

**Montpelier Planning Commission
August 17, 2005
City Council Chambers, City Hall**

Subject to Review and Approval

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

Call to Order

The meeting was called to order at approximately 7:30 p.m. by Ms. Power.

Public Appearances

There were no public appearances.

Minutes of July 25, 2005 Meeting

Ms. Campbell made a motion that the minutes of the July 18, 2005 meeting be approved as submitted. Mr. Sedano seconded the motion. The motion was approved by a vote of 4-0.

Zoning Revisions Review - Subdivision and Planned Development Standards

Ms. Capels advised the Planning Commission members that their meeting packets included copies of statutes on planned development and subdivisions. She said the statute relating to planned development gives municipalities broad latitude and contains interesting provisions. Ms. Power agreed and said that the statute contains ideas that are consistent with the TND concepts. Ms. Capels said those ideas could be used by the Planning Commission immediately, without the need to adopt new tools. Mr. Jones asked what Ms. Capels' intent was for the draft zoning and subdivision regulations that were also included in the Commissioners' packets. Ms. Capels said the intent was to assemble in one place the relevant components of the current regulations related to planned development. The draft could be used to get an understanding of the current regulations and to present amendments that can be included that begin to incorporate SmartCode concepts. Ms. Capels said she found that many of the concepts that the Council's zoning committee incorporated into its SmartCode draft already existed in the current regulations.

Ms. Power said that one question will be how to apply the planned development provisions and whether the provisions will be optional or mandatory. Ms. Capels said that the current regulations require the planned development process for all subdivisions of three or more single family lots or five or more multifamily homes. Ms. Power asked what would happen if a property owner split lots off one lot at a time. Ms. Capels said the current regulations do not address that situation. Mr. Sedano asked whether a time frame could be added to address it. Ms. Power said that the time frame could be added, but the location of the first few lots created could limit the future ability for a planned development to meet the goals. Mr. Sedano said that might mean that the rules need to be more prescriptive about where the development may occur. Ms. Power said she hoped to use incentives in order to minimize opposition by landowners' groups, but recognized that incentives will not guarantee that the goals will be achieved. Mr. Jones asked how the current regulations would deal with a three-lot subdivision of a large lot. Ms. Capels said that the subdivision would have to go through sketch plan and subdivision review. Mr. Jones said that those reviews would not guarantee that the subdivision would be planned in a way to meet the goals. Ms. Power said that it may be necessary to require planned development review. Ms. Capels noted that the planned development process does not necessarily guarantee that the result will not look like a conventional subdivision.

Ms. Power suggested that the Commission proceed by listing the issues. She said that the first issue was how to address larger properties so that they are not nibbled away by multiple small subdivisions.

Mr. Jones referred to section 508.A.2. and suggested that a new item "h" be added to state that the purpose of the planned development rules is to increase the efficiency of the subdivision process. Ms. Power said that the goal of preservation of historical and cultural resources should be added to the purpose section.

Ms. Capels gave an overview of Article 5. Ms. Campbell asked whether the Planning Commission really wants the DRB to be able to waive the review criteria at 508.D.3.. Ms. Power said that question will have to be revisited when the Commission considers the criteria. Ms. Capels said that Article 8 is essentially comprised of all the development review criteria. Article 6 is primarily about the subdivision process and what must be submitted at each stage. She noted that there are slightly different requirements at each stage. Ms. Power said she did not like to see requirements waived. Mr. Sedano asked whether if it would help if DRB had to state the reasons for any waiver. Ms. Power said that would not necessarily help. It would be simpler to require an applicant to go through a complete checklist and note any things that are not applicable. Ms. Capels said that the Commission might want to replace "waive" with "determined to be not applicable."

Mr. Jones referred to section 605.B.4. and said that a natural resource inventory should be required as part of the applications. Ms. Capels noted that this section was located in the requirements for sketch plan review. Ms. Campbell asked whether Mr. Jones meant that the requirement would even be applied to three lot subdivisions. She expressed concern about increasing the expense and slowing down the process. Mr. Jones said the City could be responsible for the inventories in the developed parts of the city. Ms. Power said the applicants should either have to supply the inventory or provide a reference to an existing inventory that is applicable. This is one way to address the issue of the refusal of property owners to provide access to their property for the surveys.

Ms. Campbell said that the sketch plan review stage seemed early in the process to require the expense of a natural resource survey. Mr. Jones said he wanted to raise the issue so that the Commission could be thinking about it as it proceeds with its work. He added that the Commission may decide that the sketch plan is not the stage to require the inventory. Mr. Sedano said the purpose of the sketch plan review is to get the developer to begin to think about the issues. Ms. Power said that the inventory is needed early in the planning process in order for the developer to get meaningful feedback. The information is needed before the design of the site can be done. Ms. Campbell said the natural resource inventory is important, but it is one thing if the City does the inventory and another if the developer has to do the work at this early stage. She wondered if the wording could require "at a minimum, a City sponsored natural resource inventory." Mr. Jones said that the City could establish priority areas where inventories will be done over the next ten years. There will be other areas that might still include resources where an inventory will be required. Ms. Power said she did not want to set up a situation where plans are developed and ready to go and then an inventory is required. Developers would then argue that doing the inventory will cause too much delay. Mr. Jones said he wanted to plant the seed that this needs to be addressed. Ms. Campbell said the Commission also needs to think about the expense and the effect on the cost of housing of requiring the work at this early stage. Mr. Jones said the sketch plan phase is not a trivial one.

He noted that this stage includes plans for things like sewers and stormwater management and is the right time for the inventory. Ms. Power said the natural resource information is needed to plan a development. The cost of the inventory would not come close to the cost of the stormwater management plan.

Ms. Campbell said she was concerned by the adversarial tone of the regulations. Mr. Sedano said that, if the information is truly needed, it should be required. The overall process should not be judged based on an individual section. Ms. Campbell observed that one of the goals of the Master Plan is to provide more affordable housing. The Commission has heard from developers about how prohibitively expensive the process might be. Ms. Capels said the Commission also needs to consider how the process would apply to small subdivisions. Ms. Campbell said she agreed that a natural resource inventory is important and should be done at some stage for most projects, but she wanted to point out that balance and a spirit of collaboration should be maintained. Ms. Power said she took Ms. Campbell's point about small subdivisions, but also recognized that even a small subdivision can impact an important resource.

Ms. Capels went over the sections on preliminary and final review. She said that section 608.C. might take a different form in future drafts. That section relates to situations where final plans were not properly recorded, but lots were sold off. Staff had developed a ratification sheet to address the situation.

Ms. Capels said that Article 8 incorporates SmartCode-type concepts. She pointed out the provisions relating to the relative priorities for pedestrians and vehicular traffic in the different districts. Commissioners discussed the need to provide for pedestrian safety and comfort within the city and the preference for stating that as a priority for all streets. Ms. Capels noted that the SmartCode gave priority to vehicles in some zones and suggested that the Planning Commission look at those sections. Several Commissioners said that some consideration must be given to how the DRB could apply the statement of priority for pedestrians in its review of designs.

Other

Ms. Capels asked the Commission if it wanted to continue that night's discussions at the next meeting. Mr. Jones said that he would like to have a discussion about the schedule at some point. Ms. Capels noted that the City Council had set a goal of December for adoption of the rules. Ms. Power said that the Planning Commission is not necessarily bound by that schedule.

Adjournment

Ms. Campbell made a motion to adjourn the meeting at 9:40 p.m., 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