

**Montpelier Planning Commission**  
**February 11, 2008**  
**City Council Chambers, City Hall**

*Subject to Review and Approval*

**Present:** Mark Kaufman, Chair; Chris Paterson, Vice Chair; Claire Benedict, and David Borgendale  
Staff: Gwendolyn Hallsmith, Director, Planning & Community Development, and Clancy DeSmet, Planning and Zoning Administrator

**Call to Order by Vice Chair:**

Mr. Kaufman called the meeting of the Montpelier Planning Commission to order at 7:00 P.M.

**Public Appearances:**

None.

**Zoning Revisions Needed:**

**Floodplain Regulations:** Ms. Hallsmith said there are the floodplain revisions presented to the Planning Commission at the last meeting, and they haven't changed. Mr. Borgendale asked when the floodplain will be before the Planning Commission for action.

Ms. Hallsmith said it is now. The city has to move on this soon. The floodplain changes the Planning Office is recommending are the ones that are the minimum required to bring us into compliance with the federal standards. The city will potentially lose its flood insurance if we don't adopt them soon, and her hope in getting the Planning Commission to act on them now is that they will be in place before the next construction season begins. The Planning Commission has to act on them in order to recommend them to City Council. We will need to hold a public hearing, and then City Council will need to hold a public hearing. Probably the Planning Commission could hold a public hearing on the first meeting in March on March 10<sup>th</sup>.

**Parking Standards:** Clancy did some research on performance zoning. This came out of the suggestion at the last meeting that instead of establishing specific minimum standards, i.e., 1.5 parking spaces per residential unit, that we request the applicants to submit a plan for parking to the Planning Office and explain and justify the plan. If the plan has one space per unit in most of the area but maybe there is some mixed use nearby that could absorb surplus parking for special events or guests, then that could be part of the consideration. She feels as fuel prices continue to go up and affordability continues to go down, the more land we require to be dedicated to automobiles the more unaffordable everything is going to be. Instead of having a minimum standard for residential uses, we allow for performance zoning language to be inserted. The typical standard for residential use is 1.5 spaces per unit, but the DRB may consider alternatives to that providing the applicant provides the DRB with justification and a parking plan to support their proposal.

Mr. Kaufman said with the information Clancy sent out one of the questions that came out in general was, how does the city set specific criteria for acceptable proof.

Ms. Hallsmith said they are slightly shifting the burden of proof from the city to the applicant. That sounds more like a building code issue rather than a zoning issue. What we would want to have demonstrated to us is that in the event an industrial use was being proposed they would prevent detailed enough plans to demonstrate the building's safety for neighboring residences. That would be where they would come forward with the technical specifications for the materials they are using, etc. She agrees

with performance zoning as an approach, and there is a long way to go to change our bylaw into something that is more like that. Taking that approach around parking would open up some possibly creative solutions to what is already a difficult problem in the city rather than taking a cookie cutter approach of dedicating land to automobiles as housing and other types of development are built. There are lots of possibilities for shared parking and organizing neighborhoods to think about how driveways are used during the day. We could rent out driveway space during the day for commercial and business uses.

Ms. Hallsmith said they are planning on having a parking and transit discussion at the College for the next stakeholder meeting on March 5<sup>th</sup>. Even though that may be a more controversial change, whatever we do on March 5<sup>th</sup> and the public hearing on the 10<sup>th</sup> might be enough to cover this one small residential piece they would like to change.

The parking standards state that a single family dwelling is 1.5 per dwelling unit. A two-family dwelling is 1.5 per dwelling unit. A multi family dwelling is 1 per dwelling unit for spaces with unobstructed access and 2 per dwelling unit for spaces with obstructed access. For accessory apartments is the same rule for multi family. Housing for the elderly is only 1 per 3 dwelling units, so as soon as you are over 65 you don't need a car any more. Family care home is 1 per 8 children at peak hours, because it is considered a residential use. A boarding/rooming house is 1 per lodging unit, and all other residential units all default to 1.5 per dwelling unit. If in Table 705.b.2, under the p.1 standard and the p.2 standards, we could add a sentence that says applicants may propose alternative parking arrangements to the Development Review Board that are less than the minimum standard providing they demonstrate how the parking in their developments will be accommodated.

There is already a provision in place for accessory apartments. The Development Review Board may reduce or waive the off-street parking requirement for accessory apartments where the waiver will not create an undue negative impact on the neighborhood. We could include single, two-family and multi family uses in that section.

Mr. Kaufman said that still places the burden of proof on the developer.

Mr. Borgendale said all residential dwellings are not treated the same. This doesn't seem to be very flexible.

Ms. Hallsmith said it is a blanket minimum standard that applies across the board. They are finding that it is requiring too much land in certain cases to be dedicated to automobiles, and in some cases it is stopping additional affordable housing from being developed when people come in to propose adding an apartment above a carriage shed on an existing village lot. Under this bylaw if you don't have room for two additional parking spaces you wouldn't be allowed to make a conversion. At the same time we have grant and loan programs that are structured to encourage people to add accessory apartments or other units to the existing village units so we can have more affordable housing in Montpelier. In some ways our demand for making more parking is reducing our ability to create more affordable housing. What is more important, housing for people or places to park their cars?

Mr. Borgendale said effectively in this community you must provide off street parking for all residential units because you can't park on the street. That is detrimental to this whole issue.

Ms. Hallsmith said if the city reconsidered their winter parking ban it would alleviate a lot of this. Mr. Borgendale said there are a lot of communities that manage snow removal without a winter parking ban. Burlington does. Ms. Hallsmith said that would be a good discussion at the parking and transit meeting

on March 5<sup>th</sup>. What do people think of the winter parking ban? Are there other ways of doing it? How do other cities handle this? There are a lot of cities in the northeast don't have parking bans. Alternate it so people have a plan for when they are going to move their cars so the snow can be removed from the streets. The language to be added to the table of 705.b.2. is that the DRB may reduce or waive the parking requirements for single family, two-family, and multi-family uses providing the applicant proves to their satisfaction that the reduction would not have a negative impact on the neighborhood.

### **Renewable Energy Issues:**

Section 607.g.2. says the height of antennae structures, wind turbines with blades less than 20 feet in diameter, or roof top solar collectors less than 10 feet high, any of which are mounted on complying structures shall not be regulated unless otherwise governed under design review per section 305 or 725. There isn't much design review can do about solar collectors. The Design Review Committee is in complete agreement that there is no reason for people to come to the Design Review Committee to deal with solar collectors. The spector of having wind turbines put up on buildings in the downtown has raised some concerns, but buildings in the downtown are not particularly suitable for wind turbines. The one place that is in the design review district that might lend itself to some type of wind energy is up at the Vermont College campus. But these are only things less than 20 feet in diameter and mounted on complying structures. This change shouldn't have a dramatic or deleterious impact on any of the city's historic areas. There is already a provision in the design review that things that are required because of their function to be on buildings, like ventilation chimneys and hoods, there isn't much they can do to not allow those. They are required for building safety purposes. Solar collectors really do fall in the same category.

Mr. Borgendale asked what three changes the Planning Commission was going to be voting on. Ms. Hallsmith said the floodplain regulations, the changes to the Table 705.b.2. on parking, and the renewable energy.

### **Ex-Officio Status Possibilities:**

Ms. Hallsmith reported there is a youth who isn't 18 who wants to be considered for the Planning Commission membership. It struck her as a good idea because if the Planning Commission's job is looking into the future why not have a youth on board. She asked the City Manager and he said it has been the practice in the past to appoint people who are of voting age to boards. He suggested the Planning Commission could take up the idea of having ex-officio members that could participate in the discussions and deliberations. Maybe we should limit it to two maximum for the year and invite local students who are interested in what we are doing to participate. We could put out a call for a couple of ex-officio members who are not 18 years old to participate in the Planning Commission.

Ms. Benedict asked if there were any times the Planning Commission addressed issues with confidentiality. Ms. Hallsmith said it used to when the Planning Commission considered development proposals. The School Board had a problem with this when they had students on the board and they were hiring a principal. They didn't want the students to decide on salary and references. Mr. Borgendale said that would only apply to issues in which the Planning Commission could move into Executive Session. Mr. Borgendale and Mr. Kaufman said they liked the idea of having a high school student participate on the Planning Commission. They should be 15 to 18 and residents of Montpelier. The way to do outreach on this would be to communicate with the school system.

### **Other Business:**

There is the question of whether there will be a meeting on March 25<sup>th</sup> since Gwen won't be present. Claire, David and Mark said they could attend and Clancy DeSmet would staff the meeting.

**March Parking and Transit Meeting:**

There is a meeting scheduled for March 5<sup>th</sup> on parking and transit. Ms. Hallsmith has reserved the cafeteria at National Life for the meeting anticipating there might be a lot of people interested in talking about parking and transit. There have been some preliminary discussions about how the agenda might work. There will be at least three presentations. One is a consultant that has been working on the city's parking projects affiliated with the Carr Lot development, Jim Donovan of Wilbur Smith Associates. He has done several plans for different types of parking structures. He has looked at all of the parking lots throughout the city to see what the feasibility is of putting even very simple one deck parking structures up on the lots. He will be presenting all of that information to us that night. Carl Ettinier, who is head of the Peak Oil Group, has been invited to speak. He was the person who wrote the opinion piece for *The Bridge*. It is his feeling that multi-million dollar investments in parking structures will be stranded investments once peak oil and higher energy prices really take hold. This is the equivalent of a white elephant. They have also invited the head of Vermont Transit to come and speak. There have been some developments in the transit world, namely a British firm by the name of First Group, who have purchased Laidlaw, who in turns owns Grey Hound, who in turns owns Vermont Transit. Apparently, the viability and future possibilities for our bus stop here in Montpelier are in question now. Having a bus stop in the state capitol of Vermont doesn't top their list of important sites to continue to serve. We should invite GMTA.

Mayor Hooper and she talked about setting up the March 5<sup>th</sup> meeting as a series of displays with the different speakers. We could break up into small groups to talk about specific issues that are most pressing around the parking and transit possibilities in the city.

To build or not to build a parking garage would be one of those issues, and someone might gravitate to Jim Donovan's display and presentation for a better understanding of that issue. The question about minimum parking standards for residential properties might be another topic. A winter parking ban might be another topic.

Transit possibilities – what innovative forms of transit have other cities implemented, especially cities the size of Montpelier? Obviously, we aren't going to be building a subway system any time soon. There is a jitney system that has been introduced in certain smaller cities that works well. We have some new possibilities opening up with the Onion River Exchange for different types of transportation alternatives. In fact, some of the first exchanges that have been made are transportation. She received a ride to the airport the other day and paid in community credits.

What about the residential parking restrictions on some of the streets throughout the city that is limited to residents only parking? What do people think of that?

Mayor Hooper said what Gwen just listed are pieces of a puzzle that we haven't imagined what it is. What she hopes the city gets through the work of the Planning Commission or through enVision Montpelier is a transit plan. She doesn't want to see individual decisions without understanding how it fits into the hole. Her biggest frustration with the work she has done with the city in the past four years around this issue is that it is constantly reacting toward a problem that has come up without knowing if we are moving in the proper direction to the whole situation. She hopes it is done in the context of how to develop a transit strategy for the community that helps us today. More importantly, one that will think us into the next 10 to 20 years of what this community's needs are. That is part of the reason she has gone from a reluctant supporter of a parking garage to see how the whole transit plan will come together and how we do other things to get people out of their cars.

Ms. Hallsmith said maybe they should frame the meeting first with a vision and then get people to move into the smaller issues. Mayor Hooper talks about needing a transit plan and she pictures transit type solutions like buses, trains, etc. When we talk about people moving around in general, mobility comes to her mind that encompasses public transit and pedestrians and bicycles and cars. Transit sort of puts her into a box of how we implement a bus system that works better. Maybe it is a larger mobility plan of how people move around Montpelier. Mayor Hooper said it is how people move around.

Mr. Paterson said his biggest concern for the meeting is that it not deteriorates into fix my parking now, and that is going to be key. If the meeting is set up so everyone knows we are going to look at the fundamental stepping stones of our overall plan and here are some of the components, we should get good response to that. This is going to require some facilitators in each of the smaller groups who can respectively pull the conversation back.

Mr. Borgendale said it is possible to make it very firm and clear that discussions of individual problems are off limits.

Ms. Hallsmith said if anyone has an individual "beef" about parking in their neighborhood, then they can write it on the complaint board.

Mr. Kaufman said if they are talking about a holistic plan for the city it would be nice to have the Mayor lay that plan out.

Mayor Hooper said there are two seasons, but there is also the difference in the demographics. A huge issue we need to think about is how we help folks stay in their homes and still have access to all of the services they need. If we are building a good community, we need to be thinking about how we are going to accommodate that.

Ms. Hallsmith said creative transit possibilities are one of the subjects. How do we think about introducing transit in new ways to the city?

Mayor Hooper said maybe they just need to do some basic education first, which is to get folks to understand the cost of the current system and lost opportunities. Jim Donovan can talk about the fact that it is going to cost us \$10 million to build a parking garage for 300 cars, and \$20,000 per year per space. Somebody else can talk about how much it cost to own a car and what it costs us to plow roads. We don't usually factor in what the actual costs are of the current system.

Ms. Hallsmith said she thought that would be a good introductory piece Mayor Hooper could present if the Planning Office finds the data for you.

Mr. Borgendale said even with road building and maintenance, you will still need to do those things because there will still need to be places for public transportation. We need roads available for truck deliveries. Another thing that might be interesting to talk about is how we accomplish transportation for different groups that need it. There is no bus transportation for a big group of school kids in Montpelier, which generates a lot of automobile traffic within the community for nine months out of the year. It might be economically feasible to look at selected groups, such as students and people who are not able to get around, and how we serve those populations.

Ms. Hallsmith said they are looking at introductions that outline the idea they are trying to pull together, which is a mobility plan for the city and talks about the current system. This directs people to think about particular building blocks for the plan which so far includes whether or not to build a parking

garage, residential parking standards, transit possibilities which includes issues like four season mobility and transit for selected groups, winter parking ban and residential area parking limitations.

A member asked where the State of Vermont fit into this conversation.

Ms. Hallsmith said the City Manager is inviting Mr. Meyers who is the Commissioner of Buildings and General Services to come and present what the state's plan for parking is. Mayor Hooper said the last Commissioner the city asked about parking said they had plenty and it wasn't a problem.

Mr. Paterson said although he appreciates the desire not to get into peoples' specific problems he can imagine a conversation about school buses going in circles and some will accept the data that school buses will curb traffic while others will oppose that proposed solution because of the value around having people walk more, including youth. We have to be careful how we structure the discussions. Unless there is some clear reason that this conversation is going to lead to something, either people won't come, they will walk away and any sort of planning process is a waste of time.

Ms. Hallsmith said from her point of views there are some important outcomes from a transit and parking meeting. One is that having a plan would give the City Council better information to use every time they get squeaky wheels at their meetings saying please ban parking in my neighborhood. A plan would give them a basis for making their decisions. Having a broad community understanding about the costs and benefits of a parking garage as we are moving forward with the Carr Lot project will help us better understand where to put our efforts there. Right now, because of the way the project has unfolded over time, we do have the money to build the multi modal transit center we have been planning but don't have the money to build a parking garage. The money was promised to us and if we continue to talk to our legislators on an annual basis they have estimated we could probably chip away at our need for the money there to the tune of \$1 million a year, but we are about \$10 million short of what it takes to build the parking garage. \$10 million in an infrastructure investment in this city is huge. Have we really concluded as a community that putting that kind of enormous investment in a parking garage is what we want to spend our political and financial capital on? If the money were setting there ready to be spent and dedicated to a parking garage we would be moving forward right now, but it's not.

If all we come out with is some better public information and the seeds for a larger mobility plan and better public understanding of what our choices are it will be a good outcome, and it might also help people understand why it has been so hard to move forward with some of these plans in the past. Every time a parking garage has been proposed there have been a lot of people opposed to it, and it has effectively stopped it.

Mr. Borgendale said it would be interesting to find out if there are any communities that have either the geographical challenges, size challenges or seasonal challenges we do anywhere in the world that have come up with innovative solutions to mobility within their communities.

Ms. Hallsmith said she has studied what has gone in Europe and they are dealing with a completely different system. In Europe they don't have car companies buying up the train tracks so more people would buy cars. We have a fuel tax that has been place for over 50 years that has funded public transit. Even relative small cities of our size with our demographics and geography have really good train systems and good transit systems. Our problem here is we have had national policies and corporate policies over the years that have completely destroyed our public transportation system, and Montpelier alone is not going to be able to put that back in place. There are plenty of small cities in Europe that have very good trains and buses, and they pay for it with their gas tax.

The Onion River Exchange allows people to collect community credits for doing one thing and use them on other things. The transportation systems nationwide with the time banking systems are some of the biggest traded items.

Mr. Borgendale said solving a parking problem at least within the core downtown area is fairly easy to do. You just make it very, very expensive and people will stop doing it so much. It would probably also solve some of the traffic problems. The business and commercial community doesn't want that to happen because they want to make it as easy as possible for people to come here to do business with them. How do we maintain a vibrant commercial community within the downtown and still accomplish a better solution to our mobility problem? He doesn't know if the individual complaints about parking in the downtown area come as much from people who are trying to park as they do from merchants who feel their businesses are hurt by people not being able to park close to their establishments.

Mayor Hooper said she looked back at a year's worth of City Council agendas and the most common thing they talked about had to do with parking, such as fees, lack of parking, parking in neighborhoods, and the inability of vehicles to get by those cars parked poorly because of the snow banks. There are a whole group of people interested in biking and safe ways to get kids to school on their feet.

Mr. Kaufman said outreach is another area to discuss. How do we get people to come, more than just our stakeholders? Mayor Hooper said the MDCA would be interested in attending.

Ms. Hallsmith said they were planning on special issue speakers for the group. This would be part of the introduction to the small group discussions. There would be displays up with topic areas so people would get a sense of who was there and what the different topic areas are to be discussed before the introductory speakers. Part of what we are trying to elicit from people who attend the meeting is what the community values are around these issues.

Mayor Hooper said the end product of the small group discussions would be a proposal or concept along with a statement about how this notion moves us toward a greater good.

Mr. Paterson said the other option he would put out is that they could predetermine many or most of the topics.

Ms. Hallsmith reminded the Planning Commission there were some items that needed to be voted on before they adjourn.

Mr. Kaufman said members need to vote on the floodplain regulations. The Planning Commission needs to move those forward, or not, and set up a public meeting.

Mr. Borgendale said since all three items relate to changes with the zoning regulations, could they just move that as one issue as opposed to three separate issues. There are the floodplain regulations, parking and renewable energy changes.

Ms. Hallsmith said the standards for floodplains they have recommended to the Planning Commission are the minimum standards the city has to pass in order to stay in compliance with federal regulations. She proposes they do the "fix it" things, and if there are more floodplain regulations that are needed once the geomorphic study is done we can take of them at a later date.

Mr. Borgendale moved the Planning Commission warn a public hearing on the three proposed amendments to the zoning regulations to take place at the Planning Commission's regular meeting on March 10<sup>th</sup>. Mr. Kaufman seconded the motion.

The other change on the parking standards they are recommending on moving forward is a note that would be added to Table 705.b.2., which is a note similar to accessory apartments saying that the Development Review Board may reduce or waive the parking requirements for single family, two-family, or multi-family uses providing the applicant proves to their satisfaction that the reduction would not have a negative impact on the neighborhood. This would open the door for something besides the minimum standards to be developed in the case of something like Sabin's Pasture if there are alternatives proposed that would demonstrate that the neighborhood would not be negatively impacted.

The third one is a renewable energy standard that merely takes out some wording in section 607.g.2 which doesn't exempt solar panels and wind turbines from DRC review. The Planning Office cleared the DRC and they agreed. Those are the three recommended changes they are requesting a public hearing on at this point.

Mayor Hooper said she has an issue with the parking standards. She understands the technical problem of what 1.5 parking spaces are and what that allows or not allows in terms of development, and what does it do in terms of how we want our community to grow. That standard was developed after a long careful thought. It was a compromise and taking it down from 2 but afraid to going to 1. With all respect to the DRB, she is concerned about going down that path without understanding how the system works and how the process works. Look for other ways to cause that to happen. Look at the whole development proposal and make them prove they are reducing the demand for cars in that neighborhood. They are following some sort of standard. Just turning it over to the DRB scares her because she is convinced there will be 2 cars per unit and they will be on the street.

Mr. Paterson said he would agree with what the Mayor has said because in previous conversations they have had around this issue they have expressed their concerns about what happens. He is equally uncomfortable with that as the solution. He has also been talking with other people about the 1.5 parking spaces, and even though it seems odd it is the result of a process. He probably isn't going to vote for that change. He also has a question about the renewable energy amendment. It was his recollection that at the last meeting they talked about separating out the solar from the wind. He won't be in favor of moving all three zoning amendments together.

Ms. Hallsmith said the Planning Commission doesn't have a quorum tonight. None of it goes forward if we don't vote for it now.

Mr. Borgendale said he didn't know if according to parliamentary rules that is true. Ms. Hallsmith said it is a vote of the full board. If it is a bare quorum, then it has to be all four unanimous. It has to be a majority of all of the members of the Planning Commission.

Mayor Hooper said they could conduct a public hearing on all of the zoning amendments. It doesn't mean that having conducted the hearing you have accepted it exactly as it is. Ms. Hallsmith said what they are voting on now is posting it for a public hearing.

Ms. Benedict said at their last meeting they talked about getting more information on this before moving forward.

Ms. Hallsmith said she was going to look up some language that would be similar to performance zoning, essentially placing the burden of proof upon the developer to generate information for the DRB that would demonstrate that whatever they were proposing that was below the standards would actually work for the neighborhood. There are lots of types of development where there aren't lead standards to follow. What they are proposing for Sabin's Pasture where one of the ideas is for mixed use development, in that case they might be able to make a case for less parking in the residential areas because some of the mixed use areas could absorb some of the overflow parking. The burden of proof would essentially be on the developer.

Mr. Paterson said he is going to recommend they separate the three items. Since it appears they can move forward on the floodplain regulations.

Mr. Borgendale said he would amend his motion to restrict it to the floodplain revisions for warning for a public hearing on March 10<sup>th</sup>. Mr. Kaufman said he agreed with the amendment. The motion was voted 4-0 in favor.

Ms. Hallsmith said on the renewable energy issues they could take out the wind provision. She hasn't seen that as critical because the chance of anybody installing a windmill on an already permitted structure is somewhere around zero to none.

Mr. Borgendale said his suggestion would be to defer action on the parking and renewable energy until the next meeting when language is drafted for the Planning Commission's consideration.

**Review of Minutes of December 10, 2007:**

Mr. Borgendale moved the Planning Commission adopt the Minutes from December 10<sup>th</sup>, with Mr. Kaufman seconding the motion. The December 10<sup>th</sup> minutes were adopted on a 4-0 vote.

**Review of Minutes of January 14, 2008:**

Mr. Kaufman moved approval of the January 14<sup>th</sup> minutes, with Ms. Benedict seconding the motion. The January 14<sup>th</sup> minutes were approved on a 4-0 vote.

**Ex-Officio Planning Commission Members:**

Mr. Paterson said it has been proposed that the Planning Commission accept two ex-officio members, 15 to 18 years old, with 1-year renewable staggered terms, and residents of Montpelier. Mr. Kaufman moved that there be ex-officio youth members on the Montpelier Planning Commission, with Mr. Borgendale seconding the motion. This was approved 4-0.

**Adjournment:**

The Planning Commission meeting was adjourned.

Respectfully submitted,

Gwen Hallsmith, Director  
Planning & Community Development