

Montpelier Planning Commission
June 13, 2005
City Council Chambers, City Hall

Subject to Review and Approval

Present: Marjorie Power, Chair; Carolyn Grodinsky, Vice Chair; Anne Campbell; Craig Graham; 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 welcomed Craig Graham who had been recently appointed to the Planning Commission.

Review of Minutes of May 9 and May 23, 2005 Meetings

MOTION: Ms. Campbell moved approval of the minutes of the May 9 and May 23, 2005 Planning Commission meetings, seconded by Mr. Jones. Ms. Campbell said the second full paragraph on page 6 of the May 9 minutes should note that the Planning Commission accepted Mr. Jones' offer to serve as the Commission's representative to the Open Space Advisory Committee. Ms. Campbell also said that the last sentence of the third full paragraph on page 3 of the May 23 minutes should be clarified. Ms. Power said the sentence should say "Unless we could reconcile the various interests, we will have objections from one or another group." The Commission voted 5-0 (Mr. Graham abstained) to approve both sets of minutes with those changes.

Review of Agenda

Ms. Power said Ms. Campbell had requested that item #9 be moved up on the agenda to be taken up before item #8. Mr. Jones said he would like to make sure that the discussion is limited so that it does not use up the time allocated for item #8. There was general agreement to move the item up and limit the discussion.

Public Appearances

There were no public appearances.

One More Home Campaign

Ms. Power welcomed Rick DeAngelis, a member of the Montpelier Housing Task Force. Mr. DeAngelis said the One More Home Campaign is an initiative of the Housing Task Force and the City with the goal of addressing the city's housing needs without developing more undeveloped land. This can be done by developing accessory apartments in existing homes or accessory structures. Mr. DeAngelis' described the program and discussed related issues. Some of his points are summarized below:

- The benefits of accessory apartments are that they are less expensive than new construction; they bring income to an existing household; there may be associated social benefits; and they are a way of adding housing without using undeveloped land.
- Montpelier is especially suited to this type of housing because:
 1. There is a high demand for apartments;

2. Montpelier has a large stock of single family homes, many of which are large buildings with room for an apartment; and
 3. Households in single family homes are getting smaller. The Average household size is now 2.09 persons (down from 3.3 in 1970).
- The three components of the campaign are assisting with education, design and construction, and apartment management. The Task Force has been working with a retired marketing professional to produce marketing-type materials to promote the campaign.
 - A small survey to determine the reasons that homeowners are interested in accessory housing found that the first reason was to make money; the second was to house a family member; and the third was to make Montpelier a better place.
 - The Task Force is hoping to submit an application to the State for Vermont Community Development funds. The request will be for funds to help pay for Planning Department staff time to answer questions and for consultant fees. Also, Central Vermont Community Land Trust is going to be establishing a regional revolving loan fund with a set-aside for the creation of accessory apartments. That program has the potential to offer very low interest rates.
 - The Planning Commission can help the Task Force by considering the Task Force's specific zoning amendment request. Also, as a volunteer group, the Task Force needs the City's support in making the campaign a priority. The Planning Staff has been helpful, but they have other demands on their time.

Ms. Power said that the Planning Commission will be working on comprehensive Master Plan revisions. The Master Plan could be the mechanism in which the City embodies its commitment to the campaign. It would be helpful if the Housing Task Force makes a proposal for the Planning Commission to integrate into the revised Master Plan. Mr. DeAngelis said the Task Force would do that. Ms. Power asked Ms. Capels to tell Mr. DeAngelis when the Planning Commission is looking at the housing section of the Master Plan.

Ms. Grodinsky asked whether extra incentives could be created for energy efficient apartments and suggested getting in touch with Vermont Energy Investment Corps. She said she was confused about the definition of an accessory apartment. The limitation that the accessory apartments be not more than 30% of the area of the house may be overly restrictive since the City wants to promote a diverse housing stock. Mr. DeAngelis said that the language was taken from Chapter 117, but there is nothing to say that Montpelier would have to use that limitation. Ms. Capels said she thought it would be helpful to have a chart that compares the different characteristics of a duplex, an ancillary apartment, and an accessory apartment to help the Commission assess what approach is more appropriate in certain areas.

Mr. DeAngelis summarized the differences between the State statute and the Housing Task Force's proposal:

- The Task Force would exempt accessory apartments within existing single family homes from the setback requirements.
- Apartments in accessory buildings would be exempt from the limit of 30% of the floor area of the house.
- The State rules say that accessory apartments in accessory structures are conditional uses. The Task force version says that those accessory apartments would be permitted uses if the accessory building meets the setback requirements or the neighbor on the

side where setbacks are not met consents. The accessory apartment in the accessory building would otherwise be a conditional use.

Mr. DeAngelis said the State standards will go into effect in September. The Task Force also has a milestone for the grant application in September and the campaign will probably not be launched until there is a decision on the grant.

Ms. Campbell said it seems that these concepts are consistent with all of the input that the Planning Commission has heard, not only from the Housing Task Force, but also from the presentations on smart growth, infill, and increased density. Mr. Jones said he supported the concepts. As the Planning Commission gets further into the Master Plan, he would like to get a sense of what proportion of the housing needs can be met by accessory apartments. Ms. Grodinsky said she hoped the City will play a big role in marketing the campaign.

Ms. Power said the Commission would also like some help with the definition of affordable housing. Mr. DeAngelis said the Task Force is just drafting the structure of the Housing Trust Fund for affordable housing and will be developing a definition of affordable housing. Ms. Power said it would be good for the Planning Commission and Task Force to use the same definition unless there was a specific reason for not doing so. Mr. DeAngelis agreed and said it is important to keep in mind the goal of having a mix of housing types with different levels of affordability.

Sabin's Pasture Master Plan Amendment and Zoning Revisions

Ms. Capels said that the City Council had discussed the Planning Commission's mini Master Plan amendment recommendations. The Council decided it would not make changes at that time and scheduled a public hearing on July 13, at which point the Council might entertain changes based on public comment. If no changes are made, the Council could adopt the amendment the night of the hearing, but if substantial changes are made, another hearing might be required. The amendment would become effective immediately upon adoption, starting the 5-year clock over. The Planning Commission will have to do its report and deliver it at or before the July 13 meeting. Ms. Power said the Council also adopted the map the Planning Commission had recommended, but made a minor change to extend the transition zone in the northwest corner of the Sabin's Pasture property.

Ms. Power said she met with the Mayor, the City Manager, and Ms. Capels to discuss the timing of the Sabin's Pasture zoning. Ms. Power said the City Council's goal was to have the zoning by mid-December, but the Planning Commission has discussed the difficulty in meeting that time frame. There was a suggestion that the current zoning could be applied to Sabin's Pasture and there was some discussion that MDR might be the zone to use. Ms. Capels said that part of this grew out of Sandy Levine's recommendations that the Planning Commission use its existing tools like the PUD provisions and articulate and improve those values and standards and ground truth them. Ms. Capels said the staff also thought that approach could be an effective and timely way to address this. If the Master Plan amendment passes as proposed, the Future Land Use Map will indicate the goals for conservation and developable lands in that area. Ms. Capels cited an example of the zoning districts being simplified into one zone, such as MDR. That would quantify the allowable density while incorporating the goals articulated in the Master Plan land use map. Improved PUD standards would further define what the development would look like. Much of the work done in the SmartCode drafts could be applied to improve the current standards. This approach would not preclude continuing to work on a SmartCode approach citywide after this has been completed.

Mr. Jones asked whether the MDR provisions could be changed to include smart growth concepts. Ms. Capels said that could occur, but the changes would apply across the city. Mr. Jones said it might be logical to take on more work rather than make a city wide decision when the focus is on Sabin's Pasture. Ms. Power agreed. She added that the time frame was tight if the Commission plans to integrate the Sabin's Pasture zoning fully into the zoning of the City by making any meaningful changes to the definitions of existing zoning districts.

Mr. Jones asked if it was possible to subject the Sabin's Pasture parcel to the design review process. Ms. Capels said that would require an extension of the design review district to the property. Ms. Campbell said that might not be necessary if those standards were incorporated into the PUD standards. She asked whether the PUD standards could be improved to address this parcel without having them apply to other parcels where they might not make sense. Ms. Grodinsky said she thought that applying the MDR or another zoning district standards would result in the loss of the opportunity for Sabin's Pasture to serve as a model for a future city wide application. Mr. Jones said he would like to know what specific decisions the Planning Commission can make to satisfy some of the issues raised for Sabin's Pasture using the existing tools. He would like to save smart growth and conservation overlays for the larger Master Plan amendments. Mr. Sedano said that is a good concept as long as the Commission is open the possibility that the existing tools will not meet the need. He sensed that people are concerned the Planning Commission not go too far afield, but he was not sure that it was far afield. Ms. Power said that part of the discussion was based on the idea that the Commission would complete the Sabin's Pasture work by December and that it would be transitional with the opportunity to tie it all together in the comprehensive Master Plan amendment. She expressed concern that there might not be time to wait for the comprehensive amendment if the College moves ahead with development plans.

Ms. Campbell asked whether Ms. Capels could give the Commission an outline of what the use of the existing tools would look like. Mr. Sedano said he wanted to make sure that the Planning Commission has pushed the tools as far as they can go so that it can be determined whether those tools are sufficient with enough time left to allow the Commission to go in another direction if the tools are not adequate. Ms. Capels suggested that the Planning Commission proceed with its work on the Chapter 117 changes. She said that, in the meantime, she will review the existing zoning and all of the work that has been done, including the SmartCode drafts, the range of issues discussed, and areas of agreement. She expected she would have a draft together by September for commissioners to work with. Ms. Power said that Ms. Capels will need to get input from the Planning Commission as she moves forward with the draft. Mr. Jones suggested that one half-hour block of time be scheduled into the agendas through the summer for the Commission to work on one issue related to the draft. Mr. Sedano requested that the Commission hear all options in addition to the option that the staff recommends. Ms. Capels said that she was not sure that she could have a Sabin's Pasture issue ready for the next meeting

The Commission discussed the timeline for the work and the December deadline. Ms. Capels said that the December deadline reflected the Council's goal to get the work done before it gets deeply into the upcoming budget work. However, they seemed to understand that this might not be possible and that a February time frame might work.

Zoning Revisions Review

Ms. Campbell asked what amount of time was needed to have the Chapter 117 changes in place by September 1. Ms. Capels said that the Commission could not meet that date. It takes approximately 3 ½ months for zoning amendments to go through the adoption process.

Ms. Power asked which of the topics the Planning Commission should review for the next meeting. Ms. Capels said that would be Section 4412 and introduced that matrix. Ms. Power noted that if changes are to be made to address this section, it might be an opportunity to address the Housing Task Force's ideas. She said the Task Force's proposal seemed rather modest and suggested that the Commission could encourage them to also suggest their "wildest dreams" so the Commission would have a range of ideas to consider. Public comment could be sought on the ideas. Mr. Jones suggested that the City's newspaper column in *The Bridge* could be used to solicit input. Ms. Grodinsky said that this and every issue should be discussed in *The Bridge* to invite the public to meetings where issues will be discussed. Ms. Capels said that it would be helpful if one or more commissioners wanted to take that task on. Mr. Jones suggested that the Task Force might draft up their proposal for the Commission to read outside of a meeting. Ms. Power asked Ms. Capels to talk to them about doing that and about a public piece.

Mr. Jones said he would like the Commission to rethink the automatic merging of small lots. He thought the merger should not occur by default. Ms. Power said that provision relates to noncomplying lots that are grandfathered from zoning. The goal should be to have lots comply with zoning and if the Commission does not like the lot sizes permitted by the zoning, the zoning should be reconsidered. Mr. Jones asked if there were many nonconforming lots. Ms. Capels said that there is a high proportion of such lots in the city. Mr. Jones said that situation should be addressed. Ms. Power suggested the Commission might want to look at lot size as part of the zoning review.

Mr. Jones asked Ms. Capels what her expectations were on how to address the materials on Chapter 117. Ms. Capels said that, at a minimum, she wanted to be sure that the Commission was familiar with the information. Mr. Sedano suggested that Ms. Capels point out those areas that might raise issues or cause trouble for the City. Ms. Capels described the provisions related to day care, child care and residential care homes. The Planning Commission discussed the different types of residential care homes and group homes. Ms. Capels also identified the nonconforming use provisions as an area that the Commission might want to review. The summary includes advice from the City Attorney that raises the question of how the Planning Commission may want to approach improvements within the setbacks. Ms. Capels said that the current interpretation was that improvements over the existing footprint of a building would require variances if the existing footprint was in the setback. Mr. Jones said that he would want to better understand the reason for the setback to determine whether variances should be required.

Other Business

Mr. Jones said that the Conservation Committee went through a map exercise to help to better understand the application of conservation overlays. It would be good for the Planning Commission to go through a similar process to better understand land forms and the application of that tool. Eric, the City's GIS Specialist, did the presentation and some of the Conservation Commission members would like to attend a Planning Commission meeting with Eric in later in the summer.

Ms. Capels said that the Planning Commission received a letter from Paul Gillies, Esq. requesting that the Planning Commission take up a zoning amendment. Ms. Power said that the line cuts across lots, but you can see from the map why the line is where it is. She said that the two streets have different characters. Ms. Capels said that Planning Commission can decide whether it wishes to take up the amendment now, take it up when it does the work on the Master Plan, or not take up the amendment. The property owner could also make a formal application for an amendment. Ms. Power said that the Commission should let the property owner know if it does not look favorably on the proposal before the property owner spends money on the application. Mr. Graham asked how often this type of request comes up. Ms. Capels said that one or two are received each year. Ms. Power asked whether any Commissioner wanted to make a motion that the Commission take this amendment up. No motion was made. Ms. Power said that the matter would not be taken up.

Future agenda items:

Ms. Power asked Ms. Capels to ask someone from the Housing Task Force to talk about their preferences regarding accessory apartments.

Mr. Jones asked Ms. Capels if she could identify a specific issue related to Sabin's Pasture that is consistent with the Ch. 117 revisions for the next meeting. Ms. Capels said that she would try.

Ms. Power asked Ms. Capels if she could prepare a draft of the Planning Commission report on the mini Master Plan amendment for the Commission's review.

Adjournment

MOTION: Mr. Sedano made a motion to adjourn the meeting at 9:55, seconded by Ms. Grodinsky. 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