

Montpelier Planning Commission
May 23, 2005
City Council Chambers, City Hall

Subject to Review and Approval

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

Call to Order

The meeting was called to order by Ms. Power.

Public Appearances

There were no public appearances.

Vermont Forum on Sprawl Smart Growth Collaborative

Ms. Capels introduced Sandra Levine of the Smart Growth Collaborative. Ms. Power noted that it was fortunate that many members of the public who have been interested in Sabin's Pasture were present for this discussion.

Ms. Levine said she is with the Conservation Law Foundation which is one member of the Smart Growth Collaborative. The Collaborative has worked to provide technical assistance to towns trying to provide for smart growth. Smart growth is the concept of maintaining our historical development patterns of compact villages and urban centers surrounded by rural countryside.

Ms. Levine said she would like to have a conversation about the opportunities for zoning Sabin's Pasture. There is a wide range of tools available to achieve the community's goals and noted that a great deal of hard work has already been done. A general consensus seems to be building on the location, design and scale of development on the site. She said that Montpelier already has a fairly complex zoning scheme and suggested it would be helpful to provide guidance for zoning this parcel within the existing zoning framework. The City's current PUD requirements are fairly standard, but could be made more specific.

Ms. Levine described tools that are available to the City, such as:

- Developing good PUD standards, including specific values that should be met and require that all development in Sabin's Pasture meet those standards. The standards could provide flexibility to accommodate development to the resources and developability of the site.
- Creating separate zones using existing zoning designations such as high density, low density, and conservation districts.
- Using conservation overlay districts that would consist of a set of standards to be placed on top of the generally applicable standards. Ms. Levine gave the example of the Town of Warren, which has a meadowlands overlay district that places limits on the number of and location of houses in order to preserve open meadows.
- Incorporating some of the form-based concepts into any of the other options. Use the forms and design concepts that exist in the City that could be mirrored in the zoning standards for Sabin's Pasture.

Ms. Levine said she thought the form-based zoning proposed last fall seemed too specific in some areas and too general in others. Those type of codes work best when developing large new towns in greenfields rather than for a portion of an existing town. She added that it seemed cumbersome to have an entire separate code for one part of the town. Which ever tools the Planning Commission uses, the Commission may want to ground truth any of the concepts with developers and interested parties.

Ms. Power said it was correct that there was a consensus building, but it is a very general one. There is no consensus on the details of the actual zoning. Ms. Power said that the Planning Commission members were impressed with the presentations at the NNECAPA conference and specifically with the development of designs in Addison County with the various interests participating. She said the Planning Commission is interested in producing a design that is developable and widely acceptable to the largest proportion of residents. Ms. Levine said that the design exercise would have been useful about two years ago, but the Planning Commission has done a lot of that work already. The Commission has already seen models which might be at least partly useful. The Commission's development of zoning standards to guide development is different than developing zoning to accommodate the development proposal. Ms. Power said that the problem is that a degree of mutual suspicion has developed and people would be happier to know what type of development will be permitted. She said that, in this case, backing into the zoning might be appropriate.

Ms. Campbell said it is correct that a great deal has been done, but there has never been a public process involved in this. What the Commission had in mind is a process where various stakeholders could participate and come closer to a consensus. Ms. Levine said the Collaborative members felt the Commission had already done that type of effort and that the Commission now needed to identify the values that should be put in place. Mr. Sedano said it would be nice if the process could be reset so that everyone would approach the problem with an open mind, but people do not work that way. He was hearing the advice to be that the Commission should approach the work based on where it is in the process.

Mr. Jones said that the Commission would like to get more into the planning mode rather than responding to a specific development proposal. He asked what tools could be used to get more into the planning mode. Ms. Levine suggested using more specific standards and criteria for PUDs and including the appropriate traditional neighborhood design ideas in the zoning concept. Ms. Power said the problem is that there are concerns that the development will not be economically feasible as well as the concerns that the development will be ugly. Ms. Levine said the Commission could put forth a draft proposal containing good design criteria based on the type of existing development that the City would like to replicate and then bring in the developers, possibly Housing Vermont, and ask is this possible and what will it look like. She said that would serve as the ground truthing.

Doug Zorzi said that he was happy to hear about interest in ground truthing and affordability. He would urge the Chair to bring in some local contractors for a roundtable discussion of what is financially affordable in terms of size, shape and architecture. Ms. Levine said she would urge the Commission to first draft a proposal and then put it out for that type of input.

Mr. Borgendale observed that there is a system-wide problem with affordable housing because there is not enough housing available. He said that, rather than requiring that new units be affordable, simply adding to the housing stock might result in freeing up other affordable housing units. Ms. Power disagreed. She said that, because of outside pressures for housing, Montpelier will not have affordable housing without requirements that it be made affordable and kept affordable. She was thinking that Sabin's Pasture would

be a mix of housing types and price ranges. Ms. Grodinsky said that diversity of housing types is important for Sabin's Pasture.

Mr. Jones posed the question of how far a zoning or planning scheme should go in identifying specifically what should happen while allowing the development community to come up with the development proposal. Ms. Levine suggested the Planning Commission come up with the standards and criteria that will elicit a proposal that is economically viable and satisfies, as nearly as possible, the desires of the community. She said the Commission could then float the concept for input before too much work is put into it. Ms. Power said that some people cannot visualize the development. She added that the Mayor and Council have expressed the opinion that design criteria are not appropriate and others say that development would not be buildable with the design criteria. Ms. Levine said that there are examples of development built with design criteria. The Planning Commission needs to decide whether to have criteria or not.

Ms. Campbell asked whether Ms. Levine was saying that the Vermont Forum on Sprawl Smart Growth Collaborative cannot facilitate a public process that would come up with specifics for a PUD using the concepts discussed and ground truthing the result with Housing Vermont. Ms. Levine said that can be done. The Collaborative's initial thought was that Montpelier had already done most of that already and the process was too far along for that type of effort. Ms. Capels asked whether Ms. Campbell was speaking about more of a facilitated process to determine what the criteria should be.

Mr. Sedano said he was hearing that there is a facilitation and mediation approach and there is a neutral third party processor of concerns to generate constructive input. That type of process might work in this situation where there are well-formed opinions. The problem could be finding a party that will be accepted as neutral. Ms. Levine asked why the Planning Commission is not the neutral entity. Mr. Sedano said that is a good question. He was hearing Ms. Levine's suggestion that it is the Planning Commission's job to set standards, but the Commission is having some difficulty in finding a way to do that. Ms. Power said the Planning Commission could come up with a proposal, but, if the various interests cannot be convinced that design standards are appropriate, another segment of the public will object. It would be better if a neutral party with expertise helped to take input and resolve the differences.

Mr. Jones said he had been considering Sabin's Pasture in two pieces. One piece is the footprint of development and the second is the design criteria for the development within that footprint. He asked whether there was value in separating those pieces and working on them one at a time. Ms. Levine said that one's opinion of the footprint may be colored by what the design will look like. She asked why the Commission could not incorporate the concept of traditional neighborhood design that is already in the Master Plan as the design standard and list the criteria on that basis. Ms. Capels noted that the concept was recently renamed as traditional patterns of neighborhood development because of concerns associated with the TND terminology. Ms. Campbell said that the term refers to mixed uses, pedestrian circulation, intensively used open space, interconnected street patterns, architecture in harmony with the neighborhood and a sense of community. Ms. Levine said that was a start.

Ms. Campbell said that visual resources from the Collaborative would be helpful in helping the public visualize the concept. Ms. Levine said that she would look to see what further assistance might be available to help the Commission. Ms. Power said the Commission needs a resource to allow the public to visualize what they will get on the ground. Ms. Levine said that zoning will never be specific enough to dictate exactly what development will look like. The Planning Commission could put out an RFP and develop the

design itself, but questioned whether that is the role of a planning commission. Mr. Borgendale said that he thought that the Commission was getting good advice on this. The Planning Commission has, to some degree, bought into the idea that it should be laying out a site plan for the property, but that is not an appropriate role for a governmental body. Ms. Power said the idea is to put zoning in place with enough buy-in so that every development proposal is not litigated.

Public Review of Mini Master Plan Amendment

Ms. Power explained that the amendment was proposed in order to allow for the rezoning of Sabin's Pasture. She said the City Council held a number of meetings and a hearing, made changes to the amendment, and sent it back to the Planning Commission to address specific areas. The Commission has done that. Ms. Power said the copies of the amendment provided for this meeting reflect a combination of the Council's and the Planning Commission's changes. The map included with the copies shows a "fuzzy" line, the location of which is based on the recommendations of the Open Space Advisory Committee. The map is not the Planning Commission's map, but the Commission is required to comment on it as part of its report. She explained there was some confusion between the language of the Council's motion and the understanding of the intent of that motion. As a result, three maps had been produced. The first was the Open Space Advisory Committee map, another was based on the actual wording of the Council's motion, and the other was based on a sketch by Geoff Beyer. Ms. Capels noted that the Council has not had a chance to officially review the map since it made its motion, but the map represents the Planning Department's interpretation of what was intended. The Council may refine the map when they see it. She added that the draft amendment consolidated the proposed changes without documenting whether they were the Planning Commission's or the Council's.

Jack McCullough, Co-Chair of the Housing Task Force, said the general principle should be that the standards in the mini Master Plan amendment are the same as the standards for the full Master Plan amendment. The standards should be objective and objectively determinable, generally applicable across the City, and in line with the needs and values of the City. He said that the proposed amendment falls short of this goal for the following reasons:

- The chosen map is not consistent with the specific use of a line of elevation. The rationale for choosing the preferred map was not clearly explained. It is premature and unrealistic to draw a line on a map without talking to people with experience in development and preservation about what is feasible. This does not mean that a site plan must be drawn, but it should be understood that the lines will allow for economically feasible mixed use development.
- The standards or concepts developed as part of the amendment are neither objective nor consistent. Many preservation advocates talked in terms of preservation of wildlife habitat, wetlands and natural features. The amendment is now addressing other, less objective concepts such as vistas, cultural and historical significance. It is important to remember that this is private land and the lands benefitting from the views are predominantly private lands. This is a private benefit and zoning or land use plans should not be developed for the benefit of private landowners.
- Some of the concepts in the amendment are internally inconsistent and contradictory. For example, the Sabin's Pasture land was to be protected because it contained wetlands and wildlife habitat. At the last meeting it was stated that the Open Space Advisory Committee map is based, in part, on the desire for public recreation and access. That will generate human traffic that will impact the wildlife habitat value.
- There is no assessment of the overall open space needs for Montpelier.

- There is a need to recognize housing development in Montpelier is made impossible, sprawl is being created.
- There is not guidance to reconcile the goal of dense development near the center of the City with the push to keep Sabin's Pasture open.
- It does not appear that this mini Master Plan amendment gives guidance to apply the principles to the rest of the City.
- The map, as drawn, proposes a change in use beyond the area covered by the interim zoning. That is not appropriate.

Doug Zorzi said he wanted to comment on the map labeled "based on sketch by Geoff Beyer". He said that when Mr. Beyer proposed the sketch map, he was not acting as a representative of the Open Space Advisory Committee. At the time that this map had been produced, there had been no open meetings of the Open Space Advisory Committee. There are no criteria that support this concept as an improved delineation. Mr. Zorzi said the Open Space Advisory Committee has not supported the concept shown on the map and he said the map should be deleted this evening. Ms. Power said that the Planning Commission is not taking responsibility for any of the maps in terms of having proposed any of them. It is not clear what the City Council did adopt, but it was not the Planning Commission's proposal. The three maps were simply an attempt to map what the City Council did, but it is not clear that they represent the Council's motion or intent. Ms. Power said the Planning Commission will be commenting in its report and will take the comments heard tonight into account. Mr. Zorzi said that showing the map on the Web site is not in accordance with protocol. It is more of a workshop-type document and should not have been warned for a public meeting. Ms. Capels said that the staff makes every effort to post materials to the agenda to make as much information available to the public as possible. These meetings are really workshop-type meetings and the information posted to the Planning Commission agenda on the Web site is not like a public hearing notice. Ms. Power said that the posting of such information gives the public some advance notice of and access to what the Planning Commission will be seeing.

Mr. Zorzi referred to figure 16 in the future land use goals and objectives. He said that he was curious as to the basis for the area of green along the front of the property. Ms. Capels said that the figure should reflect the land use map in the current Master Plan. The map had to be reproduced as a digital version. It looks like there is a narrow strip of conservation area along the railroad right of way on the original map. Mr. Zorzi said that the strip appeared to be wider on the digital version. He said that, after litigation, the State and City have confirmed that the railroad was abandoned in 1956 and the 1980 condemnation was not valid. He said that the maps should be changed as the delineation is inappropriate. He suggested going back and checking the court records.

Michael Hoffman commended the Planning Commission for doing something that is in keeping with the "Changing Montpelier" workshop that was held. It gives voice to many of the ideas and opinions expressed there. It should be recognized that this document guides the intent and spirit of development and is not the zoning map. He encouraged the Planning Commission to avoid getting bogged down with the question of the line. The approach outlined in Section 11.4 establishing the Master Plan as a general guide is the approach that should be taken. The maps reflect the opinions of what is appropriate and doable. There have been two studies of the property that suggested development potential exists within a range shown on the map provided with tonight's package. The language of the amendment seems to balance the need for housing, development, and protection of neighborhoods. He said that the Commission has done a good job.

Carol Doerflein said that she thought that most residents of Montpelier would agree with this document. It speaks of balance between the need for development with the need to have open spaces. It addresses the

desire to have different housing types. She noted the document says that all citizens should be treated fairly and speaks about the idea that the way that the city develops should be complementary to the existing neighborhoods. She strongly supports the document. She said that Mr. McCullough had mentioned contradictions in the document, but that is normal for a document like this that contains broad visionary statements. It is a guide that will be subject to future interpretations and is not a plan to determine, in a strict way, the zoning that will follow. She commended the Planning Commission for its efforts.

Ms. Capels said that the Commissioners also had copies of a letter from Christopher and Donna Ackerman. She said that letter was received by e-mail that day and is related to the mini Master Plan amendment.

Mr. Jones suggested that the Commission include some language related to the map. Ms. Power agreed that the Commission must comment on the map, but noted the Commission does not know which of the three maps was actually preferred by the Council. Mr. Jones said the Commission had agreement at the last meeting that the Open Space Advisory Committee map should be forwarded to the Council since it used a consistent approach of identifying the resources to be protected. Ms. Grodinsky said the Council seemed to want view and vistas to be addressed. The impact on those resources cannot be determined from the maps. She suggested a site visit to get a better feel of what the lines would mean. Mr. Jones said that identifying a conservation district that should be considered differently does not mean you will build up to the line. He said that the fuzzy line is appropriate. Ms. Grodinsky said the line on the map does not help her to understand what should be developed.

Ms. Campbell asked whether it is clear what the Council wanted from the Planning Commission regarding the map. Ms. Capels said they did not specifically ask for the Commission's input on the map. Ms. Power noted that the Commission is required to comment on it in the report. Mr. Borgendale suggested that the Commission ask for clarification on which map is the Council's preferred map and then comment on that map.

MOTION: Mr. Borgendale made a motion that the Commission ask the City Council to clarify which map it prefers. Ms. Campbell seconded the motion for purposes of discussion. Mr. Jones said he disagreed. The Commission could take responsibility to help the Council so that they did not have to spend their time deliberating on this. Ms. Power said the Council was not clear at the time of the motion and, unless the members have paid attention to the three maps in the meantime, the Council will be no clearer on the question by the next meeting. She suggested the Commission make its comments on the maps and send the comment with the rest of the package. Ms. Campbell said she was concerned that the Planning Commission had no understanding of the Council's intent and, as Ms. Grodinsky said, the Commission does not really know what this will look like.

The motion failed to carry with two affirmative votes (Mr. Borgendale and Ms. Grodinsky), two abstentions (Mr. Sedano and Ms. Campbell) and two negative votes (Ms. Power and Mr. Jones).

Ms. Grodinsky asked whether there would still be an opportunity to comment on whichever version of the map comes back to the Planning Commission. Ms. Capels said the Council may refine the map further before it comes back to the Commission for final comment. Mr. Borgendale said that meant the issue did not have to be addressed tonight. Mr. Jones said he raised the issue because he felt that the Commission should comment on the map considering that much of the public comment tonight was focused on the map. He said that the Commission had discussed, at the last meeting, that the Open Space Advisory Committee

map should be the one to focus on since it identifies the attributes to be addressed. The focus should be that the conservation district is not an area where no development may occur.

Ms. Power said that it would be a mistake to send a product to the Council without a report containing an executive summary of changes that have been made. Ms. Capels said that the draft memo in the Commissioners' packets was an attempt to reflect capture the Planning Commission's comments, but is not in a report format. Ms. Power said she would rather do a report so that the issue does not come back to the Commission. Ms. Capels said the Council must have another public hearing and, at that point, the Planning Commission is required to provide another written report. Mr. Jones said the Commission should just send a memo at this time because it is more focused. He suggested sending the draft memo with an addition addressing the map.

MOTION: Mr. Sedano made a motion that the Planning Commission adopt the memorandum, including the Planning Commission's draft amendments. Mr. Borgendale seconded the motion. Ms. Power proposed that the last paragraph of the memo be stricken.

MOTION: Mr. Sedano made a motion that the last paragraph be stricken. Mr. Jones seconded the motion. The motion was approved unanimously.

Ms. Capels suggested a change to the last sentence of the first paragraph so that the sentence ended ". . . public input on the proposed amendments on May 23." Ms. Power said that traditional neighborhood design should be changed to traditional neighborhood development. Ms. Capels said that she would check on that.

Mr. Jones said that the memo should say that the representation of the Open Space Advisory Committee recommended map was the one that the Planning Commission felt was the best representation of the Council's intent and the best representation of the work of the Open Space Advisory Committee in identifying the natural resources to be protected. He said that the key points should be:

- The overall use of the map is supported by the Planning Commission because it uses the conservation district in an appropriate fashion to reflect the concerns of the public that there is something in the upper pasture to be protected and that is consistent with the intent of the Master Plan land use map.
- Because of the language in the proposed Master Plan amendment, the conservation district is not a no-development district and, therefore, the line does not have sharp definition about what takes place on either side. Therefore, the line is not absolutely critical.

Ms. Campbell suggested the memo say that the Commission believes that an on-the-ground assessment is needed to finalize the line. Ms. Power suggested using those points and then saying that a site visit should be conducted before the final line is drawn. Ms. Grodinsky said that the Planning Commission should visit the site as well. Ms. Power said the memo could say "a site visit with the Planning Commission in attendance".

Mr. Sedano reviewed the additional points. He said that the point about the site visit could be in the form of a recommendation. Ms. Capels said that it occurred to her that another point should be added regarding the change to page 78, section 11.4 about the future land use map. There was general agreement that Ms. Capels should use her discretion about where to add that point.

MOTION: Mr. Jones made a motion that the Planning Commission accept the additional language to the memorandum. Mr. Borgendale seconded the motion. The motion was approved unanimously.

The Commission considered the original motion that the Planning Commission adopt the memorandum, including the Planning Commission's draft amendments. The motion was approved unanimously.

Other

Ms. Grodinsky said that she would really like the Planning Commission to hear from the One More Home Campaign but did not see it on the next agenda. Ms. Capels said that was an oversight and that she will put it on the agenda with the accessory housing and zoning amendments.

Ms. Power said that the next time the Commission will have to work on the Chapter 117 changes. Ms. Capels said she would have some proposals for the Planning Commission to look at the next meeting. Mr. Borgendale asked Ms. Capels to circulate the checklists that he had copied regarding Chapter 117.

Ms. Power said that the Commission will have to begin work on zoning in the future. Ms. Capels said that the Council's goal is to get the zoning done by December. Ms. Power said she felt that the Commission still needs to get an uninvolved person who can do the ground truthing and give people a visualization of what the development will look like. Mr. Sedano suggested that the Commission decide whether it needs the process and then decide how to get it. Originally, the Commission had hoped that DPZ would do this rather than writing code. The Commission now needs to decide whether it can do this work or whether help is needed. Ms. Grodinsky said she still felt strongly that the Planning Commission needs help. She said that the Commission should clarify the questions that it wants Ms. Levine to bring back to the Forum on Sprawl. Ms. Power said Ms. Levine was telling the Commission to write the zoning and then ground truth it. Mr. Jones asked what was wrong with writing a draft of the zoning and then ground truthing the draft with the professional development community before bringing it to the public.

Ms. Power asked Ms. Capels to contact the Vermont Forum on Sprawl and see if there is any help to be had from them. She said that, if not, perhaps the Commission could get an estimate of what it would cost to hire someone to help figure out the next steps to get community buy-in.

Adjournment

MOTION: Mr. Sedano made a motion to adjourn the meeting. Mr. Borgendale 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