sedano asked how this was connected to the extension of the Interim Zoning on Sabin's Pasture. Ms. Power said it could hold the Commission up if it takes too long to finish. Ms. Capels clarified that the mini Master Plan amendment has no effect on the extension of the interim zoning. It is a separate process and the Council is holding its public hearing on the interim zoning extension on May 25.

Ms. Campbell asked whether, considering the expiration date of the current Master Plan, the Commission had time to hold a public hearing on the Council's amendments. Ms. Power said she recalled that the Planning Commission would have to return the amendment to the Council by approximately May 23 in order to allow time for the Master Plan amendment to become effective before the Master Plan expired. Ms. Capels said that was a conservative timeline that incorporated two public hearings at regularly scheduled meeting dates. She believes these revisions will not require that the Council's cycle restart from the beginning, but noted that the statutes are not clear on that question. The final draft incorporating the Commission's changes could be reviewed at the next Commission meeting on May 9 which would mean that the public hearing date would be June 13 unless a special meeting is scheduled.

Ms. Power said she believed that the Commission would want to schedule a special meeting, but it needed to finish the map and write a revised report. One problem is that the revision of the map will be significant. The Council was now asking that the Commission draw a line, possibly a fuzzy line, on the map. Ms. Capels said that it was not her understanding that the Council had delegated the drawing of the line back to the Commission. She recalled that staff was to bring the Council a map reflecting the intent of their discussions based on Open Space Advisory Committee work. Ms. Power said that the Commission would still need to consider the map and draft a report stating the Commission's opinion of the map. Ms. Capels said that the question is when the Commission will address it. The report has to be prepared prior to the Council's hearing on what ever changes the Council proposes.

Mr. Borgendale said he had checked the City Council's minutes and confirmed that there was a specific motion by Councilman Sherman on the line placement and the motion carried by a vote of 5-1. He did not get any sense that the Council was delegating that aspect of the work to the Planning Commission, but it must be addressed in the report. He had issues with the Council's action because they created a definition of where the line should be drawn and then applied the definition without any analysis of the definition. He wanted to include some discussion of that issue in the report. Ms. Power said that the Commission would not be able to address the map until the members could see the revised map. Mr. Jones said that he still did not have a clear understanding of the expectations regarding the Commission's role in defining the fuzzy boundary. Providing definition to what those lines represent will be an issue. Ms. Power said the problem is that the land use map shows generalized lines throughout the City, but the map shows precise lines on Sabin's Pasture. The Council did not want to draw a bright line, so they drew a fuzzy line. Mr. Jones said the question is what is meant by "fuzzy". Ms. Power said she translated that to mean that the Council wanted to save that fight for the zoning. Mr. Borgendale said lines like the ones on the land use map are typically saying that there will be some type of transition area. He believed that, in this case, the line is intended to say that the transition may not go above the line into the conservation area. He added that a line drawn based on a literal reading of the Council's resolution would have little relation to Geoff Beyer's sketch map because the resolution refers to contour lines. Ms. Campbell said

that the Open Space Advisory Committee was originally asked to produce a map with two possible scenarios. One scenario was to show what the Committee thought was necessary to conserve given all of the criteria that the Committee had been working on, including the Views and Vistas report. That scenario resulted in the top line following the 675 contour. The second scenario was a line to show what was ideal to conserve. That line was drawn at the 625 contour until the contours veer off to the north. Ms. Campbell added that it would have been totally inappropriate to follow the contour at that point. The map that Eric produced reflects the use of the criteria in the original request to the Open Space Advisory Committee.

Mr. Jones said the concept of a fuzzy boundary is not adequate for the Master Plan. Ms. Power said that Ms. Capels has always maintained that all lines on a land use maps are not definite boundaries, but are fuzzy by nature. This situation seems to go a step further. Mr. Borgendale said the reason that there is a struggle with this issue is the fact that the City is being asked to deal legislatively with details that are more of a site plan nature without the details that will come from the site planning. Ms. Power said the Commission had intended to develop the answer as part of the drawing of the zoning lines, but the Council wants to draw the lines now. Mr. Sedano said that it is hard to know what the answer is until there is a site plan to look at. He expressed his hope that the Commission could lay out criteria to be used in the review of a future site plan. Ms. Campbell observed that, given what Ms. Capels has said about the general nature of land use maps and master plans, it may be that the zoning is the appropriate time for the drawing of definitive lines.

Mr. Borgendale said this issue really has to do with the fact that the community wants to prevent development on the upper part of Sabin's Pasture which creates the challenge of how to develop objective criteria that will prevent that development without preventing the development of every upland meadow in the city. Ms. Power said she felt that the basis for that work will be the fact that the community wishes to see the upper part of Sabin's Pasture preserved and sees that area as different from other places. Mr. Borgendale said that zoning is not the only tool available for use in preserving open space. Part of the reason this matter has gone on for so long is that zoning is not the appropriate tool in this case.

Mr. Sedano asked whether the Union Institute property was included in the map. Ms. Power said that the map included part of the Union Institute.

Ms. Power asked the Planning Commission members what they wished to do about the map. Mr. Borgendale suggested that the Commission deal with it in the report since the map was not delegated to the Commission. Mr. Jones noted that the map will come back around to the Commission. He suggested that the Commission send the Council a message, either formal or informal, that the Council's decision in this was not consistent with the rest of the Master Plan and future land use map. Ms. Power said that the Commission needs to decide what to tell them. Mr. Jones said the Commission could communicate that the use of a line without sharp definition would be more consistent with the rest of the Master Plan. Ms. Power said the Commission should probably draw up language explaining the nature of the lines in the Master Plan. Ms. Capels said that language is already in the current Master Plan and could be beefed up in the amendment. Mr. Sedano referred the other members to the language on page 78. Ms. Power said she thought that the Commission would want to further beef up the language so that the lines do not take on a life of their own. Ms. Campbell suggested that the appropriate place to address that issue was in the Commission's report. The agenda item that the Commission was supposed to be addressing was the

mini-Master Plan amendment. Ms. Power said the report would have to go with the amendment when it is sent back to the Council. Ms. Capels clarified that the report is actually associated with the Planning Commission's first hearing which was already done. The Council has now asked for the Planning Commission's input on changes, but the Commission's hearing should not start the process over from the beginning. This hearing would simply be another opportunity for public comment. She recommended that, instead of another report, the Commission consider a memorandum format focusing only the issues the Commission wishes to address regarding the Council's proposed changes. Ms. Power said the Commission could decide what to say in the report at the next meeting when the members have seen the revised map.

Traditional Neighborhood Development:

Ms. Power said that the first outstanding issue related to the amendment was whether to use the term "traditional neighborhood development". Some of the Council members were resistant to having design criteria as a zoning element. Ms. Campbell said part of the concern with the term "traditional neighborhood design" was that it would limit innovation. Mr. Borgendale said part of the concern was that the TND term had some baggage associated with it. He suggested choosing a different term. Mr. Jones asked why a term is needed. The definition is long, but using the definition would provide clarity in what is meant.

Ms. Power said the Council has not given a clear indication that it is agreeable to work on the overall concept. She did not want to put in a lot of work on this and then hear of issues. Mr. Sedano said the Planning Commission discussed this question with the Council before Town meeting and was essentially told "steady as she goes". The Commission has not heard differently from the new Council. Ms. Power said that individual Council members have expressed reservation with the approach of having design elements in the zoning. Mr. Sedano said the Council had not given the Planning Commission a counter mandate on the direction.

Ms. Campbell said that it is clear that the Council prefers not using traditional neighborhood development term. She suggested the term "compatible neighborhood development" as an alternative. Mr. Sedano said the problem with that term is that some of the historic development patterns are those that the City would not want to see. Ms. Power said the City might want a different outcome for infill development than for open space development. Mr. Sedano said his impression of traditional neighborhood design does not have as much to do with the design of buildings as with the design of space and how it works in the community. He would be happy to change to a term that better expresses that the concept has to do with the use of space. Ms. Capels offered the term "traditional patterns of urban design" to get at Mr. Sedano's point. She also suggested the terms "historic patterns of residential development" and "turn of the century patterns of residential development" as alternative phrases that did not include the word "traditional". Mr. Sedano said that he actually liked the term "traditional" because it captures the idea that the Planning Commission has been thinking of. Mr. Borgendale said that urban planners use "traditional" as a contrast to auto centric and isolating suburban development. It does not mean that development has to look like development that was built in the past, but, instead, refers to development that maintains community and ease of getting around. It has little to do with how people design their houses.

Mr. Jones asked why a term is needed. Mr. Borgendale said it is important to have a definition and to have a shorthand for that definition. The problem with the shorthand term the Commission chose is that

people see the term and have their own idea of what it means and then ignore the Commission's definition.

**Motion:** Ms. Campbell made a motion that the Commission substitute the term "traditional patterns of neighborhood development" for "traditional neighborhood design" wherever it appears in the document. Mr. Sedano seconded the motion.

Ms. Power said she liked the baggage that TND comes with and was reluctant to abandon that baggage. She did not want a change in the term to be construed as an indication that the Planning Commission has changed its intention. She did not want to abandon the concept of traditional neighborhood development and would like to say that is the concept that the Commission wants to use. Mr. Borgendale said it seemed that Ms. Power's issue had more to do with what was left out of the definition. People are concerned that the term means more than what the definition says that it means. It should mean exactly what the definition says and if there are issues with the definition, the Commission should be discussing those. Ms. Power said that she liked the definition, but the Commission is being asked to abandon the term that is being defined. Mr. Jones said that people now have an incorrect perception of traditional neighborhood design and that the term should be abandoned since the Commission does not have the means of telling them that they are misunderstanding.

Mr. Borgendale asked for a vote on the motion. Ms. Power said the motion was that the Commission should change the nomenclature to reflect that the term being defined, that was formerly traditional neighborhood development, will now be referred to as traditional patterns of neighborhood development. The motion was passed by a vote of 5-1 (Ms. Power voted against the motion).

Views and Vistas Study:

Ms. Power said the second issue that remained to be addressed was the Views and Vistas study. She recalled that someone was going to speak to the Conservation Commission. Mr. Jones said he could give a summary of the Conservation Commission's thoughts on this. There is no consensus within the Conservation Commission regarding the Views and Vistas product. That is because its application will be more challenging than the application of other natural resource inventory issues. One such challenge is the question of whether the points of vistas represent points *from* which you have a vista or the point *toward* which you have the vista. Mr. Jones said that does not represent a majority opinion. Another body of opinion is that there is important information in the study that should be considered including some of the most important information related to Sabin's Pasture.

Ms. Power said the Planning Commission has been asked what to do with the draft report and how to refer to it in the mini Master Plan amendment. Mr. Sedano said the Council's suggestion of footnoting the report as a reference would seem to give it the weight that the report can support without giving it undo weight. Ms. Capels asked what the footnote would be applied to. She said the fourth paragraph on page 12 acknowledges the existence of the report and acknowledges that it is a draft. Ms. Power pointed out that the amendment then goes on to build to build things based on the Views and Vistas study. Ms. Campbell said the language does not include Mr. Sedano's concept that the study contains useful information, guidelines, and principles for planning purposes. Ms. Power said she was thinking that the appropriate place to refer to the study is in the section that says it should be done. She did not want to include it in a section where it could be used to support other decisions of the Master Plan that follow. Mr. Borgendale suggested that recommendation 3.2.a could acknowledge the existence of the Views and

Vistas study and talk about the necessity of adding to it and incorporating it into the work that is to be done under this section. He would strongly recommend deleting other references to the study. Ms. Power agreed and offered to draft something to insert into the section.

Ms. Campbell said the problem is that there are no plans or funding to develop that study further. Mr. Sedano said the language to be added to this section will create a charge to do the work. Ms. Campbell asked what the Commission would want to have done to the study. Ms. Power said the Commission should go through it and decide what needs to be done to bring it to fruition. Mr. Sedano said the Commission will have to be more specific about what it wants the final document to do. The Commission would have to address the questions, including the issue that Mr. Jones described, and have criteria. Ms. Campbell said the study already does that. She would ask the Conservation Commission to provide more guidance about where the study is not sufficient. Ms. Power said the 2000 Master Plan directs the Commission to have an inventory of views and vistas. She said the study provides a draft inventory and the Commission needs to finalize it or change the Master Plan charge that says to do it. Mr. Sedano said the amendment should say what the Commission wants to see happen. Those ideas were drafted in the first two purpose statements in the Commission's resolution on the Open Space Advisory Committee. He suggested that language be incorporated into the description of what the Commission wants the report to do if the language still reflects the Commission's ideas. Mr. Sedano read the two purpose statements to the other Commission members. Mr. Jones said that language was good for the Master Plan, but said that the intent of the mini Master Plan amendments have to do with adjustments to the map. He thought the inclusion of that language in the mini amendment might create a presumption that the Commission will go through a process of identifying all of the stated factors in relation to Sabin's Pasture.

Ms. Power said there seemed to be a consensus for a recognition that some work has been done, for adding a reference to the Views and Vistas study in section 3.2.a and for removing all other references to the study.

**Motion:** Mr. Borgendale made a motion to:

1. Accept the Chair's offer to draft specific language to add in section 3.2.a that will provide an appropriate reference to the Views and Vistas study and acknowledge its value and incompleteness;
2. Expunge all other references to the Views and Vistas study in the draft amendment; and
3. Add Mr. Sedano's recommendation that the Commission's charge to the Open Space Advisory Committee be included at an appropriate location under section 3.2.

Mr. Sedano seconded the motion. Ms. Campbell asked how the motion addresses the question of what the Planning Commission wants from the Views and Vistas study. Mr. Borgendale said that he did not think that the mini amendment has to include a critique or workplan for the study. The Planning Commission or the Council does need to tell the Open Space Advisory Committee what further issues need to be addressed, but that does not have to be included in the mini amendment. Ms. Power said that this would be a recognition that some work was done, but more remains to be done. The Commission approved the motion by a vote of 6-0.

Public hearing:

Ms. Capels asked if the Commission wanted to schedule a special meeting for a public hearing. A draft of the amendment would have to be available at least 15 days in advance of the hearing. Mr. Borgendale asked whether the specifics of the hearing notice requirements had to be met since the City's attorney

had indicated that the public hearing is not required, but that it would be wise to get public input. Ms. Capels said the notice time frames and requirements must be met if the Commission wanted to call the meeting a public hearing. Mr. Borgendale said the Council is obliged to have another public hearing. He would prefer to publicize the meeting and say that the Commission is seeking public input, but not to adhere to the hearing restrictions. Ms. Power said that would mean the 15-day notice would not be required. Mr. Sedano said that would allow the meeting to occur at the regularly scheduled May 23 Commission meeting and the Commission could vote on the amendment after receiving comment.

Mr. Jones asked whether the Planning Commission is comfortable that by May 23, the material to be sent to the Council will be in a form that would allow the Council to vote on it. He noted that the Commission has not looked at the Conservation District and it was likely that the definition in the Master Plan may not support the expectations for the zone. Ms. Power said that is the Council's language. The Commission can comment on it and note any public comment that it receives on it. Mr. Borgendale suggested the Commission develop a cover memo describing how it has addressed the Council's charges. He said that it was his understanding that the Council did the work on the definition of the Conservation District and did not ask the Commission to address that work. The memo could include comments on those changes made by the Council.

Mr. Jones said the Commission needed to decide what spectrum of issues it would invite public comments on. Ms. Power said that she thought that everything should be laid out and the public would comment where it wanted to. Mr. Borgendale noted that one benefit of publicizing the fact that it is dealing with these issues and passing them back to the Council is that it will increase the public awareness of the subject as a forewarning of the City Council's more formal hearing.

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Mr. Sedano said the paragraph on page 75 was also sent back to the Commission for clarification or deletion. He said that he is comfortable with the paragraph as it is. There was a general consensus that the paragraph said what the Commission meant it to say and should remain in the document.

Ms. Capels asked about the format in which the Commission would like to see the various revisions and changes. Ms. Power said that the document should be in the form that will be sent to the Council. Mr. Sedano said it could be noted in the public notice that the version of the document sent to the Commission by the Council is on the Web site.

Mr. Borgendale asked for clarification on whether the Commission will have a draft to vote on at the May 9 meeting. Ms. Power said that was correct. Mr. Sedano said that he would hope to have a motion at that meeting to accept the draft as acceptable for public comment. The Commission would then vote on May 23 on whether to send the amendment to the Council.

#### Other

Ms. Power said that the Commission would have to address the vision statement at a meeting after May 9 because the CVRPC is expected to attend that meeting.

Ms. Campbell asked about the scheduling of the meeting with the Smart Growth Collaborative. Ms. Capels said that she was still working with them on dates. Ms. Campbell said she would like to make a

strong recommendation that the meeting be scheduled for May 23 or the meeting after that so that she could attend.

Mr. Borgendale noted that there was an item of concern for a future agenda. He thought that the Commission still faces changes mandated by Chapter 117 and he would like to put a discussion of the schedule for those changes on the next agenda. Ms. Power said that Jim Libby had reminded her that he had given the Commission a proposal for a zoning change for accessory apartment zoning. She asked Ms. Capels to put a copy of the proposal in the next Commission packet.

**Adjournment**

Mr. Borgendale made a motion to adjourn the meeting. Mr. Sedano seconded the motion. 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*