

**Montpelier Planning Commission**  
**September 26, 2011**  
**City Council Chambers, City Hall**

*Subject to Review and Approval*

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

**Call to Order:**

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

**Review and Approval of July 11 and September 12, 2011 Minutes:**

Upon a motion duly made by John Bloch and Tina Ruth the Minutes of July 11 and September 12, 2011 were approved.

**Rural Zoning District:**

The rural districts right now are Wrightsville Rural, Pembroke Rural, Island Rural, Eastern and Hill Street. By the end of the evening they hope to have most of the rural districts drafted.

The purpose of the Rural District is to encourage traditional rural uses and to maintain the natural resource base of the city. Agricultural activities, forestry and low density settlement patters, including rural economic activities, are encouraged. New housing developments that have an impact on target resources will need to consider minimizing the land impact through clustering land development, maintaining biodiversity and wildlife habitat and protecting valuable agricultural and forest resources. Target resources will be a defined term. They will be things like wetlands and particular wildlife habitat and biodiversity areas that are rare or endangered in Montpelier. There are some other areas for watershed management, steep slopes, etc.

Mr. Moorman asked about agricultural land.

Ms. Hallsmith replied they have stated that in particular. Prime agricultural soils and areas that have been currently in farming or historically in farming will be important. Even in their development of the current map for the rural area they have tried to incorporate that consideration, although the one area that isn't incorporated right now is Crestview because it has a lot of prime agricultural land and isn't currently in the rural area.

Mr. Bloch inquired about the Eastern Rural.

Ms. Hallsmith said it is the eastern zone.

Mr. Cheney asked if they knew what the wildlife habitat was.

Ms. Hallsmith replied that is the biodiversity study they commissioner a couple of years ago which identified various different types of natural communities that exist in the city. If doesn't necessarily work to be an endangered species or endangered areas rubric but it does help identify things that rare or quite unique in Montpelier. When you look under conservation lands under the density bonuses the biodiversity overlay says see Map A. This bylaw is already on the books here in Montpelier and not proposed as new. The difference that is drafted is that currently the conservation lands designation in our existing bylaw is based on a map that was developed back in the 1990's that is now embedded in the Master Plan. This map is

embedded in our current zoning bylaw because of its determination of a former Planning Commission at some point that these are the conservation lands of the city.

The changes made to the new purpose section are new developments that have an impact on target resources as defined in the conservation lands maps will need to consider minimizing the land impacts or clustering land development, maintaining biodiversity and wildlife habitat and protecting valuable agricultural and forest resources. Guidance on these resources can be found in the City Master Plan.

In the rural setbacks if they changed it from what it is currently to the minimum street back which is 20 feet that is debatable. She isn't recommending that. The minimum side and rear setbacks would be 20 feet whereas the side is 30 feet and the rear is 75 feet. There are huge setbacks to the rear in the current zoning.

Mr. Anderson said in cluster conservation zoning we may want to differentiate between lot size and density because in setbacks for conservation zoning frequently you want to give people a much smaller lot but they have 2 or 5 acres per housing unit so they have their little private space and then the conservation open space that is preserved is commonly owned space. He doesn't think they should assume that every lot in these areas is going to be 5 acres. If we do cluster planning ideally many of the lots would be a quarter of an acre if they do a conservation development. The density might be a unit per 5 acres or a unit per 2 or 3 acres, but the actual private lot size might be a quarter of an acre.

Usually density is regulated by the subdivision requirements but because of the provision in Article 6, Section 605(c) it isn't. Right now we have very restrictive zoning. Most anything we will do is likely not to create nonconformities because we are at the very apex of restriction. We still need to be mindful of what we allow now.

Mr. Moorman said they have a proposed minimum lot size of 5 acres where the current zoning is 1 acre. That is consistent with the purpose of the rural area because a larger lot size allows us to incentivize clustering and more intense focused development that veers away from our target resources. What he doesn't quite understand is what their proposed density would be in this district and what sort of density of clustering they would allow.

Ms. Hallsmith said the additional development standards under density bonuses for cluster development is that we incentivize it back to where we are now so people can build whatever they build today based on the existing densities but you have incentivized it to get back to that point.

Mr. Moorman said if they allowed incentivizing development back to the density it is now, what would the result be?

Ms. Hallsmith replied they would still be able to have the same amount of development and number of houses. With nonconformities people who have less than 5 acres now will be grandfathered under our current zoning. Under the current zoning you have a 3 acre lot, what do you do with it? Her reading of the grandfathering provision of our current zoning it allows you to build up to 3 units on that lot. You would be grandfathered for that density.

Mr. Anderson said there is an existing small lot provision that says as long as your lot is more than 4 feet wide and an eighth of an acre that if it becomes an illegal lot you can use it for any use that is legal at the time it became an illegal small lot, which would be 3 units under our current zoning. The only area in the rural area that has very small lots is Hackamore Road.

Mr. DeSmet said there are some small lots up in the Wrightsville District. We need to have some sort of accommodation if somebody wants to add another dwelling. PUD starts at 4 or more and 3 is under. It still goes to the DRB but they can't ask for smaller setbacks or different types of incentives.

Mr. Anderson said he thinks the lot size should be 5 acres. The maximum residential density, unless you do conservation planning, should be one unit per 5 acres. If you have a 50 acre lot you could put 10 houses on it. The maximum density is going to be one unit per 5 acres. Essential services and wireless telecommunications facilities need to be allowed on smaller lots. He would not allow a church at all in this district. He would require them to be on 5 acres. These are areas with rough topography that are very open areas today. They are the furthest away from the center of town.

Ms. Hallsmith said it is not permitted by state law to make a church a prohibited use in any district.

Mr. Anderson said if they are going to have glorious downtowns they need to have zoning that keeps traditional downtown uses downtown and he would think of schools and churches. If it is a downtown use then it should be a prohibited use in these areas. These are supposed to be rural areas. If we want strong villages we; need to get our medical clinics downtown.

Mr. Moorman said in neighborhood specific standards we could allow a focused area within the Wrightsville Rural to accommodate some commercial uses.

Ms. Hallsmith said she questions whether Crestview should be suburban or rural. That area does have a lot of target resources in it and it is undeveloped. If we are looking to develop housing there, unlike infill development on Sabin's Pasture or the NECI property, we aren't changing the densities but there are resources there to be protected.

Mr. Moorman said he wants to understand what they are talking about in suburban versus rural.

Mr. Anderson said he has something to say about setbacks that also impacts Streetscape. The Streetscape standards in a rural district you have less pavement rather than more. The usage should be limited enough so that pedestrian, bicycles and cars can share the road without having to have defined uses. He thinks they want to allow for things to change. In his mind they should be going toward the 50 foot wide right-of-way on new streets and should assume the current streets will have a 50 foot wide right-of-way. What that says is that the front yard setback should be 45 feet or 50 feet from the center line for existing roads with less than a 50 foot right-of-way. A lot of what you do in zoning is telling people how to make smart decisions about where they put their buildings.

Mr. Moorman said if you are talking about a rural area the bikes and cars should be able to share the road.

Ms. Hallsmith said there could be graduated standards and that would basically default to the right-of-way provisions but have graduated standards for the degree of use of the road.

Mr. Anderson moved to move academic institutions, art gallery/museum, community centers, etc. moved to prohibited uses. The prohibited uses would be community center, dormitory, medical clinic, schools. The permitted use would be academic institutions. Out of the conditional uses would be art gallery, museum, community center, dormitory, medical clinic, school and convenience/commercial he would move. All of these would be prohibited. Eating and drinking establishments, medical and dental laboratories, medical clinics, offices, personal services establishments and research facility would be prohibited. Those are uses they want in a downtown area. We don't want them in the rural area.

Mr. Bloch seconded the motion. The motion carried unanimously.

Mr. Moorman said he would like to talk about Wrightsville Rural which is up in the northeast corner of the city. At a different meeting they had a discussion about incentivizing a growth center in the area. That community could have a use or two that is allowed there which isn't necessarily allowed in the rural zoning districts to form a center with a convenience store or an eating establishment. He asked members if they liked the idea of adding uses in the Wrightsville area. They agreed.

Mr. Bloch moved they consider some varied uses in the Wrightsville Rural area.

Ms. Hallsmith said if they don't want anything on Route 12 than maybe it doesn't make sense to add these uses. If you want a little more commercial development in that area then you could push some of these uses. But now they have moved to prohibit it back into conditional uses and that would allow for the consideration of traffic and parking.

Mr. Moorman said if they moved some of the uses that were prohibited for the rural districts back into conditional for Wrightsville and see how it plays out and what questions are generated at the public hearing. As a board there is consensus they don't want to see a lot of development on Route 12.

**Adjournment:**

The Planning Commission adjourned.

Respectfully submitted,

Gwen Hallsmith, Director of Planning and Development

Transcribed by: Joan Clack