

Montpelier Planning Commission
July 11, 2011
City Council Chambers, City Hall

Approved 9/26/2011

Present: Jesse Moorman, Chair; John Bloch, Tina Ruth and Jon Anderson.
Staff: Gwen Hallsmith, Director, Planning & Community Development
Clancy DeSmet, Planning & Zoning Administrator

Call to Order:

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

Discussion of Village Residential Zoning District:

Gwen Hallsmith said the Village Residential District is comprised of College Hill, the Meadow, Sabin's, Berlin Street, Prospect Street, Redstone which is Terrace Avenue, Cliffside which is behind Court Street and the Meadow includes Franklin Street, and Liberty Street.

Mr. DeSmet said one of the goals of the district was to maintain the existing housing stock. They wanted to have members of the Housing Task Force here also tonight and they invited the Historic Commission to be present as well. The Regional Planning Commission created another template. Some of the key features are a "build to" line instead of a setback line. They want to create a uniform streetscape which is more common in urban settings. Our setbacks in the current districts are odd. In High Density Residential it is 10 in the front, 5 on the sides and 30 in the rear. Then you go to the Medium Density Residential and 10 on the front, 10 on the sides and 30 in the rear. What they keep finding is that a lot of properties don't actually have the 30 feet in the back. The 5 and 10 aren't so bad. The lots are typically small and in the current Low Density Residential it is 20/30/75. They also talked about the rural districts having different setbacks. What they want to do in this district is to do a "build to" line because when people try to build a little deck or a small shed if it is 100 square feet and 8 feet tall or less it can be built in the setback lines if you get permission from your neighbor. Anything beyond that and the special review for accessory structures doesn't include a deck. A small little deck where you want to put a garbage can out you have to go through the variance process and the variance language was meant to not be granted. Ten years ago the setbacks were even worse in town. They just didn't think the 30 foot setback was a good idea and a "build to" line would create a more uniform streetscape and to allow people to actually assemble those things close to the line.

Mr. Moorman said he kind of understands how a "build to" line works with a front setback. How does that work with the side and the rear?

Mr. DeSmet replied it would just be the front. People typically want to build a garden shed or a compost shed, something 100 square feet or larger, they don't necessarily want to build it right next to their house. Oftentimes they want to build it in the back corner. He doesn't

think it is necessarily because so they are closer to their neighbors. People like to maximize their land and want to have something spread out. They wanted to reduce those setbacks so the front would be a "build to" line and they didn't decide on what the rear and side setbacks would be.

Ms. Hallsmith said the build to line might vary depending on the district. College Hill doesn't have 10 feet setbacks. Most of it is further back. What they were thinking about was to just comply with the building codes because the building codes actually require distance between homes for fire safety and

they aren't going to be able to build closer to each building than is safe unless they implement particular fire safety measures.

Mr. Moorman said his garage is stand alone and it is right on the property line and my neighbor's garage likewise is right on the property line so there is a very narrow space between corners where you can get through. Both of their houses were constructed in the late 1800's, and they were both barns at one point. Those won't comply with current standards. You can't put in anything that will comply with all of the historic structures anyway.

Mr. DeSmet said one of the dangers they are trying to avoid is creating more nonconformity than already exists so they are trying to accommodate what is there.

Ms. Hallsmith said what they have proposed would help to bring more of the existing properties into conformity because the problem is it is being designated as a nonconforming structure. All of the other regulations kick in. If the main code they are following is the building fire safety code then even a building that was on a property line wouldn't necessarily be a nonconforming structure under the zoning as long as it was 10 feet from neighboring buildings. That would take it out of the nonconforming structure category under zoning which would make it easier to do different things to the property.

Mr. DeSmet said sometimes the building code has a different rule than the zoning. They want the building codes and the zoning codes should be parallel.

Mr. Bloch asked if they had the responsibility to adjust the building codes when they are out of conformity. Who does?

Ms. Hallsmith replied the City Council does and the Building Inspector and the Fire Department take the lead on that usually.

Mr. DeSmet said it seems they are having problems getting people to meetings. Does it make sense to modify our schedule and try to get Planning Commission Members and staff to meet in conjunction with the Housing Task Force?

Mr. Moorman said he would like to attend one of the Housing Task Force meetings in follow up to see if they have questions.

Mr. DeSmet said the Conservation Commission is trying to come up with a way to value all of the resources so we don't pull up a layer that excludes any kind of development from happening in town. We want it to be an effective tool so people have predictability and people can understand what resources they are trying to protect. A lot of sites, especially in the rural areas, are already going to have a lot of constraints even if there weren't environmental regulations. You aren't going to spend the money to build on a steep slope even if you could just because it will shoot the costs up. There are going to be certain things that are going to constrain development that could potentially damage significant natural features. The grant with the Central Vermont Regional Planning Commission is running out and they need to do another application to keep the ball rolling. He is trying to find ways to make their time effective. The development season has picked up in full swing.

They looked at the schedule early on and laid out about eight meetings and it went through August 22nd and we are a little more than half way through at this point and this meeting and the last meeting have only had 3 members last meeting and 3 members this meeting.

Ms. Hallsmith said the Conservation Commission typically meets the 2nd Thursday of the month and the Housing Task Force the 3rd Thursday of the month.

Mr. DeSmet said the Historic Commission by ordinance only has to meet four times a year. The Historic Preservation Commission has two members who are also on the Design Review Committee so they can speak for the regulatory side as well as the planning side of the zoning.

Mr. Moorman said Jon Anderson is on the Board of Montpelier Alive. He talked to him about getting Montpelier Alive present at the next Planning Commission meeting.