

**Montpelier Planning Commission**  
**March 23, 2009**  
**City Council Chambers, City Hall**

*Subject to Review and Approval*

**Present:** Karen Vogan, Chair; David Borgendale, Vice Chair; Anne Campbell, Claire Benedict, and Jesse Moorman.  
Staff: Gwen Hallsmith, Director, Planning and Community Development.

**Call to Order:**

The Montpelier Planning Commission meeting of March 23, 2009 was called to order by Chair Karen Vogan at 7:08 P.M.

**Review of Minutes:**

Mr. Borgendale moved approval of the February 9, 2009 Planning Commission Minutes, with Claire Benedict seconding the motion. The Minutes of the February 9, 2009 Planning Commission were approved unanimously.

Nolan Langweil, 14 Hubbard Park Drive, said he was an applicant for the Planning Commission. He said he works at the Legislature. He said he and his family moved to Montpelier about a year and a half ago and really like the city. He would like to get involved and feels he has something to contribute to the conversation. He felt it was an opportunity for getting into the Montpelier pipeline.

**Growth Center Discussion:**

Mr. Borgendale said kudos to the City Council for approving the Growth Center application unanimously. There was considerable discussion, but the public was in favor of the application. There was no one present speaking against it. City Council did amend the resolution to include language that we are doing this to support the downtown. Ms. Hallsmith said she is still in the process of getting the application organized. There were more maps that needed to be made.

Mr. Moorman asked if Ms. Hallsmith knew anything about an appeal involving another Growth Center application. He had heard there is a town that had some trouble with the state.

Ms. Hallsmith said there are no appeals allowed right now under the legislation, but there is legislation filed to add an appeals process. Neither the League of Cities and Towns nor the Vermont Planner's Association has been in favor of that moving forward, and since those are two of the organizations that would need to support the legislation she has her doubts about it passing. There have been issues with the Growth Centers that have been proposed. In Williston the Growth Center proposed there was the result of a long local process and when it got to the State Board they extended the boundary to include Wal-Mart and Home Depot which made all of the people who had worked so hard to make the Growth Center boundaries as they were in Williston furious.

Ms. Campbell asked if there was no appeals process could cities reapply if they are rejected.

Ms. Hallsmith replied that cities can reapply. She said Colchester's Growth Center was being considered by the downtown board. The first case they told her was where a neighboring town wrote a letter asking that the Growth Center be denied, and it was Milton. The reason they did it was because apparently Milton paid for a new transit line to go up Route 15. Going from Burlington up Route 15 to Milton brings you right through Colchester and Colchester at the last minute decided not to pay for it. You are supposed to document what you are doing to encourage transit in your community as part of the application.

**Multi-Modal Transit Center:**

Ms. Hallsmith said this has been held up for two years because of the PCBs and brownfields issues on the property. The first year was waiting for EPA to approve the characterization plan, which just means approving the testing protocols for the characterization of the site. The second year was spent waiting for the characterization to be done.

Mr. Moorman asked if she could an update of what this is.

Ms. Hallsmith said what the Multi-Modal Transit Center is about a \$7 million earmark the city has to build a facility on the Carr Lot where the Greyhound Bus Station is now. The Carr Lot is a contaminated site. Two of the principal areas of concern are PCBs and lead, and the combination of the two is particularly toxic because there is land ban on lead in the country so you can't deposit lead contaminated soils in landfills. Yet, you have to move the PCBs to landfills so there is only one facility way out in Utah that actually treats the soil properly. All of the PCB contaminated soil that also has lead in it is going to have to go out there and it makes it really expensive. The estimates are finally in and the plan for removing the lead and PCBs, and just for those two contaminants the cost ranges from \$250,000 to \$400,000 depending on what the state and the EPA decide are appropriate treatment options. That doesn't include the other cleanup that is necessary on the volatile organics and the PAHs and other contaminants on the site.

Mr. Moorman asked if the \$7 million was designated for that.

Ms. Hallsmith replied no. In fact, none of the \$7 million can legitimately be used for the brownfields cleanup. The \$7 million is for the construction of the transit facility and for the construction of the park and bike path and site modifications needed to build the transit facility.

Mr. Borgendale asked if there would be super fund money available for that kind of cleanup.

Ms. Hallsmith said there is brownfields money to clean it up, but in order to access that money the city has to own the site, which they don't yet, and the potentially responsible party, which is the PRP, needs to be long gone. Unfortunately, the potentially responsible party is sitting right on the site now and it makes it tricky to get that funding. We'll still keep trying to do it, though. One of the things they are exploring right now on a very preliminary and tentative basis is what the completion of the center might look if we leased the land from the owner instead of buying it from the owner. That is what the owner is interested in doing. Then, the owner would have to do the entire cleanup and the owner would have to have the liability for the site for the rest of eternity, which is a good idea. She has been kind of nervous about the city holding the liability given all of the various mix of toxic soup that is on the site. She has checked with FTA and worked to determine what would be necessary for the city to proceed on that basis. She has asked the owner for the estimates they have of what the lease would need to be for them to make it work. In order for the FTA to agree to proceed with a leasing arrangement we would have to demonstrate that the lease was more cost effective than a purchase over time.

Ms. Campbell said based on the input we got the Planning Commission recommended to the City Council that they put the whole parking garage on hold.

Ms. Hallsmith reported that the project originally was the transit center and a parking garage. We don't have the money for the parking garage. The way the project was preceding they had envisioned more earmarks coming in through under the old system to pay for that, but we are \$10 million short on the fully funded project. Yet, with the money they have in hand now they could do the Multi-Modal Transit Center. In fact, the transit center was a high priority at the stakeholder meeting we held last year.

Ms. Campbell asked if there was any way this could be considered to be a shovel ready project.

Ms. Hallsmith replied it is. The environmental assessment is done, the site plan is done, the characterization is done; this is a shovel ready project.

Ms. Campbell asked what the likelihood was that this would qualify for the funding.

Ms. Hallsmith said it is qualified for the brownfields money.

Ms. Campbell inquired about qualifying for stimulus money.

Ms. Hallsmith replied it could qualify for stimulus money. We have the money for it. The problem isn't the money. The problem has been the ownership and the regulations that go with the brownfields cleanup.

Mr. Moorman said he is willing to clean it up if the city leases the property from him but he isn't willing to take any responsibility for cleaning it up if the city purchases it.

Ms. Hallsmith replied the owner doesn't want the city to purchase the land. He doesn't want to sell it.

Mr. Borgendale said it is going to be interesting because it is tough for a government of any sort to prove that lease is better than purchase because if you lease the lessor typically needs to get compensated to cover their cost of debt which is higher because it is taxable debt as opposed to a municipality which is not taxable.

Ms. Hallsmith said in this case the city has the eminent domain to go through, too, and that is expensive. It isn't going to be hard to prove cost effectiveness if we are subtracting out that cost. The legal expenses that go with eminent domain are great.

Mr. Borgendale said the whole reason that parking even got tied to this project was because somebody decided at the beginning of the project that if this project were to go forward it had to include coming up with replacements for the parking that was going to be displaced by doing the project because it is a parking lot.

Ms. Hallsmith said that was where it fell apart because it hasn't been a parking lot for a couple of years. It got shut down because of the PCB problem.

Mr. Moorman asked if this project included a parking garage.

Ms. Hallsmith said it did, but it doesn't any longer. It is going to house a Multi-Modal Transit Center with a bus station, parking, little park, bike paths going through. It's not a very big site.

Ms. Vogan said it also a hideous site where people come into our town. It is like the gateway of the city.

Ms. Borgendale asked if the design and use were pretty much set in terms of what they talked about a year ago.

Ms. Hallsmith said the site plan has been completed as part of the environmental assessment. It hasn't been through the Development Review Board yet.

Mr. Borgendale asked if there were still a plan to have residential component.

Ms. Hallsmith replied no. The contamination on the site really does prohibit that because it would make it a lot more expensive to both complete a characterization for the residential use as well as to clean it up to be a standard that is appropriate for residential use.

Mr. Borgendale said he always thought residential was pretty incompatible with the other use anyway.

Ms. Hallsmith said the results of the testing have shown that will not work. She has been in conversation with the Secretary of State's Office because they are interested in consolidating their offices, and the space they need is actually about the same size as what they are prepared to build as upper floor development above the transit center. They need about 15,000 square feet of space. If it were the Secretary of State's Office they could potentially work within the state structures to reallocate some of the parking across the street to their use. It is state parking across the street which would make parking the upper floors a little less problematic. There is nothing certain there by any stretch, and it is complicated because it is working with the state. The economic viability of the development does rely on upper floor development because part of the rents from the upper floor is going to subsidize the lower floor. The League of Cities and Towns also needs space. Her hope at this point is that if the Secretary of State goes in over the Multi-Modal Transit Center that makes a nice welcome center for the city because a lot of peoples' first contact with the state government is the Secretary of State's Office, whether it is to get a license or to register their business, or to register to vote. In terms of a welcome center having the Secretary of State's Office on top would make a lot of sense. Then, potentially the League of Cities and Towns could move into Redstone on Terrace Street. That would be a good building for them.

Mr. Moorman asked if this would fit the Vermont League of Cities and Towns' two-year lease.

Ms. Hallsmith said they need to clean the site up and do the construction.

Ms. Vogan asked if the whole downstairs was going to be the bus station.

Ms. Hallsmith said it would be a bus station and welcome center with possibly three or four floors for office. It's about a 5,000 square foot footprint, so 15,000 additional square feet of office space would be three additional floors, which would make it fit in with the downtown. It would be consistent with the buildings around it.

Mr. Borgendale said one other issue would be dealing with access there, too, because that bridge isn't exactly the best for bringing buses in and out.

Ms. Hallsmith said the bridge is scheduled to be renovated next year.

Mr. Borgendale asked what would happen with it because it can't be changed. It's on the National Historic Register.

Ms. Hallsmith said the guys in the Department of Public Works would like to widen that bridge, and they are angry that it is now allowed.

**District Energy Plant:**

The RFP's are due next week. There have been many companies come visit and she has given them tours. The city is looking for a partner on the plant. That is another area where stimulus money might be brought to bear. We are on the short list of district energy plants in the country that are shovel ready. She hopes they receive some good proposals.

Mr. Borgendale asked what the total planned service area for this.

Ms. Hallsmith replied that remains to be seen. It depends on how many customers we can get signed up. It depends on what the state's plans are. Right now we are looking to identify a partner to work with the city on siting, permitting and engineering the plant. There has been quite a lot of work done analyzing the downtown and looking at the buildings in the downtown that would be eligible and appropriate for a district energy plant.

Mr. Borgendale said he wondered if it would extend into any of the near downtown residential areas.

Ms. Hallsmith said right now the site they tend to prefer is out on Barre Street, so it would potentially come down Barre Street or down East State Street depending on where it is. Over time she believes the answer is yes, but you need to assemble a critical mass of customers, lay the pipes and grow from there.

Mr. Moorman inquired if it was going to become a municipal utility.

Ms. Hallsmith said that depends on who the city chooses for a partner. There are some potential models that would have the city make a thermal utility or a thermal and electric utility to manage the plant, and there are some models where we would just own the site and lease the site to the private partner and they would run the plant. It is interesting because the lower oil prices we have now mean that the numbers don't crunch quite as well. It's still less expensive than the oil prices we had last summer. If you remember, we were looking at \$4.50 a gallon for heating fuel, the difference in million BTUs in price between oil and wood was a factor of 6 because wood was \$7.81 per million BTUs where oil was over \$40 per million BTUs. At \$2.50 per gallon for heating fuel it's about that same percentage lower, so oil is around \$2.25 per million BTUs where wood is still at \$7.81. Obviously, when there is a lot of money to be made the big private partners are all much more eager to jump into the fray than they are when the margin of difference is not quite so large. She doesn't believe anybody thinks oil prices are going to stay this low forever so they should receive some good proposals. That has been the main question and the main concern. Is the city ready, for example, to take on the fuel risk associated with the plant?

Ms. Hallsmith said they had also applied for the Clean Energy Development Fund grant, and they should know about that by the beginning of May. That is for \$100,000 to help with the siting, permitting, and engineering exercise. The vote at the Town Meeting passed so that gives us \$250,000 to proceed with that step, and then if they receive the Clean Energy Development Fund grant that would provide \$100,000 more. We are moving forward.

**enVision Montpelier:**

Ms. Hallsmith said they start up their regular committee meetings next month. There are two meetings the first week in April. That project seems to be going well. They just asked for another round of concept papers for Mazer grants, and those came in on Friday. There is one for energy efficient holiday lighting, another for creating a nature education program at the Union Elementary School, a tree grant, an eco-village grant. The Bridge has submitted another application in concert with Foodworks about doing some special publications on food growing and food storage. Some artists submitted a grant application to create art work around water fountains at the schools and in public places so people have a

better sense of where their water is coming from. There is another grant application about putting more garden parks around the city where people could grow more food in the different parts of town that are publicly owned. There is still about \$12,000 left in the fund. These are actually fairly small grants.

Ms. Hallsmith said there are a couple of student interns who have expressed interest in coming and working for the summer helping us write the plans. They are hoping to get done with the strategies and targets by the end of June, and that will leave us this summer with the Vistas and student interns to write it all up.

Ms. Hallsmith said she received a letter in January from the Regional Planning Commission describing how we are going to be needing to update our Master Plan next year because in fact the Master Plan was adopted last time in July 2005. By 2010 we need to submit another one.

### **Montpelier CAN (Capital Area Neighborhoods):**

This project has been moving forward with some areas more successfully than others, but generally very well all over the city. We're looking for some new leaders in the downtown and on Barre Street. They have had some very good meetings on North Street. In fact, the last one there which was last week the City Council and Bill Fraser attended. One of the messages they were pretty clear on was that the neighborhoods are definitely interested in having more voice in city government, so that is exciting. They want to be a venue where staff and Council Members would regularly come and get feedback from the neighborhoods on what is going on in the city.

They are planning in the summertime a series of neighborhood celebrations and will be advertising them all together.

One of the other things that came up in the last CAN Neighborhood Leader meeting was that the Liberty Street neighborhood really is a little more connected in many ways to College Hill than they are to downtown. One of the things they discussed is having that neighborhood be one of the little sub neighborhoods of College Hill instead of being a sub neighborhood of downtown because they have more in common with College Hill. That would include St. Paul Street and Loomis Street and Liberty and Jay Streets.

Mr. Borgendale said he would think it would be much better to make that a separate neighborhood because there is an affinity there. Loomis Street, in particular, has sort of celebrated its identity as long as he has lived there. They have the annual Loomis Street party.

### **Communiiversity:**

Gus Jaccaci from Maine said he ran for Governor in Vermont in 1992 and 1994 as an Independent. He has always believed since he was six years old that this state has this wonder bumper sticker phrase – Vermont – the State to Reinvent the United States. The farther he goes afield the truer that gets to be. He just did a 3,000 plus mile trip all the way down the southeast through Georgia and back. He does an act as Thomas Jefferson performing along the way. Everybody he talked to thinks that this state has no equal in terms of creativity and potential leadership, if not real leadership. Now he is getting the feeling that Montpelier as a town – he remembers when the Mayor of Burlington used to say that the really nice thing about Burlington is that it is close to Vermont. The next thing he thinks about Montpelier from what he hears is that there is a tremendous amount of social invention going on in this town. He just head from people who came over from Maine and had 44 people at a transition town meeting about a week ago. Almost everything that is about social invention and community and how you take a larger community like Montpelier and make it into working groups and neighborhoods. He is here to tell us

that from the Carolina Mountains and Georgia that Montpelier is at the front of the parade in terms of inventiveness.

What is a “Communiversality?” It is an idea that says that the university is about 1,000 years old. It was invented in Bologna, and then Paris and Oxford and Cambridge. We need another invention because the modern university, having been on four college faculties from Harvard to UVM, has indigestion. It is at war with itself.

What would happen if you all decided in this town that you would like to start a thing called a community that has two qualities that no other institution of learning in the world has? First, you would consider every form of biological life inside the boundaries of Montpelier to be part of the faculty and to be part of the student body, and there would be no curriculum, no courses, no classes, no tuition, no transcripts, no degrees or diplomas. You would take all of industrial education, which is doing well here in town, and take it off the table and ask what about the Maple trees, what about the crows, what about the deer, what about the grass? They represent 99.9 percent of the life in Montpelier and you represent less than one percent. What would happen if you could start some kind of learning in this town that belonged to the whole family of nature? How would you do it?

We have 22 of these experiments all over the world from Berkley to five in Maine. They were commissioned by the Department of Economic and Community Development in Maine to start five there in 2008. They are located in Deer Isle, Holt, Lewiston-Auburn, New Boston and Portland. They all have small groups trying to figure out how to engage Mother Nature in the whole learning process. The entire family of life is learning together. That’s the first challenge; can you get the whole family of life involved in planning? The second is, can you do it all day long and never stop? The deer know nothing about semesters. They don’t know about calendars. They don’t know about clocks, tuition. The wildlife that makes up this town knows when the sap should start to run when the buckets go out, but it never stops. In other words, when this meeting is over the planning doesn’t stop for the Maple trees and the birds and deer. They just go on planning.

There are two possibilities. One is the whole family of life is involved, and the second is that you never stop; it continues.

When he ran for Governor here somebody once said to him that he could talk a dog off a meat wagon.

Ms. Campbell asked why the other 99 percent of life in the community?

Mr. Jaccaci said he thinks they are paving it and plowing it and developing it and clear cutting it. This state in many ways is going in the other direction. One of the things he liked about Howard Dean when he was Governor is he put more land in the public domain than had ever happened in the history of the state. There is a lot of drift in the planning toward an embrace of the nature that is already here. Generally speaking, in the world at large there is more clear cutting, paving, toxic streams and rivers.

Mr. Jaccaci said why it is an honor to talk to the Planning Commission is because Vermont has the potential of any place in the United States to sing a completely different song and to let the deer and the trees and other living things live. Peter Teachout, who is at the Law School, once took a case here in Vermont for trees against people. Sometime you should get him here and tell you about the case in which he represented trees against people. That was 15 years or more ago.

Ms. Campbell asked if he was getting at the same thing that David Corten is getting at.

Mr. Jaccaci said he had read some of his stuff. His number one shin kicking is going on with large corporations and he doesn't know whether in their proceedings on the Planning Commission whether over the years they run into inside the boundaries of Montpelier major threats from world corporations. For instance, whatever happened to Wal-Mart in the state of Vermont?

Ms. Hallsmith said here in Central Vermont Wal-Mart went into old structures. They didn't build that many new super stores. It's not so destructive. Montpelier is the only state capital currently without either a Wal-Mart or a McDonald's.

Mr. Jaccaci said that didn't just happen. You folks did some serious work over the years. There is a history of your stance.

Ms. Campbell said she was meaning changing the story that growth is good and that we can grow forever to a story where we are aware that the more we grow the more finite resources we consume until we consume ourselves literally to death.

Mr. Jaccaci said he agreed with that 100 percent, but he would add that is industrial growth. If you just let multipliers come in and multiply you to pieces, which is how they make their livelihood, that's the industrial dynamic. If you invent the next dynamic, the word growth changes radically. For instance, suppose Montpelier decided to invite every college and university in the state of Vermont to come once a month or once quarterly to this building and have a conversation that you ask them to have and video record it and put it on cable all over the state or into the world, that is growth but it isn't multiplier resource killing growth; it's thinking growth. What you have is the beginning of a learning relationship versus a multiplier of industrial manufacturing and sale of goods.

Ms. Hallsmith said she thinks they are doing that already here in Montpelier. Part of the way they are doing it is through the enVision Montpelier Project. The way they structured that project was fundamentally around learning rather than around planning. They reframed the whole exercise from planning to learning. The way enVision Montpelier is structured there are five main committees and each of the Planning Commissioners serve as the co-chairs of one of the committees, one of which is the Natural Environment. The life he is describing has a seat at the table unlike other planning processes. It was structured to be a community wide learning process around how we are going to look out over the next 30 to 100 years to create a different future based on all of the different kinds of trends and issues we are faced with right now. The results have been fairly significant so far. We have established a new complementary currency in town through enVision. There has been an energy coop established that has been helping people weatherize their homes by low cost energy efficiency measures. There was a Bio Blitz last summer that was funded partly through this project where scientists came from all over the country and did a citywide 24-hour inventory of all of the different bio diversity in the community. All of it is framed in this sense of learning and project driven ideas that both look way out into the future and also start to implement it now. In terms of creating that learning modality as a community there are over 300 people who have participated in the project and regularly come to the meetings. At the last large stakeholder meeting, which was on the future of housing in Montpelier, there were over 60 people at the meeting. The Food Systems Council is another major initiative that has come out of the enVision Montpelier Project, and that kickoff meeting was held a week and a half ago with over 80 people in attendance to look comprehensively at how we are going to make and grow more of our food right here in Central Vermont. What is it that the communiversity idea adds to this? How does it change it?

Mr. Jaccaci said that the communiversities we have are less far along than any of one of the four things Gwen mentioned, whether it is energy, biological science, food. Montpelier is further down the road than any of their other 22 communities.

Ms. Hallsmith said there are 5 different committees with enVision Montpelier – Social & Human Development, Governance which considers equity and decision making and conflict management, Economics and Livelihood, Built Environment and Infrastructure, and the Natural Environment. Those are the 5 major categories.

Mr. Jaccaci said they just proved to him with the speech he gave in the beginning. He said Vermont is in the lead and Montpelier is leading Vermont. What's the difference between a communiversity and what the city is already doing? You know if there are any other towns out there doing what Montpelier is doing.

Ms. Hallsmith said Montpelier isn't the first. There are other communities she has worked with.

Ms. Jaccaci said when they brought the biologists to town and they did a 24-hour inventory, what we need is 24 hours 365 days for biological inventory. Suppose you could get some college students, the next time you bring the biologists get a team of people who literally going to give you a weather report on biology inside the boundaries 24 hours a day. What about gardening? We can't garden here in Montpelier in the winter – wrong. The guy down here who was at the school in Vershire, and is now up in Maine, has a way of growing fresh vegetables outdoors – not in a greenhouse – so you could do gardening all year long. The challenge is to take every succession they are now doing and just do it continuously.

Here's the tough one. How many animals did they have at the last meeting when 80 people showed up to talk about housing? Why didn't some people bring their pets? Why isn't anyone here in Montpelier talking with or to the animals, or listening to them? The creature life out there is in tight compassionate communication with the people. When he says the whole family of life continuous, and then how do you create a calendar so you go from once every quarter or once a year to maybe once a week? He would like to give them first prize from whatever he has ever heard. On a scale from 1 to 100 Montpelier is way ahead of anything they have and are probably a 10. They have 90 points to go with regard to the word "continuous" and whole family of life. The continuous isn't hard because as a learning community you can get there. You could have a film festival that ran continuously upstairs if you wanted to. You could have music going 24 hours a day some place in town if you wanted. Family of life is a real challenge.

For a Planning Commission to even consider that now you are at the front of the parade. If we don't learn in the next couple of decades to be in complete harmony with the whole family of life, at the rate they are dying off, a professor at Harvard says that half the species on the planet will be extinct by half way through the century, and we will have done that. That's what motivates them, and that's why he is sitting here.

Ms. Campbell asked what the impact on us was if that is the case.

Mr. Jaccaci said that tomorrow when you get up look out the window and take every other Pine tree and every other Maple tree, and every other bird and every other animal, and if you are around 20 or 30 years from now they won't be here.

Ms. Campbell said ecologically it must be a rather severe impact on the rest of us at some point down the road.

Ms. Hallsmith said she has been some places on the planet where this has already happened, and they are pretty scary places to be. The little town she was in back in Bulgaria back in 1993 on Earth Day

where the industrial activities they had there were so unregulated and toxic that all of the lower life forms had died around the community. There were no bees, butterflies or insects because the copper smelter had put so much arsenic into the environment. There was a whole mountainside of dead trees. Of course, the smelter had closed down because of the economic changes which had occurred in the region at that time and they couldn't even go back to farming because they couldn't grow anything there. We do rely on the web of life; there's no question about it. If the bees alone go we are in deep trouble. There goes our entire food supply.

**Adjournment:**

Upon motion by Mr. Borgendale and Ms. Benedict, the Planning Commission adjourned at 8:15 P.M.

Respectfully submitted,

Gwen Hallsmith, Director  
Planning and Community Development