

**Montpelier Planning Commission**  
**October 17, 2011**  
**City Council Chambers, City Hall**

*Subject to Review and Approval*

**Present:** Jesse Moorman, Chair; Jon Anderson, Vice Chair; Tina Ruth, Kim Cheney, and Eileen Simpson. Both Youth Members Reed Brigham and Emma Campbell were also in attendance.  
Staff: Scott Humphrey

**Call to Order:**

Jesse Moorman, Chair, called the meeting to order at 7:00 P.M. Mr. Moorman welcomed new Planning Commission Member Eileen Simpson to the meeting as well as the two new youth members, Reed and Emma.

**Review and Approval of October 3, 2011 Minutes**

There wasn't a quorum to approve the October 3, 2011 Minutes.

Mr. Cheney said his reservation about the minutes of October 3, 2011 is he would like to see some design review. We are talking about making very dense districts in some large areas of land like on Towne Hill and Terrace Street. He isn't opposed to the density issue but is very concerned about what he wants it to look like. It seems that some number of units or some size of project under development there should be some design review so that neighbors and adjoining people can have a say about the design of what it is going to look like. That is true where he lives. There is a development planned for 26 units right next to him and it depends what it looks like and how it is done. He would like to build some design review into projects that are more than 4 or 5 units. He believes they can build that into the zoning plan.

Ms. Ruth said she wonders if form based zoning for some of those sites might be one way of doing that without making it quite as cumbersome as having individual review with each project.

**Village Residential Zoning:**

November 19<sup>th</sup> is a public meeting and they are trying to get through the six districts which have been identified and the goal is to have a rough draft for the public to review and consider.

Members inquired about the Smart Growth District.

Mr. Anderson said it is a district that was enable by the Growth Center Bill that the Legislature passed a few years ago. The Growth Center that any town designates is supposed to have more than half of the projected growth for the next 20 years occur within it. In exchange for designating it and planning it you have reduced Act 250 requirements.

Mr. Cheney asked if half of all of the development in the city has to happen there.

Mr. Anderson said it should be planned to accommodate half of the projected growth over the next 20 years. That is what the statute says. You should set the limits of the projected growth so that it will accommodate that amount of growth and then it is approved by the downtown board. The concern was that they couldn't have all of Chittenden County be designated as the growth center or all of Barre. The balance that was struck when the bill was passed was that it had to be a small district and it had to be planned to accommodate a majority of your growth.

Ms. Ruth said there is a lot of growth happening in those circles on the map but they are in 5, 10 or 15 year cycles that the growth would expand out farther.

Mr. Moorman said it raises the threshold before Act 250 applies in certain instances.

The Village Residential District's purpose description has similar language to some other districts they have looked at. He underlined smart growth principles because he presumes it will be a defined term.

Ms. Simpson asked if any of these terms were defined in the statute. Is Smart Growth a phrase that is used in state law? They might start a list of terms they should define such as "smart growth principles," "compact village density," "infill and cluster development," and another concern she has is that new projects needed to consider such as transit, pedestrian, bicycle and transportation but on the next page it says Streetscape standards which are required to be included.

Mr. Moorman said they have to be careful with their wording and when they are requiring something and when they aren't. What he hopes to come away with this exercise of updating the bylaws is drafting a more user friendly document and to identify clearly to the reader what they are required to do. It is fair to say we want development in this district to promote pedestrian and bicycle transportation and alternative means of transportation to the downtown. Is there any better guidance they can give to staff?

Mr. Anderson said he is concerned, and continues to be concerned about having full mixed use in many districts in town. This district should be limited mixed use is okay but as they get over to the list of allowed and conditional uses they are going to see retail uses as being allowed uses. If we are going to have a strong downtown the retail uses should be directed towards the downtown. In this area with some restrictions he thinks it would be fine to allow offices so people could walk to work and wouldn't have to walk downtown to offices. He is concerned about throwing suburban as wide open as they did last week. In suburban he would most allow housing and very little else. They should go broad rather than narrow in preparation for November 19<sup>th</sup>.

Ms. Ruth asked about convenience stores.

Mr. Anderson replied he is all for a limited number of convenience stores so people can walk to get their newspaper or a loaf of bread. He thinks that consistent with residential use. One way to limit them is to allow them to occur only every 1,000 or 2,000 feet apart so there isn't just a lot of convenience stores.

Mr. Moorman said he liked the idea of neighborhood markets in the neighborhoods because then people can walk to get the paper. Something jumped out at him under density standards. It says maximum and then it says target. Maybe they should talk about maximum building height facing the street. He likes the idea of 45 feet rather than 60. 60 feet is very high in this area.

Mr. Anderson said on East State Street they are achieving densities of a unit per every 3,000 square feet on many of the lots. He thinks the densities of a unit per 1,500 feet already exist in the city in the senior housing. They are talking about Franklin Street and the units Pioneer Street.

Mr. Moorman asked if he thought 24 units per acre is not enough.

Mr. Anderson said when he saw it many years ago he thought it was too much but it has been that way for 25 years. If we are trying to encourage housing and allow for more housing in the historic area he would hate to downsize it.

Mr. Moorman said he is leaving the 24 units as is. He doesn't understand the target density versus maximum, but in terms of the building height maximum it should be reduced to 45 feet. He would also agree to 45 feet facing the street as Eileen suggested, or something to account for the fact that we do have some sloping lots away from the street.

Regarding accessory structure he questions why a different maximum building height for the accessory structure. Whatever they make the maximum building height should be uniform for the accessory structure as well. A lot of the Village District is laid out and developed. The biggest way to incentivize growth in housing in the Village District is to incentivize infill and the development of additional accessory lots. If you have a garage or a space in your backyard to put an accessory structure that could be a dwelling unit. If you look at existing development accessory structures by and large already exist. If you make the height a little higher perhaps people could put an apartment on top. If they want to we would be making it so they can in an effort to create an additional dwelling unit.

Mr. Cheney said it would seem that what they built there would have a lot to do with the character of the neighborhood and how close to the line and how high the buildings are. It seems this is aimed essentially at existing lots because that is the only way you will make the setback requirements. He would like the height to be 35 feet because it will be less visual and have a lesser neighborhood impact. It's going to affect existing housing.

Ms. Ruth read the definition of an accessory structure: "A structure the use of which is incidental and subordinate to and customarily associated with a primary structure located on the same lot." It's a separate structure. An accessory apartment is a small apartment created within or attached to an owner occupied single family dwelling, or within an accessory structure associated with a dwelling. He was talking about putting an accessory apartment in or on top of your existing garage.

Mr. Moorman said he raised the question of height of the accessory structure. He isn't hearing any overwhelming support of putting it up to whatever the principal structure is. In fact, listening to the definition he thinks it would be contrary to the accessoriness of the structure.

Let's get into the permitted, conditional and prohibited uses. His big question is the way this is set up under permitted uses there are asterisks next to certain uses for which we denote. Those uses, although permitted, would require site plan review. Why? If we are going to require site plan review, how is that going to be distinct from conditional use review, and why not make it a conditional use instead of a permitted use?

Ms. Ruth said what Gwen said last week was that with permitted uses and site plan review they will get it but the site plan is going to have some input into your issue partly about what it is going to look like and how it is going to happen, and what conditions they might put on it. A conditional use permit they may not get.

Mr. Anderson said a site plan review might look at traffic flow whereas conditional use would look at whether the traffic would have an adverse impact on the character of the neighborhood. In site plan if you look at the traffic standard you can almost always engineer it so you have adequate flow or you have the minimum site distances required. You review that. If it is safe you get your permit. In conditional use if you are bringing so much traffic on to the site then people can say you don't get your permit because it is going to have an adverse impact on the character of the neighborhood.

Mr. Cheney inquired if that was the only standard.

Mr. Anderson replied no. There are five standards by state law. They are: the level of traffic, will your building have an adverse impact on the character of the neighborhood, does it deteriorate the performance

of traffic in a substantial way in the neighborhood, and then three others. Traffic and character of the neighborhood are the big ones. You are going to

bring a big school into a residential neighborhood. Is that going to change the quiet character of the residential neighborhood? You can say it will so they can't come. Whereas with site plan what you are saying is if you want to bring the school you can come but you have got to show that school kids are going to be safely dropped off so there are all of these engineering standards on how wide the driveways have to be to drop the kids off, how much parking you need, etc. When it gets around to the uses for conditional uses that it should be no surprise that he would remove everything that looks like a retail use and remove some other things. He would put them in prohibited use. An outdoor market he would allow because that is what the Farmer's Market is. They have a plan to be at Vermont College and he thinks that works. Retail sales, unless they are talking about lawn sales, he would move to prohibited. Quarry, storage, sand and gravel products, he would prohibit those. Animal boarding facility or kennel they should be prohibited because they are very residential areas.

Mr. Moorman asked what if someone bought Sabin's Pasture and turned it into a farm. What is someone bought a large lot like Redstone?

Mr. Cheney said he would like to hear Jon's list of moving conditional to prohibited and then talk about permitted uses later.

Mr. Anderson said he had retail sales and service; retail sales temporary; and then quarry and outdoor storage of mined quarry sand and gravel pit products; animal rehabilitation center. Up in Kim's neighborhood there was a huge problem with a dog barking that went on for quite a while. This cohort of uses fit together. We aren't saying you can't have a kennel but just saying you should put it some place where it is easier for you to have your business.

Ms. Simpson said she has a question about mobile home parks. You can put a manufactured home and a mobile home in a residential village district, which she isn't sure what the distinction is. But there are mobile home parks within that district looking at what it is. Is that what we really want in that district? A park is 3 more units.

Mr. Moorman said a park is a parcel of land under single or common ownership which contains or is designed, laid out or adapted to accommodate more than 2 mobile homes for human occupancy versus mobile home which is defined under dwelling. It is handy to have these definitions.

Mr. Anderson said by state law you can't discriminate against mobile homes. You have to treat mobile homes exactly as you do family houses but mobile home parks you can discriminate.

Ms. Simpson said she is looking at where the conditional use mobile home park would be in a residential district. Most of those areas are pretty well developed. She thinks there are a lot of benefits of having neighborhoods where you can do most of your shopping and personal needs, but if that is what we create there is a real potential to damage the viability of the downtown businesses.

Mr. Moorman said he is in favor of moving everything that is retail into prohibited use with the exception of a coin operated laundry and convenience stores. They may need to rework some of the definitions to accommodate some uses.

Mr. Cheney inquired if there is a difference between a manufactured home and a mobile home.

Ms. Ruth replied it could also include a pre-fab that is put together on site and won't be moved.

Planning Commission members discussed definitions and requirements for group homes and senior housing. They are separate from another. They also discussed inn, hotel and bed and breakfast requirements. They agreed the definitions needed to be amended.

Ms. Simpson referred to yard sales. How long and how many?

Mr. Moorman said he wondered what the outdoor market was versus the yard sale. Yard sale definition refers to temporary. "A temporary retail sales event for the disposal of used personal clothing, furniture and equipment which may take place indoors or outdoors but which occurs for no more than 3 days in a single calendar year." Home occupation – "A nonresidential use that is established in a legally established residential structure and meets the criteria and provisions of another section of this ordinance", which is cited. Somebody could potentially have a yard sale perpetually in their garage. Would that be a home occupation? It would be good later on once they have all six districts laid out in the table of uses and look at all of the uses and then get into the definitions because we all have a lot of questions about the definitions. He thinks they should be up front in the zoning bylaws.

Mr. Anderson said if they are to allow the broader mixed use in neighborhoods that have basically been high density neighborhoods where a lot of these uses have been prohibited that a key to doing that is we have a housing replacement requirement. He is happy to talk about mixed use but they need to have the same proportion of housing versus commercial activity that we have now. They should be trying to maintain a lot of housing in this district. A way to do that is to say they can convert the building to offices. The way they did it 20 years ago was to prohibit the conversion of housing in high density residential. It is an important goal because we need to have housing to buy things in the downtown if we are going to have a viable downtown. A way to accomplish that is to say they can convert your house to an office but either other people have to have added housing in the area or they have to cause it to be added. There needs to be a housing replacement requirement so we preserve the same balance of housing versus commercial. That is not in the existing ordinance now. It's really land use budgeting.

Ms. Simpson said she is concerned about their vacancy rate downtown. If we have high vacancy rates in our downtown and we are allowing conversions in adjoining areas then again we can further damage the viability of our downtowns. It is visible on the street side that there are empty storefronts and not quite so visible on the upper floors.

Mr. Anderson said he has in mind the loss of the conversion of what's now is the Vermont Humanities Council on Loomis Street and that had a galvanizing impact on the city more than 20 years ago because the concern was that if we allow just conversions we are going to lose our residential housing base immediately adjacent to downtown and that will cause the downtown to go empty.

Mr. Moorman said if you could increase the number by getting more office space you then need more housing to be developed on bare land to fill those offices. If we as a city are lacking in prime office space and allow some element of conversion, we are over abundant in jobs versus available housing would that maybe incentivize development on the fringes or infill?

Mr. Anderson replied it may drive the housing development out to surrounding towns.

Mr. Moorman said they have had a great discussion. A few of the things they can give guidance to the staff. In the purpose section they talked about noting the defined terms. They need to be a bit more considerate of what is required and what is encouraged. The purpose of this district is to maintain a lot of housing in the district and a lot of our changes in the uses table underscores the purpose to keep this a residential district excluding retail and other uses in order to promote a more vibrant downtown. Under density the

big change was to take the 60 foot maximum height and make it 45 feet with a note about it facing the street for sloping lots. Under the uses, in general they took any retail uses and moved them to the prohibited. Certain convenience uses they should consider conditional use, i.e., the convenience stores and coin-op laundry. In the permitted uses table they took out a bunch of things and want to discuss home office later.

**Adjournment:**

Upon a motion duly made by Mr. Cheney and Ms. Ruth the Planning Commission adjourned.

Respectfully submitted,

Scott Humphrey  
Planning Office

Transcribed by: Joan Clack