

**Montpelier Planning Commission**  
**January 23, 2012**  
**City Council Chambers, City Hall**

*Subject to Review and Approval*

**Present:** Jesse Moorman, Chair; Jon Anderson, Vice Chair; John Bloch, Alan Goldman, and Kimberly Cheney  
Staff: Clancy DeSmet, Planning & Zoning Administrator  
Scott Humphrey, VISTA

**Call to Order:**

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

**Park & Conservation Commissions' Maps:**

Roy Schiff, Chair of the Conservation Commission, presented the conservation priority map to the Planning Commission Members. They were requested by the Planning Department to go through the exercise of putting some conservation boundaries together and creating a map to help with the zoning revisions. There are a lot of similarities between the Park Commissions' map and the Conservation Commissions' map. The goal was to look at the natural resource values the Commission thinks about and maintain the character and vitality of the city as they view it through the natural resources. This map was not intended to draw lines on a map but intended to take areas that have conservation value and try to guide development or the future land use of those areas to maintain a certain character. They envision that in some of the downtown or the developed areas for development there will be some small conservation and likewise in the conservation areas there will be some development. They looked at the balance of conservation development and to have an overall vision of relating some of those conservation values and what they might do on the land. They broke the city into the downtown, the designated growth center and the area outside of that. They took a straight forward buffer approach where they looked at the buffers around the river corridors and looked at where the infrastructure was. Essentially, it is the roadways where most of the existing infrastructure is with water, sewer and power. Then they looked at various buffers. In the outskirts versus the downtown you expect different things to happen. He went over what they thought their objectives were in each of the three designated areas. The objective in the downtown was to incentivize infill and approve the existing buildings, flood proof and increase flood resistance of new structures. For the conservation components it is really about preserving the links to the parks so maybe there will be corridors or small pocket parks that make our city special. Then, they move into the growth center. It is about incentivizing smart growth and low impact development. They want to promote development in infill in the growth center and at the same time look at open space protection and protecting recreational and wildlife corridors. They came up with promote development initially within 400 feet of existing infrastructure, and that gobbled up a lot of the growth center. Then they prioritized areas for development. The objectives for the peripheral area outside were to promote conservation while encouraging infill and smart growth. They talked about conservation zoning where if there

is a prized value of target trail corridor you would move development towards infrastructure and away from that. Essentially, you would try to move development into the growth center and preserve lands further outside. The park areas are largely in the conservation priority areas. They don't envision that the green areas that no development will take place but they think when development does occur there it will be a thoughtful development procedure that considers what is going on with the natural resources, whether it is a prized natural community, an intact ridgeline that is connected to the parks or a special easement they would want to maintain for recreation.

Mr. Cheney said they would want a zoning ordinance to reference the designations and developers would have to take that into account.

Mr. Schiff said the first reason they put the map together was to inform the ongoing process of doing the zoning revisions. If there was a rural district it might coincide with some of these areas in a certain neighborhood and that would help guide what would be in the ordinance. Maybe there is a way to incentivize clustering or changing densities in the conservation areas that would promote protection of these values. The logistics of implement this is something they haven't gotten too deep into.

Mr. Cheney said the zoning districts right now are neighborhoods and have to do with human connectedness and not the kind of work the Conservation Commission is doing. We would have to say that special consideration for any development would be recognizing the values established in the plan.

Mr. Anderson said if they compare this to our neighborhoods there are areas where we are very much in agreement with the work to date has been. There are some areas where it is very similar. What they have suggested for the rural areas is pretty similar to what they might have in mind which they would be down zoning the rural areas from where they are now. There would be less density. He presumes the density would be located along the roads because that is the easiest place to develop. They have suggested they layer on what they call conservation zoning which is growing greener areas. If you want to develop a piece of and you must take an inventory of the environmental virtues of the land and then lay out the housing lots and roads to protect those virtues. In exchange for doing that you would get a substantial density bonus. You might have lots on a quarter of an acre even in the rural area. Many people prefer smaller lots and having common land but the common land would be commonly owned by the people who bought the smaller lots in that area or the city could own the development rights to the areas they are trying to preserve conservation purchase for. On top of that if there are places the

Conservation Commission wanted to build trails or trails should be designated we could have a way to accomplish that through an official map. If you have an official map it is like a right of first refusal for the city. If you show a trail before anyone proposes a development in the way of that trail that would prevent the trail from being developed they would have to

come to the City Council and say buy us out. Another thing they could do is if there are areas that should be preserved they should have language and/or designation that says these things have to be preserved. He thinks those are three techniques they could use what they are recommending.

Mr. Goldman said on the key it would be great if they showed what the total percentages are. The color outside the city is showing developed areas. We are showing the growth center as the orange and brown color but it is actually built out and developed. There is very little land left for infill.

Mr. DeSmet said he sent this to the Regional Planning Commission today and they were curious why they used square miles as opposed to acreage. It would be interesting to see the current build out and the floodplain because those two factors radically change this.

Mr. Moorman said they pegged the preferred areas to the existing infrastructure. Within the growth center is it 100 feet on the right-of-way?

Mr. Schiff replied it is 400 feet.

Mr. Moorman said the line is fatter around the streets within the growth center and thinner outside.

Mr. Schiff said as you move out of the core it would bring people into the middle.

Mr. Moorman asked what the buffers around rivers they are suggesting. Is there a state law about that?

Mr. Goldman replied yes. It is in our own zoning regulations as well. If we want to be housing friendly and want to grow he suggests they match the limits of Act 250 and stop trying to go lower. They have a major review with four units and the city is much more severe than Act 250. East Montpelier in the last 14 years had 172 new units and over 1,000 built in the last 14 years outside of Montpelier. There were only 72 built in Montpelier. The only one lower than us was Woodbury. If you think builders aren't coming here because of money or taxes you are just wrong. Builders aren't coming here because of the layers of permits. Why would they ever go through a project like that when they can build just outside the city? The neighbor above

him spent a year getting his four lots and lived there most of his life. He sold his house and three lots and it took him a year to do that. Act 250 says you can do two homes and a driveway up to 800 feet; you can do five homes and do driveway so the sixth home would kick in; you can do nine homes with a 10<sup>th</sup> home triggers in a given district over five years. The city's triggers are so far below that that everybody is building in East Montpelier, Worcester, Calais, Berlin, etc. Clancy grew up in Juneau, Alaska and they have very carefully

protected everything in the downtown. They did a fantastic job and did nothing outside the city, and the result was they destroyed the outside of the city. When he brings in the study showing the growth rate outside the city these green spaces you want to protect in Montpelier haven't been threatened in 25 years, but outside the city they are disappearing very rapidly. We are saying we are going to have site plan review if your driveway is longer than 400 feet and that would be a very serious burden in review. What they are showing where you can build is almost all built.

Mr. Moorman said there are some chunks here that could be real big planned developments where roads could be laid down.

Mr. Anderson said they may be mixing zoning districts and standards. Let's think about the most pristine area of the city that we would allow the lowest density and it has huge environmental values. Are you saying for that area it would be inappropriate to require people who want to build more than 400 feet off the road?

Mr. Goldman replied yes. They would be setting another requirement in Montpelier that would be much greater than what it is outside the city. You would be setting up another reason to not build in Montpelier and to build outside the city.

Mr. Anderson said the work they have done for the very rural areas has said we really want to preserve those areas.

Mr. Schiff said they haven't thought about how this gets implemented on the ground. They are really only looking at the natural resource values. The idea is that as the zoning gets planned these are areas where there are values. They wouldn't try to force a review of something in a growth center district at some level.

Mr. Bloch said in fashioning a zoning plan they have to get hard and fast and can't have it both ways. The areas we want to protect haven't changed or changed very little. As he drives out Towne Hill Road that has changed completely. There are six new houses going up this year alone. They have had a growth rate of 17 to 18 units per year and we are having an average of 3. He thought they were going to talk about how to make Montpelier more housing friendly.

Geoff Beyer said that is the question and the Commission was asked for its input and after the community meetings and the Master Planning process the Conservation Commission was presenting was what they thought was representing as protecting the city's values as a whole and growth being one of them. The Planning Commission set the grown center district and wanted to encourage growth to make it easier there. That makes sense. What is it that the city values? They thought the Master Plan and public process pointed out there were things worth protecting and doing what East Montpelier is doing isn't what Montpelier wants to do. This was an attempt to balance the two. No one on the Conservation

Commission is saying they are expert zoning people but this is an attempt to try to trigger something that would help bring thoughtful growth.

Mr. Anderson said the goal of the Planning Commission is to produce the best zoning ordinance they can recommend to the City Council possible. It seems like they have put a lot of thought into what they have done. It seems they aren't terribly far apart and there are three levels of discussion they need to have. The first thought they came with is there ought to be some areas of the city where can go forward with development and there ought to be areas in the city where we are more interested in conservation. That is a principle the Commission has developed. Where should the boundaries be? The Planning Commission is in a lot of agreement with the Conservation Commission. They are advocates for conservation land.

Mr. Cheney said there are two things since he has been on the Commission that really gets him about the goals. One is the idea if you build a lot of houses it will spread the tax rate. He doesn't believe that any longer; that is a false premise. The next thing is that layering of rules makes it impossible to do anything. He doesn't think it makes sense to be pointing at maps unless they have the goals. What do the development rules have to be? The only way to cut the tax rate is to either regionalize our services or get kids in here to get them into the schools.

Erin Brondyke, Chair of the Parks Commission, said they support residential growth and they particularly support high density residential development that is in keeping with the character of an urban landscape. When you develop a new neighborhood you have to put in new infrastructure and they think that park lands should be part of that infrastructure. By considering park land when you permit new developments you help to knit together our neighborhoods. In addition to establishing new park land as new neighborhoods are developed they should be trying to establish new parks and green ways in areas of the city that are under served by park land. Their ultimate goal is to increase the liability of the city and to help knit together our neighborhoods as a community so they have created a blueprint for doing that. They call it a green print because they view it as green infrastructure. Unlike the Conservation Commission's approach their primary objective was to look at lands that have high value for nature based outdoor recreation. While the considered environmental quality when they looked at the city as a landscape they were primarily looking at areas of the city that could provide outdoor recreation opportunities for their citizens. They created a written document and a map. The green print document describes the map. Their map is a simple layer. They put down an overlay of the city including many criteria including scenic quality, recreational opportunities, and park equity believing that no residence should be greater than a certain distance away from a park. Then they wanted to connect conservation lands through either park land or conservation easements for green ways. Wildlife corridors are important to the Parks Commission but mainly from the perspective of insuring that citizens have the opportunity to experience wildlife within the city. They are looking at alternative transportation. It basically centers

upon outdoor recreation. They drew blobs on a map which is defined as 9 different landscapes which are summarized. They are: the Vermont College to U-32 corridor; the Cross Vermont Trail corridor; end of Hebert Road area; the area they call South Hill which is the area between Berlin and Northfield Streets; National Life Hill; the southwestern corner which is mostly a bunch of Alan Goldman's land; the Hubbard Park North Corridor which is basically the ridge that extends northward from Hubbard Park; the greater North Branch Park area; and then a catch all for pocket parks and playgrounds for infill. The objective would be to insure that neighborhoods have pocket parks that kids can play in and people can have picnics in. What they would like to come out of this as a Parks Commission is that primarily it establishes our priorities as a Commission. This is a document and a map that can stand alone whether the Planning Commission does anything with it or not. Amazingly, the Parks Commission has been around for over 100 years and never had really taken a comprehensive look at the city as a whole and said what areas would make good park land or good conservation easement lands or good areas for trails or green ways. If they are ever fortunate enough in the future to have opportunities to do voluntary land conservation projects which would create new park land or green ways within the city their priorities would be on a map and a written document. It stands alone as a planning document for the Parks Commission.

The second outcome they would like to see come out of this is to have the Planning Commission consider it when they are rewriting the zoning and the Master Plan.

Their third outcome they would like to see come out of this is that when the city is evaluating new development proposals they would like them to have the Park Commission's interest in seeing these areas become parks. It is not their intent that the map or document would have any sort of regulatory authority. They are only for the Planning Commission to inform their work. He welcomes the Commission's recommendations.

Mr. Moorman asked how they came about the potential trail areas. He understands where the areas are and some of the existing uses within them. Looking at the

Winooski River where he thinks there is the bridge over Stone Cutters Way is there some notion of an existing trail there or it would be cool to have a trail there?

Mr. Brondyke said they laid down the yellow zone for priority areas and they based the priority areas on park equity. He looked at the south end of town and looked at where existing parks were and it is pretty obvious the area south of Route 2 doesn't have any park land and those neighborhoods deserve park land, and the city would be a better city if the kids in those neighborhoods had a close access to park land and people had good places to get close to nature. In other areas they looked at spots where they could see the city connecting to the East Montpelier trails network which is a 10 to 15 mile loop that passes through Montpelier and North Branch Park, and it also comes in by U-32. They thought that was a logical place to continue down the ridgeline towards Sabin's Pasture which the city

has some interest in developing a portion of. They are also supportive in developing a portion of Sabin's Pasture. Looking at the green ways, if additional park land was created in these areas how could they connect park lands so people could walk from one park to another, ski from one park to the other, how could they connect neighborhoods to parks so people could walk to the parks and they also tried to put them in places it looked like there was already forest land they could pass through and not route them through peoples' backyards.

Mr. Anderson said it is a great idea to have a plan. Depending upon how strong the plan is written it may be enforceable or not in Act 250. The Planning Commission's job right now is to write a zoning ordinance and the only thing enforceable under zoning law is the specific terms they include in the zoning ordinance. We need to make some judgments about where they are going to spend their time and resources to get the zoning ordinance out. He can't think of a lot of stuff they would write into the ordinance. One place he does think there is some specific need is the idea of the official map of the city and it is a technique the city has not used. If you show something on a plan and the City Council designates it as the official map we would like to do it and then it provides the opportunity for a first refusal if somebody does something that would be contrary to it. That is the legal requirement. In addition, if you show it and developers coming before the Development Review Board want too curry favor with the DRB so they can get their project through in a hurry they can say their development is consistent with what is on the map. He thinks the presence of trails actually enhances value for people in the city.

Mr. Brondyke said that was a good idea. He would ask the Commission in general whether if the city was to incorporate this into the zoning or Master Plan in some way would there be a way to say to a developer if you want to develop on this parcel you will get a density bonus.

Mr. Anderson said he believes there are ways to do it.

Mr. Brondyke said if they wanted to expand the purple residential district into Sabin's Pasture, is this the map being proposed? Maybe the developer could receive a bonus for some special treatment if they set apart the upper part and developed just the lower part.

Mr. DeSmet said they don't know what triggers site plan or PUD so he is going to be asking Roy Schiff to help him with the existing standards. It needs to be clear in what we value in our land use.

### **Subcommittee Assignments for Updating, Definitions, Procedures and Standards:**

They are looking at how to tackle the balance of text in the existing regulations. The notion was they could divide the sections on definitions, procedures and standards and break up into subcommittees to work on suggested revisions.

Mr. Cheney said this could be written in plain English. There is a rule for insurance policies now that had to be written in plain English, and you can actually read them and understand them. He has written some statutes. As you are working procedures and standards you should have a discussion about who the zoning administrator is.

Mr. Moorman said he wants to be divided into subcommittees for the next meeting and have a clear sense of which sections each subcommittee is concerned with. He would like to ask the staff to look at the existing table of contents and divvy up for the three subcommittees the articles which would apply to the subcommittee for definitions, articles for the subcommittee on procedures and the articles that would apply for the subcommittee on standards. He thinks Kim's points are very well taken and he looks at revisions with the same sort of mindset.

### **Gateway District Standards:**

Purpose and Description – it looks like they have seen this in every purpose statement. What is the importance of a purpose section in any zoning district? If you look to the existing regulations, Article 304 (d)(b)(f)(3) talks about when the purpose section comes into play under the conditional use standard. We need to be a little more careful and clear with our purpose section statements.

Mr. Anderson said the state law is the character of the neighborhood. Some ordinances go on and say what ours does. It is just the character of the neighborhood.

Mr. Moorman said that is the criteria for conditional review. How do you figure out what the character of the area is? One of the ways is to look to the purpose of the zoning district of the purpose description and another way is to look at what the municipal plan has to say about this area.

Mr. Anderson said if you go with just what is in the statute the landscape architect goes out and inventories the neighborhood and says what the developer is consistent or not consistent.

Mr. Cheney said the purpose doesn't really guide you in what is supposed to go on.

Mr. Moorman said in their prior conversations about the gateway districts in thinking of ways to further develop the purpose section he knows for the western gateway which is the exit 8 corridor off I-89 they have talked about view sheds and the importance of that area as you are coming into the city and see the dome. At the moment the purpose section says significant entrances to the city located on major arterial roadways. These corridors lead travelers to the urban core.

Mr. Anderson said he doesn't think the purpose and description adds very much at all and would just say here is the name of the district and what the standards are.

Mr. Goldman said it is already in the Master Plan.

Mr. Moorman said in the statute that authorizes conditional use review it says these general standards shall require that the proposed conditional use shall not result in undue adverse affect on the landscape. There are actually 5 criteria.

Mr. Anderson said the Vermont Supreme Court has ruled whether or not you include those standards in your ordinance they are in the ordinance by default.

Mr. Moorman said they could say these uses are subject to conditional review and those would be the criteria applied. That would be how the purpose would come into play. The front line is the DRB in their conditional use review looking to the purpose section when they are thinking about the character of the area.

Mr. Cheney said it is going to take some real hard definitional work to capture those things.

Mr. Moorman said they talked about the factory district might not fit so easily with the gateway district. They also applied that to the Route 2 gateway also.

Mr. Cheney inquired who was going to write the standards.

Mr. Anderson said they may be trying to make the Gateway District defined too broadly to include a bunch of things that aren't the same. For example, the Gateway District in Toy Town is suburban. He is happy thinking an office park would be by National Life. But he can't see either of those two working out on Route 302 on the Barre-Montpelier Road. In other districts they can probably collapse the neighborhoods. In the suburban districts he thinks they are going to wind up saying you have the same standards in all of them. He is wondering if they want to go to the concept of replacing the Gateway with three districts that look more like what is there now.

Mr. Moorman replied General Business, Industrial and Office Park.

Mr. Anderson said they would wind up with only one more district than what we are proposing now because of Toy Town.

Mr. Moorman said he doesn't think Toy Town is in the existing gateway. It is just the stuff south of the Winooski on the western side. Toy Town is in a suburban area.

Ms. Ruth said she thinks the main Gateway District should be the interstate on the western side of the city.

Mr. Moorman said they can say Toy Town Suburban but keep Farm and Factory together with the focus on their existing uses and existing districts and try to highlight that through

the purpose section. There would be separate neighborhoods within the same gateway districts.

Mr. Moorman said there is plenty on their agenda for the next meeting. The next meeting is on February 13<sup>th</sup>.

**Adjournment:**

Upon a motion duly made by John Bloch and Alan Goldman the Planning Commission adjourned.

Respectfully submitted,

Clancy DeSmet  
Planning & Zoning Administrator

Transcribed by: Joan Clack