

**Montpelier Planning Commission**  
**November 22, 2010**  
**City Council Chambers, City Hall**

*Subject to Review and Approval*

**Present:** Jesse Moorman, Chair; David Borgendale, Vice Chair; Alan Goldman, Missa Aloisi, John Bloch and Tina Ruth; Meghan Wingate and Anna Hartman, Youth Members.  
Staff: Gwen Hallsmith, Director, Planning & Development.

**Call to Order:**

Jesse Moorman, Chair, called the meeting to order at 7:00 P.M.

**Comments from the Chair:**

Chair Jesse Moorman welcomed the two new youth members, Meghan Wingate and Anna Hartman, to the Planning Commission. Bethany Pombar has stepped down from the Planning Commission to focus her efforts on the CAN project.

The last Planning Commission meeting was an All Board Meeting where Gwen and the Planning staff put together a great presentation. The Zoning Administrator from Newport came down. The members of the Design Review Committee, Development Review Board, City Council, Conservation Commission, Historical Commission, Energy Task Force and Housing Task Force present. The Newport Zoning Administrator gave a presentation on form based codes which they are beginning to implement.

**Discussion of the Zoning Project:**

Planning Director Gwen Hallsmith said some of the feedback she has received is that their mind is already made up to do the form based codes. This is only one of the tools they are considering at this point for some of the parts of the community that might lend themselves to that but it doesn't say in the Master Plan that form based codes are the direction we need to take. What they did call for in the Master Plan is something called neighborhood development standards that they will be working on with all of the neighborhoods. She thinks it is important for the Planning Commission to continue working with City Council to keep them apprised of what they are doing. One thing they did very well at the beginning of enVision that needs to be reiterated at this time. At the beginning of the enVision process we framed it as a learning process, that the first part of the whole exercise was a learning opportunity for all of the committees and stakeholders to learn more about all of the different areas they needed to consider in the Master Plan. In fact, the committees started that process with a set of learning objectives. In the planning process we are doing the same thing right now for the zoning. They are basically trying to learn about all of the different tools that are available to achieve the goals they set out in the Master Plan. She doesn't have any clarity yet about which tools which will be best for our different purposes, and there are a lot of new ones that have come out fairly recently that are worth considering. These are

things like transfer of development rights, land use budgeting, form based codes, and many more. We are just trying to get everybody in the community up to speed on what we mean. Even though she doesn't think form based codes would be suitable citywide one of the lessons they can take from them is that in the current economy and in the 21<sup>st</sup> century it is slightly more important than use. It might be worthwhile to look more at form as buildings and developments are proposed in the city than to go back to the very Euclidian use schedules. Her experience here in Montpelier the Euclidian use schedules have tended to get in the way more than helped with different development proposals.

Mr. Bloch said he has heard from a lot of people that the current zoning is a nightmare and always one more piece of paper.

Ms. Aloisi said probably a lot of things in the city's current zoning are probably not in line with the Master Plan in terms of parking because in meeting parking requirements in town because of the building type you tend to let go of other great potential things.

Ms. Hallsmith said Euclidian zoning is not actually talking about geometry. It is the form of zoning that was enforced in its original form by a court case at Euclid, which is a suburb of Cleveland. Back in the day when there was a lot of industrial development in cities you had big nasty factories going in next to elementary schools and real hazards starting to crop up where there wasn't zoning regulation. The court case laid the foundation for being able to separate uses from each other so there would be an industrial district and a residential district far apart so there wouldn't be those hazards interfering with each other. The industrial era in the United States is not the dominant form of economic development right now. We have moved into an era called the creative economy where more and more of the jobs are with people like web designers and engineering firms and artists and authors. That kind of zoning doesn't work well at all for those types of endeavors because you don't need to separate them from residential uses as much. The relic of this old zoning and how it defines commercial uses and keeps them separate makes their job in the Planning Department difficult. As soon as you step away from detailed use schedules you have to have something else that will meet the goals in the city. One of the ways other cities have done that is something called form based codes where instead of having these complicated use schedules architects actually draw up some really specific standards for how buildings of any use go into a neighborhood. One of the things the guy from Newport mentioned was doorways no more than 24 feet apart so there is a real cityscape that develops as the buildings are built.

Mr. Moorman said you would still focus on the use to some extent.

Ms. Hallsmith said in Newport they require that retail on the ground level on certain streets. You can't have office space and residential on the ground floor. If a big office went into where Capitol Video was it would be a different thing than what surrounds it. In Newport they want the retail to be consistent throughout the downtown, and that is a good goal. We

haven't taken that step here although office used is certainly discouraged in the downtown space.

Mr. Moorman said he thought the form based codes could be the overall end-all be-all for our new zoning, and he doesn't think that is the case now. He thinks it is only applicable in certain places like the downtown. He doesn't see how it could apply to residential areas.

Mr. Bloch said he is thinking about water and sewer and the huge cost of this for that infrastructure. If you have 200 foot setbacks and people want to go to a 2 ½ acre lot and put a house in the middle of it, in a city as compact as this and constrained by rivers is that a wise way to use the available land we have for residential placement?

Ms. Hallsmith replied no. That makes for unaffordable infrastructure over the long run. Some cities are moving to 10 units per acre as the minimum cost for maintaining water and sewer and road infrastructure. The number of customers per sewer line, the number of people paying the taxes on keeping the roads in good shape and the water system in good shape we are short of that in Montpelier right now. That's why taxes are high and that is why our water and sewer bills are high. If we have higher density developments in the areas that are served by that infrastructure we will have a better economic base.

Mr. Bloch said if we are planning we need to be honest with people and tell them what drives costs.

Ms. Hallsmith said costs are those long runs of sewer lines in between houses and 2 acre zoning.

Mr. Moorman said he can see how form based codes can apply to our downtown.

Ms. Hallsmith said even if it isn't the perfect type of form based code, which is what you saw in the Newport presentation, almost like a building code, her concern is creating that code takes money and she isn't sure if we get another planning grant that we could afford to do it for the entire city. There are lessons about how you apply something that are more form oriented than use oriented that could be translated into the zoning code without needing to go to the level of detail that form based codes do.

Mr. Borgendale said hopefully they will end up loosening up some of the use restrictions on what is currently residential only. If we are doing a proper job here we have to get in to allowing some people into residential areas with reasonable mixed use.

Mr. Moorman said the zoning actually allows it now as a conditional use.

Ms. Hallsmith said the Growth Center designation helps with making it more friendly. It raised the threshold for Act 250 review so now anything under 50 units does not require Act 250 review. It doesn't have to be affordable housing.

Mr. Moorman said one of the challenges is to invite more housing into our town. We are in that unique position where we have way more jobs. Our population swells to double in size daily. We are a population of roughly 8,000 citizens and our population swells to 22,000 to 23,000 inside our city limits. Most of the houses in the Historic District were laid down in the late 1800's to the 1940's. In areas like that how can we encourage more housing units? Then, you look at the areas where there isn't development in our city and how can we encourage some dense housing there?

Mr. Bloch added some redevelopment in those areas that have worn out the physical spot because things do wear out.

Mr. Borgendale said he lives in an area that is bounded by Main Street and St. Paul Street and School Street. If you look at that area there is an incredible amount of open space in the interior of it which is either hard surfaced parking lots and a big chunk of private green space as well. That would be a great place to have houses.

Mr. Bloch said getting affordable housing here is important. What can young people afford? Usually that will be rental housing. Having walked through the Board of Civil Authority to some of the better kept older homes in this town some of the apartments he would go bats in. There are no lights, 2<sup>nd</sup> and 3<sup>rd</sup> stories with kids, we need to put more housing to help with tax load but also density because the density will afford a lower rent price per unit. There are some people living in some pretty interesting houses along Barre Street. These are not quality housing and he can't believe they meet any kind of safety codes or otherwise. There are hallways with no lights in them. How do we as a community provide housing for all tiers of incomes?

Ms. Hallsmith said the other news about the zoning project is they have their first neighborhood meeting scheduled for December 7<sup>th</sup> at 7:00 P.M. at the Middle School. They know that both the Meadow and North Street neighborhoods are involved and are hoping to involve the College Hill neighborhood. They will combine the introductory meeting for all three neighborhoods. Rather than all of the Planning Commissioners feeling they need to attend all of the neighborhood meetings they are proposing about as many meetings in each case as there are commissioners. If at least one commissioner could take responsibility for the meeting that would be great.

Mr. Moorman said for reference that page 83 is the map of all of the neighborhoods.

Ms. Hallsmith said obviously it would make sense for them to attend the meetings where they are a part of the neighborhood but there may be some neighborhoods that none of us

live in so we do want to make sure they are covered. The planned format for the meeting would be quite similar to the All Board meeting, only there would be another presentation other than form based codes. It goes through a lot of the questions we are considering and a brief overview of the tools and techniques. They will be handing out the survey and trying to encourage people in the neighborhood to fill out the survey between then and the next meeting. The North Street neighborhood includes the lower end of that neighborhood which is around the Middle School but it goes way up to Mary Hooper's house on the hill so there is this Upper North Street neighborhood that is a little bit different.

Mr. Borgendale said it is also true that the College Street neighborhood is not homogenous. The boundary is Loomis Street.

Mr. Moorman asked if there were leaders of each neighborhood engaged.

Ms. Hallsmith replied yes but they are looking for a new neighborhood leader for College Hill.

Mr. Moorman said they are in the exploratory phase still, learning, talking, flushing out ideas, etc. Do we have a timeframe? When do we want to transition from exploration?

Ms. Hallsmith said the way they are structuring the meetings in the neighborhoods and with the Historic Group and businesses is the first meeting is an overview and introduction and brief description of some of the tools and techniques followed by some work on their part to tell us what they want. Then there will be another meeting when we will hear what they have learned in their survey work, and it will be a year before the final thing is ready to be drafted.

Mr. Borgendale asked for the model sustainability code to play any role in this.

Ms. Hallsmith said she thought it was an interesting document.

Mr. Borgendale said the one thing that bothered him about it which they need to be very careful about is that it started out right away by talking about climate change and dived into wildlife habitat preservation as one of the first items. He thinks any approach they do they need to talk about human needs first we will get a lot of resistance.

Ms. Hallsmith said a lot of it isn't zoning but other municipal ordinances and policies.

Mr. Bloch said he hopes they will simply the framework of zoning. It is important if they are going to win hearts and minds.

Ms. Hallsmith said what they have right now is very difficult to administer; it is too complex. You shouldn't need a spreadsheet to understand the sign ordinance.

Mr. Borgendale said while the zoning project's focus is related to zoning he thinks there will be recommendations for other forms of city programs and legislation that we should expect to come out of it.

Ms. Hallsmith said pulling the sign ordinance out of the zoning might be one thing to do.

Mr. Moorman said storm water should probably be outside of zoning.

Mr. Borgendale said a TIF is certainly something that could come out of this whole process in terms of focusing on some specific city program as well.

Ms. Hallsmith said in the citizens' survey they did last year the results of that were very interesting in that there was a larger than simple majority who were in favor of new residential development in the community. She thinks things have shifted as long as it isn't in their backyard.

Mr. Borgendale said the reality of it is they are in favor of new housing to lower their taxes but they want it in somebody else's neighborhood.

Mr. Goldman asked how Gwen envisioned the CAN meetings.

Ms. Hallsmith said for her the way she pictured it working is to make it clear they weren't setting up the neighborhood development standard process to give them the key to the door but to say this is a really important city goal, developing new residential units. It is coming to your neighborhood soon. We are not going to try to stop it in the city. We are going to encourage it in fact and the Growth Center designation encourages it. Now is the time to talk about what kind of development you like. What type of new development do you like?

Mr. Moorman said do they want duplexes? Do they want accessory units? Do they want single family homes in a laid out development?

Ms. Hallsmith said which one of these higher density areas do you like best?

Mr. Moorman said these are the kinds of ideas they need to start generating with the conversations with the neighborhoods.

Ms. Hallsmith said that is why they are in the learning modality for now, to get people's feedback and to make sure people understand all of the different possibilities and move forward.

Mr. Borgendale said one of the things they need to keep their eyes open to is that with a lot of cases we consider to be totally built up probably aren't.

Mr. Goldman said there are certainly areas to grow. The problem has been the process and how it is going to be received.

Mr. Moorman said you could set down a map of just the Growth Center designated area and plot out places under a new density scheme that would be developable but you would run into other constraints. It is a plot of land that happens to be bifurcated by two separate property owners and you would need to work out an agreement.

Ms. Hallsmith said if you look at an aerial view of Montpelier there is a lot of space in back of current development that could be used for new development. She is interested in the idea of the land use budget which is an interesting concept that has been introduced on the west coast more than here. What we are doing as part of our preparatory work for the neighborhood meetings is developing the data that gives the inventory work for such a budget where you look at a neighborhood which is a fixed unit of land and identify what the mix of uses and density of uses is in that neighborhood right now. Let's say Neighborhood X has 100 residential uses and those uses are approximately x units per acre. Under the goals of the plan you know that 10 years hence you want it to be a higher density with more residential units and may be some commercial and other types of development. You set a budget for what you want that future to look like. So you want 150 residential units in that area. These can be accessory apartments, multi-family or single family and maybe 15 percent more commercial in the area. That way people would earn points essentially for how they match that land use budget. That is how it works in Langley, Washington. It's an interesting idea. It's a tool to help move towards the higher density and gets everybody in the game. People who currently aren't in development could potentially sell things to people who are.

Ms. Ruth said she would think there would be people at some of the meetings who would want to know why change it. Is there some small summary that can be made of this very complicated zoning code we have?

Mr. Goldman said they can say there has been no growth for almost 25 years.

Ms. Hallsmith said another simple answer is that the Master Plan calls for it. The city policy now has been to change the zoning in some very fundamental ways.

Mr. Bloch said for the first time in the history of Montpelier you have an aging population that doesn't need their houses but they have nowhere to go. They are living in big empty houses.

Mr. Borgendale said you talk about taxes and water and sewer rates.

Mr. Bloch said the world is changing and the only constant is change. We can either through a planning mechanism try as best in our humble ways to anticipate or work with the nature of the flow or to stand there and be swept away.

Ms. Hallsmith said if they don't like their taxes think about why you are opposed to the new housing development going in next door.

Mr. Goldman said if they want people to be more pedestrian oriented you are going to have to build housing.

Mr. Bloch said the taxes derived from a house and lot barely cover.

Ms. Hallsmith said Montpelier is in a unique situation in that we have the infrastructure capacity already. We are like a big apartment building that we still have to heat and it's only half full. We have excess capacity in schools, water, sewer and maybe not parking.

Mr. Bloch said he has never seen a town of 8,000 that had four private school systems operating out of it, and that's what we have here. It's more than just the low fertility rate. There are a lot of people that are opting not to send their kids to public schools in this town.

Ms. Hallsmith said those private schools serve the whole region. She knows people who drive in from around a lot of towns here.

Mr. Moorman said he knows people who have moved here to go to the public schools.

Mr. Bloch said 40 years ago they were invited to join the U-32 system and build a system. We went in and out four or five times when finally the surrounding towns said they had it. The people are nuts in Montpelier. It was a class driven thing that these people that lived out in these little communities which have since ballooned were just a bunch of ridge runners and weren't fit for city living and they certainly couldn't be entrusted with the educational system. But originally it was the five towns and Montpelier that were going to be one system and we are now reaping some sad consequences fiscally from these decisions. We need to figure out how we can move ahead with housing and with those amenities that a decent community of 8,000 or 10,000 supplies to those kinds of situations. There is no simple answer. That is why he is saying the schools have a lot of ancillary roads off it.

### **Project Updates:**

Turntable Park is just about done. There are some new shrubberies that are going in during the spring. It's going to be greener when it is done but the landscape architect recommended to wait until spring to do that.

There is a big event tomorrow at the Senior Center. The city received a \$300,000 grant for helping develop the Senior Center. They are going to redevelop the upper floors of 58 Barre Street into elderly housing and then finish off the Senior Center.

On the energy plant they have completed the first set of introductory presentations that all of the bidders have made. They are on the city web archives. It's really an interesting group

of proposals. We have a very hard job selecting the top proposal because they are all excellent. They will be scheduling interviews the week of December 6<sup>th</sup>. The City Council and the State of Vermont will be making the final decision. All of the contracts that have bid on the project have very substantial Vermont presence. McMillan is the one contractor that is out of state but he has many Vermont subcontractors and is just in New Hampshire. The other proposers are all from Vermont. They chose to go the design build route with the plant, largely because of the intense time constraints that we are under. Because they wanted to bring the best ideas to the table they weren't sure after the feasibility study that the version of the plant that Veolia had prepared was the best version and they wanted to give the bidders room to propose alternatives. There are two different electricity generation proposals, one a back pressure generator and one an organic rank and cycle generator which is run on hot water. There are two combustion proposals, one that is more of a standard wood chip combustion boiler and one that is a suspension combustion boiler. The whole partnership is under way and being explored at the same time. There are many moving parts to this project. It is the most difficult project she has ever done.

They have been talking a lot with the Department of Energy about how to incorporate the alternatives they received in the proposals in the environmental assessment which is currently under way. They need to complete the environmental assessment prior to using any of the money. She thinks they have arrived at the possibility of mostly just expanding the definition of the site of the environmental assessment so at least a couple of the alternatives are included without prejudice.

**Adjournment:**

Upon a motion made by Mr. Borgendale, seconded by Missa Aloisi, the Planning Commission adjourned.

Respectfully submitted,

Gwen Hallsmith, Director  
Planning & Community Development

Transcribed by: Joan Clack