

Montpelier Planning Commission
May 24, 2010
City Council Chambers, City Hall

Continuation of Public Hearing: Montpelier Master Plan

Subject to Review and Approval

Present: Jesse Moorman, Chairman; Bethany Pombar, John Bloch, Alan Goldman and Tina Ruth.
Staff: Gwen Hallsmith, Director of Planning and Community Development; and Erin Schlitts and Kristin Feierabend, VISTA Volunteers.

Call to Order:

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

Review of April 26 and May 10, 2010 Minutes:

There was not a quorum of members present to pass the minutes.

Continuation of Public Hearing:

Ms. Hallsmith said they could go through and mention the things which were changed since the last meeting. She said she would turn that over to Kristin and Erin.

Ms. Hallsmith said one of the interesting changes they have made to the document since the Planning Commission has seen it last relates to the trip that Kristin and Erin are going on. They are going to meet Queen Beatrix of the Netherlands. They are going to the Peace Palace in the Hague. The reason they were invited to present their Master Plan to the Queen at the Peace Palace was because they used the Earth Charter methodology for the master planning process. She asked Kristin and Erin to find the places in the document where the principles are illustrated by what they have done. If you turn to page 43 and 44 you will see where they have been added where appropriate. The City Council voted to endorse the Earth Charter back in 2001.

Mr. Moorman said he is looking at the front of the document for a reference to the Earth Charter document.

Ms. Hallsmith said on page 21 they have described the regionalization efforts that are going on a little more thoroughly.

Mr. Moorman inquired if they had sent copies of the Master Plan to the Chairs of other Planning Commissions around.

Ms. Hallsmith said they sent the original draft as they posted the hearing to them. What they need to do procedurally is as they complete the plan as a result of the hearings they will need

to post another hearing and 30 days notice and send that plan out to them. This will be before they submit it to City Council. If you look back to the very first plan that was drafted there have been a lot of changes. By continuing the public hearing for tonight one of the possible plans for the Master Plan was to send it off to City Council after the last hearing, have them take up their public hearings and get it to the Regional Planning Commission in time for their July meeting. By continuing the hearing until tonight they aren't going to make that deadline. We can have it adopted for their September meeting. If an Act 250 proposal comes through over the summer that the City Council really wants to act on they can always adopt the plan. It doesn't have to be endorsed by the Regional Planning Commission to give us standing in the Act 250 process.

Mr. Moorman asked if cities were parties by right in Act 250 applications.

Ms. Hallsmith responded by saying providing they have a Master Plan. You need to have an up to date town plan. It does not have to have been ratified by the Regional Planning Commission but just adopted. That is the only thing we risk. Normally the municipal planning grants might be a problem, but this year they did them a lot earlier so we will know about our grant if we receive it before July when the plan expires.

Mr. Bloch said he has a problem with the header on page 23, "Montpelier is Magic." It is not magic but a result of years of people working and being thoughtful about how they develop this town.

Ms. Hallsmith said this used to say "Montpelier's Characteristics," which she thought was boring.

Mr. Bloch said it seems a little flip for something we want to be taken seriously.

Ms. Feierabend said under the heading they could say the magic is the labor of all things.

Mr. Bloch said it is the result of a lot of citizen involvement and staff work.

Ms. Hallsmith said they could add that text to it, the fact that Montpelier is a special place takes hard work and citizen involvement.

Mr. Bloch said the most magical thing he sees is the tenacity and the depth of the citizen involvement. He hears people from other towns crying they can't get a quorum together and we don't have that problem. It is really important and because it happens all of the time we take it for granted.

Ms. Hallsmith said Council Member Golonka was talking about us needing more in the plan about regionalization. What she got from his comments was a description of what we have done towards regionalization since we have regionalization as strong goals, strategies and

targets. They added the paragraph near the bottom of page 21 to describe the regionalization efforts.

Mr. Moorman said that is what prompted his question about whether we had contacted the other Chairs and City Clerks for those adjoining towns and municipalities, and we haven't heard anything from them.

On page 28 they added the description of the Army Corps of Engineers flooding, study, ice jam project. Obviously, the goals, strategies and targets related to flood control relate to this, but this gives people more information about what we are doing.

On page 38 they added some text about the importance of open space because that was a comment that came up.

On page 41 they added more information about all of the parks and a table about parks. There is now a table with the different parks in Montpelier that wasn't here before.

Mr. Moorman said he would like to see a reference in the text that tells us what the table is telling us. The privately owned open space, are they parks that the public can use under an agreement?

Mr. Bloch replied the Elks, but not the Zorzi Vermont College piece of property. They have a Do Not Trespass sign on it.

Ms. Hallsmith said it is open space.

Mr. Moorman said it says other parks and open space so there is a distinction between parks and open space. He would like to make that distinction clear.

Ms. Pombar said she wondered if there was a way they could indicate on the list which properties are open for public use. She thinks there should be another column on the list that explains which are accessible to all residents and which are posted. VINS is now North Branch Nature Center.

Mr. Moorman said Mill Pond Park and Court Street Park have no ownership listed.

Mr. Bloch said he assumes Mill Pond Park is city owned.

Mr. Moorman asked if it would qualify as public.

Ms. Hallsmith replied yes. They can answer these questions in the final version of the table.

Mr. Moorman said the section says other parks and open spaces. The table just refers to only owned open space, be it private or public. The distinction between parks and open space needs to be much clearer.

Mr. Bloch said they need to identify Court Street and Mill Pond Park as to ownership.

Ms. Hallsmith said another thing that might be more helpful in terms of the chart is to put what neighborhood it is in instead of what zoning district it is in. The zoning district doesn't matter in a park. It was intended as sort of a locational thing.

Mr. Moorman said the zoning district doesn't matter in terms of a park but in terms of large privately owned open space it might.

Ms. Hallsmith said the neighborhood might be useful because then we would see how they are scattered around town. It would be interesting to note that there are a couple of parks in the downtown that people don't know about like the Blanchard Park.

Mr. Moorman said for purposes of this table it doesn't matter how they are zoned. We are just noting where the parks are. To the extent there are public parks on this table that aren't denoted on the future Land Use Plan he thinks they should be included.

Ms. Hallsmith said that is a good idea, that this table is right across the page from the open space network. We could put numbers in the table and have the numbers on the map in addition to the neighborhood listing instead of the zoning district. If Redstone Park is on the chart it should be located on the map. It would be the Secretary of State's property.

Mr. Bloch said there is an old walkway with an arch in there that goes up to the Secretary of State's building.

Ms. Hallsmith said the other little park that Bethany may be thinking about is the one in between the big multi-family buildings on Elm Street.

Ms. Pombar said she was thinking about Mill Pond Park.

Mr. Moorman said with figure 9, open space network, Redstone is listed as a public place on table 3 but it's not denoted on the map. He isn't sure if it fits within the legend. He doesn't know if it is city owned land.

Ms. Hallsmith said state owned land should be included because the State House Green.

Mr. Moorman said that should be identified as a recreational open space. It should be listed on table 3 and figure 9, but figure 9 needs a new legend.

Ms. Pombar asked if there was a reason that the Zorzi/Vermont College category and then the Vermont College Green as a separate line.

Mr. Goldman said Vermont College has another piece of land next to the Zorzi's, which is the wedge shaped triangle piece.

Mr. Moorman asked why the Zorzi property included and not Mr. Goldman's property.

Mr. Goldman said he didn't know why the Zorzi property was included.

Mr. Moorman said they need consistency if it is going to be included. It is critical for planning purposes to identify large pieces of open space just so we know where they are. They could note private conserved land as opposed to private not conserved land. He said he thinks it is a good idea to replace zoning district with neighborhoods.

Ms. Pombar said in the minutes of the last public hearing there was mention around neighborhood density and the location of pocket parks.

Ms. Feierabend said they haven't actually done that yet.

Ms. Hallsmith said she would suggest on the chart she would take the Zorzi property off the chart because if there is no public access or interest. A conservation easement is public interest.

Mr. Moorman said if the Ferry's property is under conservation easement it would stay on the map.

Ms. Pombar said they should note on the chart that these areas of land that have public access or public interest.

Ms. Hallsmith said she thinks Gallison Hill Road is the same. There is a conservation easement off of Gallison Hill Road.

Ms. Hallsmith said they spoke with Ethan Parks from the Parks Commission regarding their plans for Sabin's Pasture but there were no changes needed to the Master Plan as a result of that conversation.

On page 55 responsible parties were added to the water conservation strategy that included more than the DPW, which was a comment that came up last week. There is more information for the narrative about the quality of water the city returns to the river but it hasn't been added it.

On page 73 they added a description of the downtown.

On page 81 there is no longer a photo of people walking across the railroad bridge. They added a section on sidewalk uses by seniors, people with disabilities and low income on page 82 emphasizing that sidewalks in those areas are very important.

On page 102 they updated the fiber optics description based on information with Andy Hooper, the whole business about EC Fiber.

On page 111 under the future land use map Mayor Hooper was interested particularly in the fact that our neighborhood descriptions in the Master Plan didn't yet reflect the actual built environment in the neighborhoods. The neighborhood descriptions in CAN right now are more social boundaries than they are built environment boundaries. While they give us a good starting point for working in neighborhoods they aren't necessarily the way they are going to define neighborhood built form. We say now that the new ordinance will set clear goals for the different neighborhoods in the city. While the capitol area neighborhoods will be a good starting point for developing neighborhood goals neighborhood boundaries will be reworked and defined through the rezoning process. That is a way of saying that we know that the boundaries which are described in this plan are not the zoning boundaries for neighborhoods but more boundaries for getting them together and potlucks. They are social boundaries.

Barry McPhee pointed out an important thing which was they had not added the big long section they had available on energy. This is now added beginning on page 113 going through page 117. There is a lot of information and more details about the city energy patterns and use.

They revised and added the transportation strategies under Goal D which will be on page 133. They added language about the bike path between Taylor Street and Sarducci's. This says to construct the bike path link between Taylor Street and Stone Cutters Way and extend the path so it is tied to the larger regional transportation planned paths. That was the recommendation that Jon Anderson made. That is Strategy 1(b). On page 134 we now have 1(k) through 1(n) that reflects the recommendations that were made by the Bicycle Committee.

Mr. Moorman asked if the Department of Public Works was okay with being by itself the responsible party on some of the strategies under Strategy 1.

Ms. Hallsmith said it is their responsibility. They weren't comfortable being the sole person responsible for water conservation.

Mr. Moorman said DPW is sometimes referenced as the initial and others not. He would prefer it being spelled out.

Ms. Hallsmith said under economics and livelihoods they added private businesses to a number of the strategies. That is on page 155. They have moved Montpelier Alive from the strategy on page 168. They really do not want to do coupon books. They don't do either a local options tax or pocket parks so she can understand why they want to be removed from Strategy 3(b). The only other piece was on page 168 such as the Montpelier Welcome Center being added. The map changes they made to reflect their input is on page 110 where they took out the planned park on Sabin's Pasture but included it in the growth center. On page 109 they have shaded the map a bit differently so the growth district is shaded in light purple; the current Design Control District and the Growth Center is now a darkish pink. The Design Control District only is yellow. That is how they addressed the question of the growth center mostly not being on any of the existing maps except the future land use map where they had tinkered some with the boundaries.

Mr. Moorman said he noticed the whole section on Towne Hill Road you can see under the current use how it is developed into small residential lots yet in the future land use plan we don't identify that for any sort of targeted focus of priority. He wonders if they should. Here is an area of town, Towne Hill Road, heavily travelled, zoned LDR, and under the future land use LDR, and the plan doesn't really identify this area for any management other than letting it go. The goal of the low density rural district to encourage traditional rural uses and maintain the natural resource base of the city. He sees that swath of Towne Hill as a subdivision.

Mr. Bloch said it doesn't preserve rural use or anything else close to it.

Ms. Hallsmith asked if they wanted to expand the growth center in a circular form.

Mr. Moorman said to the extent they are able try to match up the future land use plan with the current land use plan. The current use pattern is similar up Terrace Street and out Route 12 and towards Berlin as it is along Towne Hill Road yet Towne Hill Road, unlike the others, hasn't been enveloped in this management arm that is the growth center.

Mr. Goldman said it is an MDR district.

Mr. Moorman said he is looking at the current land use map and not looking at what the current zoning is. They are going to revisit zoning after this, but in terms of a broader picture should they be considering something different than what they have planned for Towne Hill Road.

Ms. Hallsmith said if they took the arc of the 10-year growth priority and extended it in a circular form up through that area you would capture most of it. It is currently zoned as LDR. They included MDR. The only deviations from the current zoning in the smart growth district are what they did the last time by including Sabin's Pasture. She took out a piece up in the north that isn't served by infrastructure.

Mr. Bloch said both water and sewer go out Towne Hill Road. However, water drops down over the crest of the hill but sewer doesn't follow it.

Mr. Goldman said if they look on page 34, the potential service areas, there used to be a map that showed the community facilities and what pieces of land that were open. Now we have this line that says "Potential water and sewer service areas are most effectively defined where infrastructure currently exists or can easily be extended without great cost." He thinks they should include the map. These are areas where there is open land where the sewer and water ends and street ends so there is a chance for potential extension. That map is in the original Master Plan.

Mr. Bloch said is he to understand that sewer but not water runs out to the Elks Club on the map on page 31. If we are drawing growth out for 10 to 15 years out we need to know exactly where the infrastructure currently is and where it needs to be put.

Mr. Moorman said the reason he likes the map that is in the old Master Plan is because growth is all about places that aren't developed now but have the potential to be developed and recognizing those places. The maps we have now don't help him see that.

Mr. Goldman said when the maps were made there was an anti-housing sentiment and people didn't like the maps.

Ms. Hallsmith said the only thing she would suggest in terms of potential growth areas and potential service areas it is actually not as simple as a couple of lines going to the end of the street with some empty land. There are other considerations like wetlands, slopes, etc. When they were doing the growth center application they actually took that into consideration as they sprinkled the potential places for housing in the area they had identified as the growth center. They subtracted out areas where the development constraints were serious. She can revisit that and see what kind of map they can construct.

Mr. Goldman said the original map used to show the broad areas of land so some of the land was always useable. It would show the Heney parcel and Sabin's Pasture because there is no sewer and water. It didn't get into the particulars of what slopes were too steep.

Mr. Bloch said when you go up Towne Hill since water and sewer are laid out there may be some with wetlands but the whole thing isn't under water.

Ms. Hallsmith said there are two questions. One is the question is the question where should growth be a priority, and that is the more important question than potential service areas.

Mr. Goldman said the real question is, where do you want to grow?

Ms. Hallsmith said she would rather look at where they want the smart growth district to be than to try and tack on as a developable or potential service area anything that had a sewer line going to it because they may not feel that area is developable.

Mr. Moorman said out Towne Hill Road he doesn't see why they wouldn't want to fill that in more. It is already heavily developed. The whole thing that sparked this train of thought was looking at the current use map which shows where the individual lots are. The tiny lots are all along Towne Hill Road in areas for potential growth.

Ms. Hallsmith said she had a question for Alan. This is his land, and in terms of the city's ethics policy if he is advocating for things that are on his land he probably shouldn't be sitting on the Planning Commission as he does that.

Mr. Goldman said he isn't advocating for his at all. If they are going to open the door to fine tune it his piece individually is probably not well tuned. If you are going to do that on Towne Hill then they should probably look at all of the parcels that may not be correct.

Ms. Hallsmith suggested when the discussion is related to his land to step down from the Planning Commission as a member to make that presentation.

Mr. Goldman said fair enough, but when he suggested talking about this issue in the past she had specifically said they would do this at a later date. He isn't the one bringing up the Towne Hill situation which is LDR. He is saying if they are going to say that other LDR should be included please take into account there are other areas as well. If you open that door there may be other areas more sensitive.

Mr. Bloch said people will infer from these maps that it is the new plan so they need to be very mindful of what they include in the way of mapping.

Ms. Hallsmith said she tends to agree that the Towne Hill Road area does not now fit the description we have applied here to low density rural. That is what Jesse was saying, that it doesn't fit.

Mr. Moorman said they need to identify that here's a place that is sort of sprawled out.

Ms. Hallsmith said since it is already like MDR there is some sense in making it a target for infill and cluster.

Mr. Bloch said if you look at the map to the north of Towne Hill Road there is a lot of sewer but not a lot of water.

Mr. Moorman said with the focus being on infill development the term infill assumes there is some development already there, and that is what leads him down Towne Hill Road. It is a prime infill development candidate as opposed to Sabin's Pasture which isn't developed. What they are saying generally is that they want to encourage development proposals along here that are infill development.

Mr. Bloch said off of Towne Hill Road there is a lot of land. He thinks they have to look at all of the open spaces potentially and because we are supposedly constructing 40 homes a year. What kind of housing development are we talking about? If we are still going to do it like grandpa did in the 19th century we are going to be up a creek without a paddle or the canoe. If, on the other hand, we are going to look at 21st century approaches to urban housing.

Mr. Moorman said his only reason for suggesting and agreeing with drawing a concentric circle up there is to make the Towne Hill area fit with the other stuff.

Mr. Goldman asked if there was anything that is impeding growth now if they changed the zoning so they could do more.

Ms. Pombar said potentially that is what they are going to be looking at.

Ms. Hallsmith said this is what this map will help to determine, which is the zoning. What they have said in the smart growth district, which is what they are talking about changing, is that potentially minimum density standards will apply. Instead of having one lot per acre you mandate four units per acre minimum so you know you will have enough housing in that acre to support the infrastructure it takes to support it. You can't have water lines running up to one house way up on a hill. That is unsustainable from the city's point of view.

Ms. Ruth asked Gwen if she had applied for a grant to create boundaries. Temporarily putting Towne Hill Road in the purple, whatever is included could be changed and the map would be amended after the boundary.

Ms. Hallsmith said they aren't really trying to lock down all of the boundaries at this point. The question at hand is that right now we have a large section of town that is already built up open to infill because of its built up nature. There is a difference in fact between what Jesse is talking about on Towne Hill Road just including the areas of town that are already really essentially medium density residential even though they are in an LDR district, and that includes Murray Hill and the section of Towne Hill Road, and areas of town that right now which are not developed.

Mr. Goldman said he agrees it should be changed. He completely agrees it doesn't fit the zoning as it is designated. His only point is that there are probably a lot of areas that don't because the lines are just haphazardly drawn. He is speaking about the future and they are speaking about something that has already happened. They are trying to adjust the future map to demonstrate what has already happened. Do you want to talk about the future or current?

Ms. Hallsmith said any time they are talking about large parcels of undeveloped land we need to look a lot more carefully at the development constraints before we draw any lines on the map. That includes wetlands and slopes and deer yards, which we haven't really done over here. Over meanwhile we have this fairly suburban area that is already built up.

Mr. Moorman said he is only looking to get rid of this glaring seeming inconsistency by extending the circle up over the Towne Hill neighborhood, and he understands neighborhoods might be the new way to talk about districts. That seems consistent in his view. He would entertain a motion to that effect.

Mr. Bloch said he would move it and Ms. Pombar seconded it. The motion passed with Mr. Goldman voting no.

Ms. Hallsmith said she is looking at the way the parcel boundaries work and she would suggest it go up the side of Sabin's Pasture instead of way over here because that is Elks Club, etc. in there.

Mr. Bloch said his question about the Murray Hill development there is a lot of open land there unless it has been put into a conservation easement.

Mr. Goldman said there is a conservation easement there.

Ms. Hallsmith said when they developed it that it is like a cluster development where the high density areas were traded off for conservation restrictions. In our Master Plan there is a conservation lands map. It is on page 47. If you look at the conservation lands map you will see there are a lot of these conservation lands designations striped in green. These are not easements. They are just the areas of town that with the last master plan they identified as areas where conserving land was important so in our zoning past in 2006, Section 713(e)(3)(b) if you develop in these areas you get a density bonus for using a clustered approach. It is not off limits to develop at all.

Mr. Moorman said then they don't have a map that shows undevelopable conserved land.

Ms. Hallsmith said the closest thing to that is on the open space map which is figure 9, page 40, where we show current use which does have some constraints in dark green as conservation easements. The conservation easements are actually the permanent easements

that is maintained by the Vermont Land Trust or another entity. A lot of the time the development rights on those properties are permanently conserved.

Mr. Moorman said the conservation easements denoted on this map would be the types of deeded restrictions on development they were talking about initially, but they do not include at least the Murray Hill restriction and potentially others.

Ms. Hallsmith said common open land could be another category because that is a better description of what it is.

Mr. Goldman asked if they wanted to look at the open land for Freedom Drive and Independence Green. That would be another area for infill unless it is under some kind of easement because of the development.

Mr. Moorman said stepping back figure 9 is important because of the distinction of the areas we can work with and areas we can't. To the extent there is a color variation here he doesn't care. He just wants to make sure that we endeavor to clearly delineate from a planning perspective the areas that are off limits because of private or whatever restrictions in the deed for a city park, etc. versus places that don't have such a restriction. What's the distinction between Hubbard Park and the city stump dump?

Ms. Hallsmith said they have different functions. They are both owned by the city. The park is a park and the stump dump is a stump dump; they are very different.

Mr. Moorman said whatever is on table 3-3 in the end should make clear why it is on there denoting whether it is open and accessible. The city stump dump is not a park.

Mr. Moorman said he would direct everyone to take a look at the energy section on pages 113 to 117.

Mr. Goldman said on page 30 under municipal water service it mentions the 850 feet, and it goes on to say that special pressure districts operate in the Terrace Street area and Towne Hill. That is why they put the tower in. He has been trying to change that since 1990. Now he is wearing his hat as a citizen. The line they are talking about was addressed in 1990. It was addressed and a permit was issued for 100 units identifying that the map was incorrect. He brought it up as a citizen every five years for 20 years and it still hasn't been rectified. He is asking as a citizen when it would be an appropriate time to work on this map. He has asked Gwen now for two years and she mentioned they would address the zoning maps all at once.

Mr. Bloch asked if he understood from the map on page 31 that the Murray Hill Development looks as though it only has sewer and not water.

City Council Member Sherman said that is absolutely right. They don't have water and have their own wells.

Ms. Hallsmith said the question is, do we now want to organize the contours of the growth district in the MDR along topographical lines that reflect where the water service can go. She would actually like to get away from contour lines being zoning lines. They don't work. They cut properties in pieces that don't make sense.

Mr. Bloch asked what area she was talking about.

Ms. Hallsmith replied over the Towne Hill Road/Main Street intersection. The line cuts properties between the frontage and their back lot. There was a real problem with a variance that came through because of that so she doesn't think they should go with contour lines.

Mr. Goldman said it cuts his barn in half in two districts.

Ms. Hallsmith said even though Alan's point is well taken this 800 foot line doesn't make sense for zoning districts any more. It means we look at the zoning districts and the growth center area using different criteria than just the contour lines. If you think it does make sense to have the line on the undeveloped of the western section of town change what we ought to do is come back with a proposal for how it should look based on the site constraints rather than just drawing a line quickly at a meeting.

Mr. Goldman said they have passed a regulation that you must sprinkler, but we have areas where we are requiring that where there isn't adequate water pressure to get the system blessed and approved, such as the Vermont College Green area. Those Victorians can't pass the pressure test to be sprinklered properly. We are making people do it but they can't actually get their certificates.

Mr. Moorman asked what happened because he didn't have the water pressure for his sprinklers.

Mr. Goldman said he needed it in order to get his building permit. The city came and said it was okay but when he went for his certification from the sprinkler company he couldn't meet the pressure test. The city had to rightfully let him use the space even though he can't properly sprinkler it. His problem is because he can't comply he can't get the insurance benefits which is the big incentive to put it in. He spent \$18,000 to put in the sprinkler system in but he can't get the adequate pressure from the street.

Ms. Hallsmith said they could add it as a section 6(c) on page 129 and renumbering the rest would take care of it. That would fall under DPW and City Council.

Mr. Goldman said on page 68 relating to soil. It says residential, commercial and industrial buildings should avoid areas subject to strong cross winds without protection. It's great if you can do that, but it is such a hilly place we have in Montpelier that it is really hard to meet those demands all of the time. He wants to make sure it is a goal to aspire to but not something that would hold somebody back.

Mr. Moorman said they are aspiring to get people to focus on building energy efficient houses. The language says "should" avoid; it's not a command. More often than not town plan language is viewed as aspirational. It's the guidepost and the zoning regulations are the real specific directives.

Ms. Hallsmith said the real critical issue here under 2(d) is that this is calling to develop and adopt a ridgeline protection ordinance that includes the following provisions. This is pretty close to regulatory language and it does provide the backdrop for the zoning revisions that would be added. The zoning revisions wouldn't say residential, commercial and industrial buildings should avoid areas subject to strong cross winds without natural protection. What the protection ordinance would say would be asking developers to provide them with information about all of these issues and including the review of ridgeline issues in the site plan review protective criteria. If they don't think it makes sense for us to regulate areas that are subject to strong cross winds without natural protection and limited solar exposure to maximum efficient use and recovery energy, which is really the goal here, then we should take this out. If they think these are worthy of our attention as a city when new development is proposed then it should be left in there.

Mr. Goldman asked if they would tell somebody who has a northern faced windy site they can't build a house there.

Ms. Hallsmith said if there were a number of houses proposed on a northern faced windy site without additional landscaping and other protection there would be site plan restrictions that would go into effect to correct that situation.

Mr. Goldman said he doesn't think they have the luxury because we are such a difficult area to build to do that. If we had more flat open land we could make those kinds of determinations, but we are so limited where we can build. As a builder and developer we find those things very difficult to be told that is what has to happen. It is too prescriptive. He doesn't think they should tell people how to build their own homes.

Ms. Hallsmith said she thinks the city and the country has a legitimate interest in energy conservation and siting houses has a lot to do with the energy you use. If you site a house on a northern slope with high wind exposure, no matter what kind of insulation and heating system you have it is not necessarily going to be energy efficient. The goal here is the efficient use and recovery of energy. That is a legitimate building constraint.

Mr. Goldman said on page 129, which he finds very objectionable, in section 6(b) to implement at time of sale an inspection program that requires properties to meet minimum housing standards before prior sale. He thinks that is very difficult and hugely problematic. Oftentimes when somebody owns a substandard home it isn't by choice, and they are in trouble financially and want to get out and we are telling them they can't sell. Some people are in desperate straits and would like to fix up their properties but they can't.

Ms. Hallsmith said people who are in desperate straits do have the ability to borrow the money from the city against the price of their property to implement things that bring it up to code. It's called the Housing Preservation Grant Program.

Mr. Goldman said he has never known that and has lived here for 30 years. He thinks for the city to step into the middle of a real estate sale is a bad decision. They are talking about the average homeowner. They aren't talking about a large commercial developer with their failings or strong points.

Ms. Hallsmith said perhaps the prior to sale is the problem. Obviously, if you are buying a house that is out of code and unsafe you will be getting it for a reasonable price. If it's not just prior to sale or upon sale that it has to be brought up to standards so the new owner could be bringing it up to standards as well as the old owner. Then, you aren't necessarily trapping in a bad situation in a home but you are potentially bringing the properties up to standard.

Mr. Bloch said they could say prior to issuing an occupancy permit.

Mr. Goldman said he wouldn't do that because he thinks there will be a lot of lawsuits. You are triggering a process where you are saying that codes will have to be updated upon the sale of a property even though it is residential. Then, there will have to be an occupancy permit when you change the ownership, or that is what it is implied. Again, because something isn't up to code doesn't inherently mean it's not safe. Some tube is not within the codes but you can still have it inspected, and if it's in good shape it is considered to be safe.

Ms. Pombar said she thinks there are some real financial implications that are punitive to low income people in this. She appreciates the sentiment of supporting homeowners making their building stand up to code, but they have to be careful that the burden of that isn't put on our most vulnerable population which is what this does.

Ms. Hallsmith agreed. She agrees that the burden shouldn't be on the low income population. Unfortunately, by allowing buildings to continue out of code, and we often put our most vulnerable population in substandard and dangerous housing that is another real serious concern. Because they run the home program they see these cases. One guy was living with a propane heater in his house because the heating system had gone which was totally dangerous and a real potential for carbon monoxide poisoning. It's that kind of thing

they see a lot in Montpelier, people who have let their houses go to the point where they are actually dangerous for the inhabitants. This says minimum housing standards so she would think that one of the strategies would be to define what minimum housing standards are.

Mr. Moorman asked about habitability because that has a legal definition.

Ms. Pombar said habitability is much different than bringing houses up to code.

Ms. Hallsmith said defining what minimum housing standards are would be useful.

Mr. Goldman said on page 130, section 6(f), it says removal of lead paint for residential dwellings. He said as an expert these things are changing. The philosophy used to be to do removal. Right now encapsulation is actually a preferred result. It depends upon the site.

Mr. Moorman asked about using abatement instead of removal.

Mr. Goldman said abatement implies removal. Remediate is a better word.

On page 51, speaking with his personal hat on, referring to the land as the old Joslyn Farm. Are they going to continue to refer to it as that?

On page 170 he had a thought about the soils. The soil maps already exist. Can we include them? The soil map of prime agricultural lands exists.

Ms. Hallsmith said the two things they are bringing up at the next meeting are minimum housing standards and identification and proposal for how the zoning might work on the west side of town.

Mr. Moorman said the next meeting will be June 14th.

Ms. Hallsmith said after the next meeting they might consider wrapping it up and passing the Master Plan on to City Council. We need to notice a new public hearing.

Mr. Moorman said why don't they just adjourn this meeting and have a regularly scheduled meeting where the public is always invited, and after we work out the remaining details at the next meeting they can notice a whole new public meeting. We need the proposed finalized plan for the public hearing noticed for 30 days.

Mr. Goldman said this was a long process for two years trying to include people. To sit here tonight and not have one person from the public present he is really disappointed. We now have a document to look at.

Ms. Hallsmith said if they are looking to have the Master Plan to the Regional Planning Commission by the second week in August – the city’s master plan expires in July so there is a problem. There are a lot of reasons we want to have it adopted by September. If we post a hearing on June 14th then we won’t be hearing it until July 26th, which means the earliest they could get it to City Council would be July 27th. They have to post another 30 day hearing. It might make sense for the Planning Commission to post the hearing tomorrow with some language about the last two issues they are considering so people are aware.

Ms. Pombar said they could eliminate section 6(b) and include on the map of the 10-year growth plan going out Towne Hill and then any change they make beyond that would not necessarily be considered substantial.

Ms. Hallsmith said that would be a good idea, to delete 6(b) and add the other stuff to the map, post the public hearing tomorrow and then we would still have the chance to make the September meeting of the Regional Planning Commission. If at the next public hearing there are still a lot of complaints and issues then we miss the next deadline. The changes they made tonight is adding language about magic being hard work and tenacity of citizen involvement on page 23; adding state owned land to the open space map, including the State House Lawn and the Secretary of State’s Park; adding state properties, neighborhoods and an asterisk indicating access on the parks map and taking Zorzi off the chart. The map showing water and sewer lines the blue and gold should be easier to see where they overlap. They are going to number the parks and open space. We are going to look into Murray Hill’s conservation easement and maybe develop a category called common open land on the map that would include Murray Hill and the condos if such a status exists. Add language about upgrading water systems for the sprinkler needs and add a 6(c) on page 129. We are going to look into what the minimum housing standards are but taking that one out and changing the word removal into remediate in the lead standards. We are going to include a soils map with prime ag soils and change the growth center map to include the Towne Hill Road area.

If the Planning Commission agrees they should amend the plan with those changes and post a new public hearing they can do that before the end of the week.

Mr. Bloch and Ms. Pombar moved the Planning Commission do that, which was voted to unanimously.

Adjournment:

Upon motion by Ms. Pombar and Mr. Bloch the Planning Commission adjourned.

Respectfully submitted,

Gwen Hallsmith, Director
Planning and Community Development

Transcribed by: Joan Clack