

**Montpelier Planning Commission**  
**March 20, 2006**  
**Memorial Room, City Hall**

*Subject to Review and Approval*

**Present:** Marjorie Power, Chair; ; David Borgendale; Craig Graham; Richard Sedano  
**Participating by teleconference:** Carolyn Grodinsky, Vice-Chair, Ken Jones, Anne Campbell  
**Staff:** Valerie Capels, Planning & Community Development Director

**Call to Order**

The meeting was called to order by Ms. Power at 6:05 p.m.

**Public Appearances**

There were no public appearances.

**Continued deliberation on March 13, 2006 proposed zoning and subdivision amendments**

Ms. Power said that Ms. Campbell would participate by telephone. Ms. Capels said that Ms. Grodinsky and Mr. Jones would also, but Mr. Jones would not be available until 6:30.

Ms. Power said the motion to adopt the proposed amendments had been tabled at the last meeting. She understood that the telecommunications proposal would not be ready in time, so the only remaining issue related to clustering.

MOTION: Mr. Borgendale made a motion that the previously proposed motion to adopt the proposed amendments to the zoning and subdivision regulations be adopted. Mr. Sedano seconded the motion. The motion was approved by a vote of 4-0 with Ms. Power, Mr. Borgendale, Mr. Sedano and Mr. Graham voting.

Mr. Borgendale said that if the clustering provision becomes mandatory (which he would vote against), there are some other requirements that will have to change in order for the rules to make sense. He gave the example of the requirement that the DRB make findings that clustering is desirable and said that provision was unnecessary if clustering is required. Ms. Power said that the provision would still make sense since the mandatory clustering was to be required only in the LDR and Land Conservation Areas.

Ms. Campbell joined the meeting briefly. She said she understood that Mr. Jones would not support mandatory clustering in the LDR zone, but would support it in the Land Conservation Areas. She explained that Mr. Jones indicated he would be willing to have the regulations accommodate different types of lifestyles including the preference for large lots in some areas. Ms. Power said the objectives of LDR zone include retaining areas for non-intensive uses and for open space. She said that her proposal was consistent with those objectives. Ms. Campbell said she would be participating by phone and left the meeting. Mr. Jones and Ms. Grodinsky joined the meeting by telephone. Ms. Power explained the motion and said there was a proposed amendment that would require mandatory clustering for PUDs and subdivisions in the LDR zone and in Land Conservation Areas.

Mr. Borgendale said he was opposed to mandatory clustering, but was in favor of incentives for clustering. Mr. Graham said he felt that incentives would be the best "next step." He did not

think the climate was right for making clustering mandatory at this time. Ms. Power said she was concerned that, if clustering is not required now, the City will lose the ability to apply it to a treasured piece of land. She referred to an article that Ms. Grodinsky had shared with the Commissioners. Ms. Power said the article pointed out that developers do not lose value when they develop on smaller lots with adjacent open space. She was concerned that, if clustering is not required, the city will be developed in lots that cover all of the open land and do not meet the community's desires for planning.

Mr. Jones asked how mandatory clustering would work. Ms. Capels said the current provisions allow a 50% reduction in lot size in the LDR. The minimum lot size of 2 acres would be reduced to 1 acre. Mr. Jones asked whether a certain percentage of the land would have to be designated as open space. Ms. Capels said there was not such specification. Mr. Jones said that, if that was the case, he was not sure how effective the provision would be. He was leaning toward requiring clustering on conservation lands, but not in the LDR zone. This was because it will be politically difficult to get support for the entire proposal if the LDR zones are included in the mandatory clustering. He would also want to add a definition of the percentage of land that must be saved as open space. Ms. Power said that most LDR lands are related to Land Conservation areas and many parcels are partially within each designation. She did not want to create a gaming situation where houses would then be placed on large lots in the LDR portion of the parcel instead of being placed where they belong.

Mr. Jones said he thought there would be strong objections by people concerned about property rights if the LDR zone is included. The Commission would be fighting a very strong current against land set-asides. He did not think that this was the battle to take on now. He would support mandatory clustering in the Land Conservation Areas.

Mr. Borgendale said that one problem with clustering is that there will be little spots of clustering scattered around the city with open space in between. Ms. Grodinsky said that would be better than the alternative of having the city built out in large lots.

Mr. Jones said he strongly supported the amendment in general because it gets clustering started. He would rather not apply it to the LDR zone because he thought that the proposal will face even more opposition if that is included. Ms. Power said she would be willing to limit the mandatory clustering to the thresholds in 402.D.1 and 4 in the LDR zone and Land Conservation areas. Mr. Jones said that he would like to see that limitation. Ms. Grodinsky said that was acceptable.

Mr. Sedano explained that Ms. Campbell, who was on the phone but could not be heard by the entire group, was also uncomfortable with applying the provision to the LDR zone, but would still support the amendment, even if it was not changed. Mr. Sedano said that Ms. Campbell had a political concern and also questioned whether the provision was necessary to protect the resources.

MOTION: Mr. Sedano made a motion to approve the proposed amendment to the motion that would amend section 813.E.1 to add the following at the end of the paragraph:

“The Board shall require clustering in all proposed PUDs or subdivisions under 402.D.1 and 4 in the LDR zone or in those areas designated as Land Conservation Areas in the future land use map of the Master Plan.”

Ms. Grodinsky seconded the amendment. The Commission approved the amendment by a vote of 5-2 (Ms. Grodinsky, Mr. Jones, Ms. Campbell, Mr. Sedano, Ms. Power voted for the motion and Mr. Borgendale and Mr. Graham voted against.)

Ms. Power said that the Commission now needed to vote on the motion to adopt the entire proposal. She said the provisions relating to telecommunications towers and projecting signs had been deleted and a provision on demolition by neglect had been added at the last meeting. Mr. Sedano noted that the Commission also agreed that it would not change the accessory apartment provision. Mr. Graham added that the zoning map had been adjusted. Ms. Power described the change to the map.

The Commission approved the amendment by a vote of 5-2 (Ms. Grodinsky, Mr. Jones, Ms. Campbell, Mr. Sedano, Ms. Power voted for the motion and Mr. Borgendale and Mr. Graham voted against.)

### **Adjournment**

Mr. Borgendale made a motion to adjourn the meeting, seconded by Mr. Sedano. The motion was approved unanimously. The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Valerie Capels

*Transcribed by Kathy 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.*