

Montpelier Planning Commission
September 26, 2005
City Council Chambers, City Hall

Subject to Review and Approval

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

Call to Order

The meeting was called to order by Ms. Grodinsky who said that she would be acting as Chair until Ms. Power arrived.

Public Appearances

There were no public appearances.

Minutes of September 12 and August 17, 2005 Meetings

The Planning Commission deferred action on the August 17, 2005 minutes to allow for their review by a quorum of Commissioners who participated in that meeting. Mr. Borgendale made a motion that the Commission adopt the minutes of the September 17, 2005 meeting. Ms. Grodinsky seconded the motion. Ms. Campbell said that the term "view tops" should be corrected to "view sheds" in the first full paragraph on page 4. The motion was approved by a vote of 5 in favor and one abstention (Mr. Sedano).

Community Resource Overlays

Ms. Grodinsky asked whether Commissioners wanted to decide as a group which of the conservation overlay approaches is most applicable for Montpelier and Sabin's Pasture. Ms. Campbell said that she liked the Option 2 because it is straightforward and places responsibility on the City to identify the resources that are important to preserve. Ms. Grodinsky asked whether there were any parts of the other approaches that could be used to improve the option. Ms. Campbell said she had not identified any, but added that the City would have the responsibility of delineating the important resources clearly.

Mr. Borgendale said he was very much in favor of Option 3 because he had been believed for some time that the community needs to establish relative values for resources. The approach would also be more simple to administer. Ms. Grodinsky said she was strongly in favor of Option 2. The community resource overlay is a mechanism for the community to identify the most important natural resource features that it wants to protect. She was concerned the other options may not result in protection of the resources that the community believes are most critical. Balancing could occur through the use of the PUD provisions. Mr. Graham said he was leaning toward Option 2, but might want to incorporate parts of Options 1 and 3 as the work develops. Mr. Sedano said he had not had an opportunity to fully review the materials. Ms. Grodinsky noted that Ms. Power and Mr. Jones were not present to voice their opinions.

Ms. Campbell asked whether the use of PUDs would address Mr. Borgendale's concern about balancing resources. Mr. Borgendale said that he did not see Option 3 as excluding the uses of overlays. An approach needed to be developed into a form that could be adopted as an ordinance. The approach will have to create a process and a set of criteria that the DRB can use to review a project. Ms. Grodinsky said she wondered whether the community resource overlay would work to ensure that development goes through that process rather than

developing based upon underlying zoning. Ms. Capels said she saw this as an approach that would be triggered based upon the location of development within defined district boundaries. Ms. Campbell said the approach could go hand in hand with the PUD provisions.

Mr. Borgendale said he would feel more comfortable if the overlay applied to the entire city with certain areas specifically excluded from the overlay rather than applying the overlay only to specific areas of the city. Ms. Capels said it might be more difficult to develop the background information to support that approach. Mr. Borgendale asked whether the Commission had the information needed to decide what districts the overlay should be applied to. Ms. Capels said the Master Plan future land use map would be a good place to start. A great deal of attention was placed on the delineation of the conservation areas in that map and those delineations were recently refined with the Master Plan amendment. Mr. Borgendale said he was inclined to be skeptical based on the lines drawn for Sabin's Pasture before the Master Plan amendment. The land use map was based upon broad and sometimes incomplete data. Ms. Grodinsky expressed concern that the overlays would be based upon natural resource inventories, but those inventories might not be completed soon enough. Ms. Capels said that was the reason she suggested that the duly adopted Master Plan map be used as a start.

Mr. Borgendale posed the question, using Sabin's Pasture as an example, of what would happen if the Planning Commission finished a detailed community resource inventory, applied the overlay and found that the site does not meet the criteria that were originally used to establish the boundaries of the conservation overlay district. Ms. Campbell said she understood that the Planning Commission's focus at this point is the rezoning of Sabin's Pasture and that the approach would be initially applied only to Sabin's Pasture. A mandate for a natural resource inventory could be built into the process.

Ms. Grodinsky suggested that section 815 of the PUD standards could be the place to incorporate provisions for the overlay. Ms. Capels said that the overlay would be a district and included in the section on zoning districts. Section 815 could be expanded to include a section that defined the standards and criteria that would apply to the community resource overlay. Mr. Borgendale said he thought that the criteria in 815 and 820 should be replaced with whatever criteria are developed. The Commission needs to give the DRB concrete guidance for review instead of the existing fuzzy language.

Mr. Borgendale asked why there are different provisions for PUDs and for conditional uses. Ms. Capels said that the conditional use review was desired for developments of more than 24 or 25 dwelling units to allow for review of neighborhood compatibility and off site impacts. Mr. Borgendale wondered about the usefulness of the distinction. The process is too confusing and asked why there should not be one review looking at all of those factors. Ms. Capels said that it probably could be done that way. The current provisions were adopted in response to public interest in certain types of development projects.

Ms. Power joined the meeting at 8:10 p.m. Ms. Grodinsky suggested that the Commission set up separate working meetings to focus on the overlay and PUD topics. Ms. Campbell said she would like to hear the opinions of Ms. Power and Mr. Sedano on the community resource options. Ms. Grodinsky said the Commission would need to hear from Mr. Jones also. Mr. Borgendale said he would like the working group to begin drafting something so that the full Commission can have a more focused discussion. Ms. Grodinsky said she would be interested in participating in the working group. The charge would be to take the preferred option and

begin to fit it into something similar to design review district. Mr. Borgendale clarified that the process would not be like the design review process. Ms. Power said she agreed with Mr. Borgendale that the Commission should consolidate and rationalize the review process. One of the benefits was that a developer should have the ability to see all of the items that must be addressed in one place. The standards might also be refined to better address the issues that should be reviewed. Ms. Capels said there would be quite a bit involved in reconsidering the conditional use standards and it might be a topic better taken up at another time. Mr. Borgendale said that the focus on certain uses is based on the presumption that those uses will have certain impacts. That is not always the case and the rules should directly address the impacts regardless of the use.

Ms. Grodinsky said that there seemed to be two working meetings desired. One would be a meeting for the full Planning Commission to work on the PUD provisions and the other would be a working group to work on the overlay. Mr. Borgendale said the preferred community resource option should be identified by the Commission to give the group direction. The group should then flesh out the option and decide what other changes to the current regulations are needed.

Ms. Power said it seemed that there was a consensus to set up two working groups. The PUD work was to include the full Commission, but the community overlay group would be something else. Ms. Grodinsky said that it could include Commissioners and the members of the Conservation Commission who worked on the overlay options. The views of all of the Commission members with regard to the options should be heard.

Ms. Power said she did not find Option 1 or 3 to be attractive, but also believed that Option 2 would need a lot of work. She believed that Mr. Jones preferred Option 3. Mr. Sedano said he had not fully reviewed the options. He said that he had seen management models like Option 3 that attempt to quantify everything. That type of scoring sometimes does not give the results that you might expect and the question is whether you can accurately weight all of the factors to get results that make sense. He was concerned about Option 2 because, over the past few years, the City has been unable to do the natural resource inventories that are critical to that option. He was worried about the ways and means of getting the inventories done. While he did not have anything strongly positive to say about any of the options, he was ready to begin working with Option 2.

Ms. Power said that Option 2 seemed to be the starting point. She would want Ms. Capels, Geoff Beyer, Ken Matzner, Planning Commission members and anyone else who with an interest to participate. Mr. Sedano suggested that three core participants be identified to schedule meetings around. Mr. Borgendale suggested that the number of Planning Commission members be kept at three so that there would not be a Commission quorum at the meetings. Ms. Power said she would want notice of the meetings to be advertised anyway. Mr. Borgendale said he would also like to avoid a situation where a majority, but not all, of the Commissioners participates.

Ms. Campbell and Ms. Grodinsky said they would like to participate in the group. Ms. Power said that she assumed that Mr. Jones would also like to participate. Any other Commissioners who wished to could also attend. Mr. Borgendale asked Ms. Capels to get the Commission advice on whether attendance by four Planning Commission members constitutes a quorum.

Ms. Capels said she believed it would, but did not see an issue provided that the meetings are advertised.

Mr. Borgendale suggested that a group leader be designated. Ms. Power said that Ms. Grodinsky could serve as the leader to set up the first meeting and then the group could choose a leader. Mr. Borgendale said that the leader should be a member of the Planning Commission.

MOTION: Mr. Borgendale made a motion that the Planning Commission establish a subcommittee to draft, in accordance with the community resource overlay Option 2, a zoning bylaw for consideration by the Planning Commission; that subcommittee consisting of three Planning Commission members (Mr. Jones, Ms. Grodinsky and Ms. Campbell) and that subcommittee being charged with setting a deadline, doing the work and reporting back to the full Planning Commission. Mr. Graham seconded the motion. Ms. Campbell proposed a friendly amendment to say that the subcommittee include the two members of the Conservation Commission who worked on the options. Mr. Borgendale and Mr. Graham accepted the amendment. The motion was approved unanimously.

The Commission discussed the scheduling of a special working meeting for the full Planning Commission. Monday, October 17, 4:00 p.m. was agreed upon. Ms. Capels agreed to arrange for pizza. She would also find out if Mr. Jones will be available. Ms. Capels asked for some discussion of what the agenda would be so that she could know what to prepare for the meeting. She said she could send out an update of the PUD draft revisions based on the suggestions the Commissioners had made. Commissioners agreed that the updated draft would be helpful. Ms. Power said she would like to see something that addresses inducements for PUDs and for PUDs on property with conservation overlays. She would also like to see something that addresses form and design in the PUD. Ms. Capels said that is something that the Commission has not fully discussed. Ms. Power said she was convinced that those types of design standards will increase the acceptance of development and that it would help if Ms. Capels could put some suggestions together. Ms. Capels said she could put some thoughts together, but urged the Commissioners to also think about the subject. Mr. Borgendale said he thought that the Commission's previous efforts had been too prescriptive and that was what the public was afraid of. He would like to gather some of the information he had previously collected on form-based standards. Ms. Capels said that form-based approaches require an understanding of what the existing neighborhoods look like and what is desired for new development. She would welcome the assistance of the Commissioners on further developing the Montpelier Neighborhoods project. Mr. Borgendale said he would like to see some kind of summary of conditional use, site plan, subdivision and PUD review to see where there are overlaps. He also thought the Planning Commission would have to address setbacks at some point. There should be criteria for cases where setbacks are to be waived and he would like to hear Ms. Capels' input on that topic. Ms. Grodinsky said she would like to include incentives for achieving a range of housing types.

Ms. Capels asked whether the Commission wanted to talk about the materials that Mr. Jones distributed. Ms. Grodinsky suggested that the Commissioners send their comments by e-mail. Mr. Borgendale said that he appreciated Mr. Jones' work and suggested that the proposed objectives be a starting point for discussion on October 11. Ms. Grodinsky suggested that everyone send their comments and ideas to Mr. Jones before the meeting. Ms. Power said that

the Commission could then discuss the objectives based upon the e-mails. She said that the Commission could also work on any other Chapter 117 work that is pending.

Other

Ms. Capels said that the Commission needed to appoint a representative to the capital budget committee. Mr. Borgendale said that he had been representing the Commission and was interested in continuing in that role. The Commission voted unanimously to appoint Mr. Borgendale as the Planning Commission's representative to the capital budget committee.

Adjournment

Ms. Grodinsky made a motion to adjourn the meeting at 9:40 p.m. Mr. Borgendale seconded the motion. The motion was approved unanimously.

Respectfully submitted,

Valerie Capels

Transcribed by Kathleen Swigon

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.