

Montpelier Planning Commission
March 22, 2010
City Council Chambers, City Hall

Subject to Review and Approval

Present:

David Borgendale, Vice Chair; Missa Aloisi, John Bloch, Alan Goldman, Bethany Pombar and Tina Ruth.
Staff: Gwen Hallsmith, Director of Planning and Community Development.

Call to Order:

The March 22, 2010 meeting of the Montpelier Planning Commission was called to order by David Borgendale, Vice Chair, at 7:00 P.M.

Welcome New Planning Commission Member:

Mr. Borgendale said the first order of business is to welcome their new Planning Commission Member Tina Ruth.

Tina Ruth said she has owned a house in Montpelier for about 10 years and lived in Vermont for about 21 or 22 years. She said she loves living in the city of Montpelier. It's a neat place to live. She wanted to be more involved with the city and applied for this position. She worked for 10 or 11 years with the Department of Housing and Community Affairs. She was in the planning division and they rewrote the planning manual. They worked with regions and state agencies. She was the administrative assistant for the NAGY Council of Regional Commissions which was under Act 200. She was a lawyer in the District of Columbia and Pennsylvania before she came to Vermont and did some legal work for the department at the end of her last 5 years. There was a Governor's Commission on Dispute Resolution that she was the Executive Director of. She is a mediator and is no longer a lawyer anywhere. She now works Tuesday through Friday for the Legislature during the session.

Review of Minutes:

There were minutes from three minutes to review and approve.

Upon motion by Mr. Bloch and Ms. Pombar the minutes were approved.

Ms. Hallsmith commented that Joan Clack, the minute taker, has got to be one of the best minute takers on the planet. It's rare she gets anything wrong. She commented that should be reflected in the minutes. Mr. Goldman said reading the minutes he is always impressed.

The minutes of January 11, January 25 and March 5, 2010 were approved on a vote of 4 to 0. Mr. Goldman and Ms. Ruth were not present.

enVision Plan Drafting – Master Plan:

The Planning Commission will finish the discussion of the Social Systems Section of the enVision Montpelier planning draft. There is also funding for a municipal planning grant.

Ms. Hallsmith said she would be happy to do some project updates toward the end of the meeting.

Ms. Pombar said she would like to discuss the whole Master Plan after the review of the enVision plan draft.

Social Systems:

Ms. Hallsmith said at the last meeting they made it mostly through this section.

Mr. Goldman said he wonders what they can do under planning in this document with regard to Title 24. What are our hopes and dreams?

Ms. Hallsmith said there are planning manuals on their desks which includes the goals they are supposed to address as Planning Commissioners. Having read them and processed them for the members there isn't much. It includes the powers and duties of Planning Commissions and the goals they are supposed to address. Some of these things are

more behavioral than zoning. Master planning is not just about zoning at all. There are parts that do translate into zoning, but it is not at all just about zoning. One thing that has nothing to do with zoning is to insure the availability of safe and affordable child care and integrate child care issues into the planning process, including financing, infrastructure, business and childcare workforce development. There are an amazing range of things that are included in the state statute. The manufacturing and marketing of value added agricultural and forest products should be encouraged. The use of locally grown food products should be encouraged. The other things they are trying to do with this plan are to push the envelope as well. This is a sustainable master plan rather than a standard master plan. The way they have defined that is by saying we want to understand how we are meeting our needs today and how future generations will meet their needs. The whole plan is structured around human needs and all the ways which we currently address them and how we will address them in the future. That certainly does take into account some things that may not be explicitly addressed in the state statute but certainly are relevant to city planning and to the health and wellness of our population, which is the concern of any city government.

Mr. Bloch said he had a brainstorm yesterday reading the Sunday paper given that the state has thrown in the towel for the single most effective marketing tool it had for agricultural products, which is to throw the Seal of Quality away. The Made in Vermont seal has been dropped and all of the funding with it. he suggests that Montpelier develop one in conjunction with the value added issue on agricultural products.

Ms. Hallsmith said today she submitted a Letter of Intent to the High Meadows Fund to enable our Central Vermont Food Systems Council to do a food security plan for the area and to include business planning for some of these new ventures, which could easily fit what he is describing.

Ms. Aloisi said David was in his group and in going over safe neighborhoods they didn't understand why Strategy 1.a was in safe neighborhoods.

Ms. Hallsmith said Strategy 1.a is related to a fairly extensive study she believes was done by Harvard about 10 years ago. It evaluated what it was that made neighborhoods safe. They came with an interesting statistic that demonstrated that the more contacts neighbors had with each other, whether it was greeting somebody on the street, seeing your neighbors on the porch, etc., had a direct correlation between the direct contacts and the safety of the neighborhood. This strategy is related to safety insofar as all of these sub-activities encourage those neighborhood contacts. You know your neighbors, see them, talk to them and run into them at different events because that is a direct issue for safe neighborhoods.

Mr. Bloch said Yale Architecture School 20 years ago did a study that showed if you had porches where people were on them when people walked by you built community.

Mr. Goldman said they are talking about creating a sense of neighborhood.

Ms. Hallsmith said they also sent out with this a draft of the complete Economics Section which included the descriptive part in addition to the strategic part. They are almost done with the Natural Environment Section and making progress on Infrastructure.

Mr. Borgendale inquired if there were any more comments on Social and Human Development.

Where Do We Go From Here?

She said she is going to back it up from the final moment of truth, which is approximately July 13th. If we don't have another adopted plan by July 13th we will be in a situation where we have no adopted plan. That is not a good situation to be in because it makes us ineligible for grants and deletes our ability to participate in some of the permitting processes at the state level. We want to have a current plan.

Mr. Goldman asked if it means we would have to reuse the old plan.

Ms. Hallsmith said that is one thing the City Council could decide to do if they aren't in agreement on this plan. The chances of the Regional Planning Commission approving that continuation given that the other plan was a continuation are pretty slim. She has met with the Regional Planning Commission. The one thing they are going to

hold this plan to be that it be in compliance with their housing distribution plan. That means that our number essentially on housing units in Montpelier because of the number they have in their regional plan our old number is wrong. There are 35 in there, and the right number is about 38. They bumped it up to 40 in the current draft just to be clear. It has to do with the Regional Plan's picture of what Montpelier's growth should be and how many housing units a year we will accommodate. It is a desired target number. The growth center process was actually more about identifying the land area within which that growth would occur, and the focus of the Regional Planning Agency is a little different. She has to take what they did in the growth center and adapt it a bit to fit what the Regional Planning Agency wants.

Mr. Bloch asked why isn't there a consistency between the regional planning group and the state body to sanctify this instead of us jiggling it always.

Ms. Hallsmith said the Regional Planning Commission was the city's consultants on the growth center application and they did a lot of the projections for us. She doesn't understand how they came up with the numbers they have in the plan and why they are different than our numbers.

Mr. Borgendale said the Regional Planning Commission did have a housing task force that did a great deal of analysis of what the projected housing needs were in Central Vermont and through a variety of mechanisms came up with targets for the member communities. He can't get more specific because he wasn't on the Regional Planning Commission at the time. As he recollects they did an assessment of what the overall housing needs were projected to be for the area covered by the Regional Planning Commission, and then they did an allocation among communities and some of it was based on recent historical growth rates, but for Barre City and Montpelier both the historical growth rates are so abysmal that they were actually allocated a target based on what the average growth rate was. It was adjusted for that reason.

Ms. Hallsmith said there is a very detailed explanation of the methodology of how we got to our numbers for the growth center. July 13th is when they need the plan adopted. In order for the plan to be considered adopted it needs to have been before the Regional Planning Commission for approval. Their typical last meeting for the summer is in the middle of June, which means we need to have it to them by the end of May or beginning of June to be on their agenda for the middle of June. That means that the mandatory 30-day warning for both of the City Council hearings on the subject need to be placed in the paper some time before the beginning of May – that's tomorrow. The Planning Commission also has a mandated public hearing, but our standard of warning is 15 days instead of 30. There will be a draft Master Plan probably done by next week. At the next meeting there will be the full draft. The City Council can announce both public hearings 30 days in advance. If substantial changes are made, then they are back to the 30 day notice. She can't predict what the City Council is going to do with this document once they receive it. They might want to make substantial changes to it in which case they may want to try to adopt the old plan or just choose to be without a plan until September. The good news is that three of the City Councilors, Jim Sheridan, Nancy Sherman and Mary Hooper, have been active members of the Steering Committee and the Steering Committee reviewed the plan before they gave it to the Planning Commission. We can hope by having that piece in place the three of them will help make sure that the planning process stays on track.

Mr. Bloch asked if wrapped in the Master Plan was the zoning plan.

Mr. Borgendale replied no.

Ms. Hallsmith said the next step is the zoning. That sort of segways into the planning grant. Since we have an extra Monday in March she was going to suggest an extra meeting. The next meeting will be April 12th and then the 26th. We need to have our hearing on it sometime in April because we need to get it to City Council by the end of April.

Ms. Pombar said before they jump into the next steps beyond the master plan one of the things they have been talking about is seeing this entire document and it sounds like that is on schedule for the next meeting but that isn't until April 12th unless we do a March 29th meeting.

Ms. Hallsmith said the 12th will be their next meeting. It may be they will have to post the hearing on the document before that meeting.

Ms. Pombar said they could make any changes over e-mail before the April 12th meeting if that is going to be the public hearing and the Planning Commission's last chance to look at it.

Mr. Goldman said it will be the first chance to see the document in its entirety but not their last.

Mr. Bloch said as a result of the Planning Commission's public hearing there may be events or issues that come up and they will want to fine tune it before they give it to the City Council.

Ms. Hallsmith said by statute also they need to have a Planning Commission report when we submit it to Council. There are statutory requirements for what that report contains. The Planning Commission will have to vote to adopt the report and the plan and submit it to Council at the last meeting in April. We'll have the hearing the week of the 19th. You can vote at the hearing and do the report on the 26th.

Mr. Borgendale said he doubts very much if the Central Vermont Regional Planning Commission will be taking this up on July 13th. Basically, anybody who is in an adjoining community gets to participate in the Master Plan if they so desire, and the formation of the review committee would happen in June. The deadline for the Regional Planning Commission is really the 7th or 8th of June.

Ms. Hallsmith said if they vote to adopt the plan and the report on April 26th and send it off to City Council they could advertise their public hearings for it at the end of April, 30 days from the 27th or 28th, and have hearings on it at both of their regular meetings in May and on the 26th potentially vote to forward it to the Regional Planning Commission which would get it to them in plenty of time to set up their committee and have the vote by July. That would be the ideal circumstance.

Mr. Bloch said once they have delivered it to the Council it is on their shoulders to act on it.

Ms. Hallsmith said if they make substantial changes to the document, then it has to come back to the Planning Commission and start all over again. She is hoping with the kind of public engagement they have had and the level of involvement the City Council has had that it goes smoothly.

What Next?

Obviously, once we have a new Master Plan in place we need to change the zoning to come into compliance with the master plan. The zoning is the next task. As she has been thinking about it, and their experience with the growth center application and the place where they are right now with the preparation of a TIF District, which is a tax increment financing district and we put out a request for proposals and only received one which was partially responsive to our request. That cost \$50,000 to prepare the application. The direction they have from City Council right now is not necessarily to do that. Part of the issue with the TIF is the fact that in order to complete the process you need to have fairly well defined projects that are going to be financed by the TIF. Going into this whole exercise they thought they were going to have a well defined project insofar as they had Sabin's Pasture coming along with their Act 250 Master Plan and the district energy plant. Right now, except for the District Energy Plant, there isn't a defined project that would benefit from TIF financing, and to move forward with an expensive process like that without that in place doesn't make a lot of sense.

Mr. Bloch asked if there was a timeframe when they needed to have an application in for the TIF.

Ms. Hallsmith said there is a limit on the number of municipalities who will be eligible for them and the city may have missed the boat there if we don't have projects that will be funded. Could we use the District Energy Plant as our project for the TIF? Yes, we probably could.

Mr. Goldman said if they had a defined project and they were really going to benefit from the TIF, is it possible that those projects could pick up the cost?

Ms. Hallsmith replied that was a good idea. The city shouldn't necessarily have to pay for all of this. She hasn't really been pushing it because they don't have what they need to be doing it at this time. However, when she thinks back on the growth center application and where they are going with the zoning and the TIF it seems that some of the

most controversial pieces of all three of those are the issues of boundaries. Where would the TIF be? Where should the growth center be? Where should their zoning boundaries change? These are all questions that to her are the worst parts of going through the zoning. Drawing the lines on the map is the worst part. They saw that with the growth center because the growth center she didn't want to go through that exercise but stick to the zoning boundaries. Then, they heard lots of protest about how the zoning boundaries weren't right. They shouldn't be having an MDR way up on North Street because you couldn't put this kind of intensive development up there with the topography and the water and sewer lines. It occurred to her with the new municipal planning grants that possibly what they might like to apply for is a boundary study where they look at their zoning district boundaries, look at the growth district boundaries and look at the potential for TIF district boundaries and have the focus of the \$15,000 project helping us with that piece. Then they would come out of that planning exercise with a really good idea of where the boundaries ought to be and then move on from there to change the zoning.

Mr. Bloch said he thinks that caveat should be sent to the Planning Commission members in a memo so we are clear why we are going up San Juan Hill.

Municipal Planning Grant Opportunity:

Ms. Hallsmith asked if they had any ideas about what to use the planning grant for. Given all of the feedback they have had she doesn't think it is right to keep to the existing boundaries because we have already heard a lot of criticism of them. They are way outdated. Having a consultant takes all of the heat sounds great to her.

Mr. Borgendale said he thinks it is going to be much more interesting to talk about where HDR and MDR ought to be where it isn't.

Ms. Hallsmith said they also have a larger historic district and design review should extend further than it does right now. There are a lot of complaints about equity with design review because there are a lot more historical buildings in town that we should be minding and design review does not cover some neighborhoods but it does cover others. Equity is a big question that comes up. It would give the Design Review Committee clearer guidance so they don't do things that drives people crazy. There is the growth center and even those boundaries warrant a look, but they may want to move to more performance based zoning that does not have the same kind of district configuration. That is another good question for a consultant to answer as they do this kind of study.

Ms. Aloisi said instead of setback lines it is a build to line. We say we want an urban street front and don't use setback lines any more. We want you to build to that line to create that street front. How do you deal with walkable cities, parking, housing, etc.? It has to do with live/work situations and meshing all that together versus saying industry is here and housing over here. It is like going back before there was zoning.

Ms. Hallsmith said she likes the idea of performance zoning, but the thing that makes people nervous is that in addition to the shifting of the burden of proof it allows for a lot more discretion on the part of the city.

Mr. Goldman asked if property owners and property rights were being contested.

Ms. Hallsmith replied yes and no. The form based codes is kind of the logical evolution of it where there are design standards for neighborhoods based on the neighborhood form. That is why it is called form based codes. The downtown has a particular form. It is a certain number of stories, a certain distance to the street front, so if you are building in the downtown you are expected to follow that form. If you are building in the meadow those are fairly tightly packed houses with porches and a certain size yard. That could also be a question they ask the consultant to answer.

Mr. Bloch said if and when they make that decision the second thing that has to happen is a grant to do community wide education as to what we are talking about. She just spent 15 minutes explaining it to us.

Ms. Hallsmith said conceivably this grant could include some of that because if we are talking about boundaries they will have a full room. She received approval from City Council and tentatively from Vermont Youth Tomorrow to continue the VISTA program, so between a consultant and VISTA volunteers we should have the manpower.

Mr. Bloch said once they get working with the consultant and develop a proposed shift then we need to follow it up with some very carefully laid out educational efforts, and that is going to cost money.

Ms. Hallsmith said to summarize what she just described the motion would be to apply for a planning grant to do a study of our boundaries, the growth center boundaries, the potential TIF District boundaries and our current zoning boundaries with an eye toward correcting any mistakes in the growth center boundaries, identifying potential areas for a TIF District and answering the question of whether we want to continue with Euclidian boundary based zoning or move into a new form.

Mr. Goldman said it would be a tremendous thing to get that done. It has been 20 years that we don't have boundaries corrected.

Mr. Bloch said he would make the motion that we proceed with making an application for a planning grant that encapsulates what Gwen just said and she send a memo to the members so they know what they did. Mr. Goldman seconded the motion. The motion passed on a vote of 6 to 0.

Ms. Pombar said she totally supports looking at the zoning with a municipal planning grant although she thinks there are some other things they are going to have to look for funding for to carry forward the enVision plan.

Ms. Hallsmith said actually the city isn't responsible for all of the stuff in enVision. They are starting to identify the entities that carry it forward. The fact that it is in the Master Plan gives whoever carries it forward a good solid foundation for applying for grants and doing that other work. It's the implementation phase of the Master Plan.

District Energy Plant:

The city received an \$8 million grant from the Department of Energy to build a biomass district heating system for the city. She is working with DOE and our consultants right now on the grant negotiations, which is a huge piece of work with lots of paperwork and revised budgets and federal forms. Last week she met with the Buildings and General Services Department of the State and the State Senate Institutions Committee. There is language moving forward in the Capitol bill of the Legislature to support their efforts in this area. There is preliminary agreement on the part of the state to work with the city on this.

Mr. Borgendale asked if the state was back on board as a partner.

Ms. Hallsmith replied they are. In fact, the scenario they are looking at right now would be that the City of Montpelier would actually take over the state energy plant, tear it down and build a new one right on the same site. There would be a little move to get out of the floodway. Phase 1 of the project is fundamentally only two major customers – the city and the state. The state complex plus city buildings that include the high school, City Hall, Fire Station and Police Department and the Union Elementary School with possibly Barre Street. It might also include the State Employees Credit Union as one commercial possibility. The reason they are doing it that way is to basically run the numbers on the two biggest customers in the system. If they can make it work for the two biggest customers who are saying yes to the project now without having to worry about all of these commercial buildings signing up they are fine. Everything that the downtown contributes is gravy to the project.

Mr. Goldman inquired if the goal was to have a plant big enough to do the whole downtown.

Ms. Hallsmith replied yes.

Mr. Borgendale asked why Main Street Middle School wasn't included.

Ms. Hallsmith said it is too far out right now. There is nothing to say that Phase 2 of the project couldn't include more buildings. Right now the current design doesn't go to the Middle School. She has been spending the last several weeks dancing with all of these numbers; it's difficult. It is a \$25 million project so it is a big project with lots of moving parts and rather unpredictable partners.

The other piece of this project that most people aren't aware of is that in addition to proposing that we build a district energy plant we also proposed to form a clean energy assessment district or property assessed clean energy district. PACE Districts are now the term of art nationally. The legislation that passed the Vermont Legislature a couple of years ago calls them CEADs or Clean Energy Assessment Districts. This will be for the whole community. You won't have to be in the energy plant territory to apply for this money. There is \$3 million allocated for people to make energy efficiency improvements and renewable energy improvements to their homes and then you will be able to pay it back as a property tax type of thing over the life of the improvement rather than needing to get a bank loan for it at relatively low interest rates.

Mr. Goldman asked if they were targeting residential or commercial properties.

Ms. Hallsmith replied any building in the community would be eligible to apply.

Mr. Goldman asked what the timeline for this is.

Ms. Hallsmith said DOE wants to get this money out the door. To get the energy plant money out the door we first have to complete the required environmental assessment and that is going to take 6 to 8 months to do. The Clean Energy Assessment District money can be done on a categorical exclusion so we can get that money next week or as soon as they get the budget negotiation done. That will actually be available to residents as soon as she gets this done. Both of these big energy pieces do involve a vote. There may have to be three votes on this. One is to establish the Clean Energy Assessment District in the first place. One is to bond for the other money for the energy plant, and this took her by surprise as they got the completed feasibility study. She had actually expected that the public ownership versus private ownership would be comparable. There would be a price tag they could assign to letting the private entity do it for us, but in fact the cost of energy if they are relying on private investment to build the plant as opposed to public bonding money is a substantial amount more. If it is \$50 per 1,000 pounds of steam for the state it is \$73 if the private sector does it for us. It is a 50 percent increase in the cost. It actually makes a whole lot more sense for the city to float a bond for the rest of the money we need. It's a revenue bond as opposed to general obligation bond because it is based on the fact that the energy plant will be a revenue stream that can pay the bond back rather than putting it on the backs of the taxpayers to be obligated to pay it back. It is still a big ticket item. We will be bonding \$17 million to build this plant, and that is a lot to ask Montpelier residents to swallow. In fact, this will lower the taxes because all of the numbers crunching show us with a return on investment on an annual basis of about a half million dollars per year for running the plant. This is running a profitable business and making money. It is an enterprise fund.

She said they actually presented this to state the other day and told them they are avoiding their capital investment by turning it over to the city so their capital costs will be going into their operating line items. They are looking at doubling their energy costs actually, but that is because of all of their deferred maintenance and deferred improvements. We will be looking possibly at several votes, including possibly a charter change amendment in November to sell heat and power. The power we will be producing is about enough to power the state complex. The difficulty right now is that the current net metering law limits net metering to 250 kilowatt or less, and it is a 400 kilowatt generator. Net metering means that basically you are selling your own produced electricity to the grid at retail rates. If you don't net meter, the way Vermont law works you have to sell it to the grid but only at wholesale rates, which is obviously a less profitable deal. There is no cap on the wholesale electricity. There is a cap on the amount you can net meter it – 250 kilowatts.

There has not yet been a case in Vermont where the net metering has tried to do what they are trying to do like the whole state complex. You would think that it is the state that is benefitting from it that it shouldn't be hard to convince them to raise that cap just a bit to get us in under the wire.

REACH Elder Care Project:

They just hired a Membership Coordinator and a Case Manager. They have just advertised for a consultant to take on some of the work she has been doing to get the project going and advertised for a program assistant. There has been a bit of a glitch in implementation insofar as they had envisioned the project working involved the Onion River Exchange expanding their membership to different levels of membership that they have now. They have had some concerns about that, both from a tax exempt point of view and some other issues. At the moment the city is moving

forward as the REACH implementation agency and we are continuing to work with the Onion River Exchange to see if it will work for them to do that. They hope it will work out. They have hired a couple staff and there are a couple more staff coming as soon as people apply and they get the interviews done.

They had a problem with the office fire in December and have a new office now over in the red brick building across from the Library. It is Vince Illuzzi's building on the first floor. It is a gorgeous office. Just last week we have finally had the computers, phones and the internet and all of the desks.

Food Systems Council:

They had a great meeting last week with a presentation on a food security plan that was done by Shelburne Falls, Massachusetts and it is that kind of plan we are trying to emulate with this funding they are applying for with the High Meadows Fund. They have had some very successful events with the Grow Local Fest. They have set up a prototype for a good currency that is now on line and they are working on how to move that further and implement it.

Transit Center:

Back in November they discovered that the FEMA organization, the Federal Emergency Management Agency, had reclassified the Carr Lot as floodway which means you don't build a transit center there with federal dollars. It made FTA push us back with the new maps. Montpelier and Barre appealed it, but she doesn't have a lot of confidence.

Mr. Goldman said most of the federal mapping is not accurate, at least not at the scale of life.

Ms. Hallsmith said her prediction is they won't win the appeal and they would never be able to permit a building being constructed on that site. She has been looking for alternate sites. They received an \$8 million grant to build an energy facility right across the street from the site. The good news is, wouldn't the energy plant make a really good transit center? You could have a window on the inside of the waiting room where people could look in to the biomass facility. The first thing people would see when they come to Montpelier would be our cool renewable energy plant. She has been talking to DOE and FTA and all of the federal agencies about this. Moving the transit center to another virgin site we can't do because we have already spent the money on the environmental assessment, and environmental assessments aren't cheap; they come at \$200,000 a piece. We don't actually have another \$200,000 waiting around to do another one of these.

There are a couple of choices. One is to put it into an existing building where we wouldn't have to do an extended environmental impact assessment and could get by on a categorical exclusion. The video store is gone. That building would be a right turn off Route 2 and then there would be the loop around to get back on Route 2. That building might make a not half bad transit center if worse comes to worse. The problem is that it isn't quite in the downtown.

Mr. Goldman asked about the residential building there which is completely out of place.

Ms. Hallsmith said another possibility would be to add it on to the energy plant where they already have to do another federally funded environmental assessment. It is right across the street from the Capitol.

Turntable Park:

Turntable Park is almost ready to go to bid. There is another alternative for that down by the Dog River.

Mr. Goldman asked if anything was ever going to happen at the old Grossman's across from Formula Ford.

Ms. Hallsmith said it is a pretty serious cleanup site. The owners of that property are almost impossible to get a hold of.

Turntable Park, provided it doesn't get disrupted by the railroad, would be ready to go ahead and be built this year. Garth has been managing it.

Senior Center:

They received a planning grant for the Senior Center. They also found out today they received an energy improvement grant for that so that is another \$50,000 they can put in to making that building more viable.

Zoning Fees:

The City Council has tentatively put for their April 28th agenda a question of whether fees for appeals would be paid back to appellants when the Planning Department initiates a particular violation if the appellants win. There was this interesting and problematic case recently where Clancy had identified a potential violation, sent out a notice and the person was really angry at us for identifying them as a potential violation and wrote angry letters. Clancy told them they could appeal.

Mazer Grants:

They are finally paying out the last of the Mazer grant that allowed the school to set up a nature education program which has been successful. They are getting more funding to do more of it. There are also a series of Bridge articles they are funding.

Railroad Issue:

She said they have been reading about this in the papers. The city doesn't actually have a whole lot to do with it. The state has been cancelling the leases along the railroad lines. She expects in April a fence will go up next to the M&M Beverage and Shaw's to keep pedestrians out of that area. This is a pretty nasty project. The trains will start running in April, the short trains with the granite. The longer trains they haven't managed to figure out if they can run the longer trains because of the safety. There is also the question of whether the North Branch Bridge is adequate for the trains. If it isn't then we might be in a position to make lemonade and get the Barre Street Extension or at least a new bridge with some pedestrian and bike access along there built. We also have not heard whether the bridge out by the roundabout is adequate for the purposes. If that bridge isn't adequate they are laying track through Sabin's Pasture next month.

Mr. Goldman asked what say we have when we want a commercial or residential train coming through.

Ms. Hallsmith said given this process if they were going to go to the trouble of upgrading the lines they might not at least upgrade them to passenger standard, but they aren't. They are transferring the rails they are tearing up in the other part of the state to upgrade the western line and using those rails over here, which only brings it up to a certain class of freight standard. One of the men she talked to about it seemed to indicate that the weight of these cars might actually require a standard that is the same as passenger grade. That is still an open question. We have no power over this question – none. We don't regulate anything. These are the federal rails. It is the state that owns it but it is still under federal law.

Mr. Borgendale said AOT has been a real lesson in how to win friends and influence people on this issue.

Adjournment:

Upon motion by Mr. Bloch and Mr. Goldman the Planning Commission meeting adjourned.

Respectfully submitted,

Gwen Hallsmith, Director
Planning and Community Development