

## Meredith Crandall

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**From:** karen williams <mamafishhead@aol.com>  
**Sent:** Thursday, February 9, 2023 7:52 PM  
**To:** Meredith Crandall  
**Subject:** VCFA PUD plan

Dear Ms. Crandall,

I wish to show my support of VCFA's Planned Unit Development. I am so excited that this is on the agenda for our town. I own a business in Montpelier- Woodbury Mountain Toys-and am aware of the need for us to build and maintain a healthy environment through businesses that attract and support our community as well. The holistic, artistic, and overall positive businesses involved in this undertaking is rather heartwarming. I understand much time and effort has been focused on maintaining the integrity of the neighborhood and the balance needed to move forward cohesively.

This is really an exciting venture that will only bring the positive to our wonderful town.

I hope you feel the same and back this venture as well!

Thanks for your time and consideration,

Karen Williams  
24 State Street  
Montpelier VT 05602

## Meredith Crandall

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**From:** Meredith Crandall  
**Sent:** Friday, February 10, 2023 1:47 PM  
**To:** jkellogg46@gmail.com  
**Subject:** RE: VCFA

Hi, June,

Thank you for your question. Hopefully I can clarify my statement from Monday's hearing.

The Development Review Board can take comments, and put restrictions on, open space(s) as they relate to the Section 3408 Campus Development requirement for a certain percentage of land to be retained as open space for passive recreational use.

What the Board cannot comment on is the allowance of public access to that open space, nor can the Board make public access a condition of any permit approval.

Any process to make private land public would need to be negotiated with the City Council, probably in consultation with the Parks Department and the Parks Commission. And would most likely include the private property owner as a willing partner to make such a deal happen.

Best,

Meredith

Meredith Strobridge Crandall (she/her/hers)  
Planning and Zoning Administrator

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Original Message

From: June Kellogg <[jkellogg46@gmail.com](mailto:jkellogg46@gmail.com)>  
Sent: Tuesday, February 7, 2023 11:18 AM  
To: Meredith Crandall <[mcrandall@montpelier.vt.org](mailto:mcrandall@montpelier.vt.org)>  
Subject: VCFA

Thank you for last night's meeting. You and Ms. Allen were very clear regarding the "Green" at the college. You noted that the DRB was not authorized to comment on open land. Would it be appropriate to ask you who is? All of us who have lived here are so fond of this open space and have benefitted by it and its loss would be tragic. Could I ask you who is the appropriate body/committee to ask regarding this issue?

June and Roger Kellogg

Sent from my iPad

## Meredith Crandall

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**From:** Meredith Crandall  
**Sent:** Monday, February 13, 2023 12:28 PM  
**To:** Susan  
**Cc:** Jasmine Benson; Jane Aldrighetti; Marty Lagerstedt  
**Subject:** RE: Questions for Meredith  
**Attachments:** meredithcrandall.2023.2.10.docx; 3004 Demolition 2022-04-13.pdf

[Hi, Jasmine and Jane & Marty – Could you please see if you can assist Susan with the questions at numbers 5 and 6, respectively? Thank you – Meredith]

Hi, Susan,

Thank you for the attached questions, which I repeated below for clarity. My responses follow in *green italics*.

1. VCFA used to be part of an AIPUD (academic institution planned unit development). Now it is just part of a PUD. When did this change occur, and why and how? – *As you note, VCFA was formerly subject to the Academic Institution Planned Unit Development provisions of the City of Montpelier Zoning and Subdivision Regulations adopted by City Council on August 30, 2016, as amended through January 26, 2011 (the “2011 Regulation”). That AI PUD expired on June 4, 2017, as the 2011 Regulations required that they be renewed every five years (the most recent “reinstatement” occurred on June 4, 2012). Before VCFA renewed that AI PUD, the City adopted the new Unified Development Regulations in January of 2018, which includes a Campus Development PUD that can be used for more than just academic institutions in Chapter 340. As the Planning Department has confirmed previously with an attorney, that old AI PUD is no longer binding.*
2. Are all the VCFA buildings protected against being torn down? Any protection to the interiors of the buildings? – *I can only answer with respect to Montpelier’s zoning regulations, which do not bar demolition of the VCFA buildings and have no jurisdiction over the interior other than what uses may be instituted therein. Montpelier’s zoning does make it harder to demolish buildings on the State or National Registers of Historic Places per Section 3004, and College Hall (36 College Street) has been on the National Register of Historic Places since 1975, and 33 College Street (Martin House) is on the State Register of Historic Places. I’ve attached a copy of Section 3004 if you wish to know more about the specifics.*
3. Any protection of the VCFA common ? – *The only related requirement in the Campus Development PUD that VCFA is applying is that at least 30% of the “campus” be “reserved” as open space for passive recreation. The provision does not specify that the college green has to be this designated space. Further, the regulations and the Development Review Board are NOT allowed to require that any such open space be made available for general, public access. Such a requirement would generally be seen as unconstitutional.*
4. Is the road which connects West St and College St still owned by the college? – *Yes. I believe this is generally known as Ridge Street extension.*
5. Do the police have jurisdiction over the STOP signed placed near the corner of West St and Ridge St? – *I’m afraid I can’t answer this. I’ve copied Jasmine Benson from the Department of Public Works who may have the answer, or may be able to advise who in the Police Department would know.*

6. Is the college tax exempt? – *This is something that may be better answered by the Assessor's office, Jane Aldrighetti and Marty Lagerstedt copied. My general understanding is that the buildings that are used for academic uses may be tax exempt, but not those buildings used by entities not otherwise exempt from taxes. However, please confirm with the Assessor's office or other expert sources, as this is not something that generally falls within the zoning administrator's purview – nor relate to the Development Review Board's decision on a zoning permit application.*
  
7. Is 60 Ridge St within any historic preservation zone? – *60 Ridge Street is not within Montpelier's Historic District as listed on the National Register of Historic Places, but it is currently listed on the State Register of Historic Places. As such, demolition of the building or part of it would be subject to the higher scrutiny noted in the attached Section 3004. However, because the building is not within the existing boundaries for the Design Review Overlay District, the City's zoning regulations don't apply any other extra requirements or reviews.*

Please let me know if I missed anything or if you have additional questions.

Note that you can access VCFA's application and related comments on the City's website via the following steps:

1. Go to the Pending Applications for Public Hearing page: [https://www.montpelier.vt.org/1164/Pending Applications for Public Hearings](https://www.montpelier.vt.org/1164/Pending_Applications_for_Public_Hearings)
2. Scroll to the next date for the continued Development Review Board hearing, currently February 21st.
3. Click on the link currently titled "VCFA Application and Public Comments submitted as of February 6, 2023".
4. This will open a new page, where the various batches of public comments and other files are available as links to PDF documents.

This page is a work in progress, and will be updated periodically as new information is submitted. As always, the paper application file is also available for review in the Planning and Community Development Office during standard hours, 8 am to 4:30 pm Monday—Friday.

Best,

Meredith

**Meredith Strobridge Crandall**  
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**From:** Susan <susan@susanwalter.com>  
**Sent:** Sunday, February 12, 2023 3:33 PM

**To:** Meredith Crandall <mcrandall@montpelier vt.org>

**Subject:** Questions for Meredith

Hi Meredith

Pls see attached

Thx a lot

February 13, 2023

hi Meredith,  
Hope all is fine with you.

Here are some questions:

VCFA used to be part of an AIPUD (academic institution planned unit development)  
Now it is just part of a PUD.

When did this change occur, and why and how?

Are all the VCFA buildings protected against being torn down?  
Any protection to the interiors of the buildings?

Any protection of the VCFA common ?

Is the road which connects West St and College St still owned by the college?  
Do the police have jurisdiction over the STOP signed placed near the corner of  
West St and Ridge St?  
(hardly anyone stops at that stop sign)

Is the college tax exempt?

Is 60 Ridge St within any historic preservation zone?

THANKS a lot,  
Susan Walter  
Fred Fayette  
60 Ridge St  
Montpelier

**PART 3. DEVELOPMENT STANDARDS**  
**Chapter 300. General Standards**

<b>Structure</b>	<b>Location (Yard)</b>	<b>Setback</b>	<b>Max Height</b>
Heating and cooling units	Rear or side	5 ft.	–
Mailboxes	Any	0 ft.	–
Pools, hot tubs, decks or patios	Rear or side	5 ft.	–
Retaining walls (see Section 3101)	Any	0 ft.	12 ft.
Sheds or similar small accessory buildings (max 3 per parcel, max 200 sf footprint each may be located within the setback for principal structures unless meeting all the dimensional standards for principal buildings in the applicable district)	Rear or side	5 ft.	15 ft.
Sidewalks	Any	0 ft.	–
Sports or recreation equipment	Any	5 ft.	15 ft.
Green stormwater infrastructure	Any	0 ft.	–

**Section 3004. Demolition**

3004.A **Applicability.** A zoning permit is required to demolish a structure or part of a structure.

3004.B In addition to basic application requirements, the application shall include a demolition and site remediation plan which at a minimum describes the intended use of the site and the manner in which the site shall be returned to grade, surfaced, landscaped and /or screened to minimize adverse visual impacts, and secured to prevent hazards to public safety and adjoining properties.

3004.C All demolition shall be completed with 60 days of commencement and, at a minimum, completion shall include:

- (1) All structural materials and debris shall be removed from the site;
- (2) The site shall be restored to a natural grade; and
- (3) Groundcover shall be re-established to prevent erosion unless otherwise specified as a condition of approval.

3004.D **Demolition.** The demolition or replacement of any structure, or portion thereof, listed as a contributing structure on the Vermont Historic Sites and Structures Survey and the National Register for Historic Places, or any application for development which involves the demolition of such structures, shall be reviewed by the Development Review Board under the following provisions:

- (1) **Application Requirements.** The permit application shall include, in addition to other required materials:
  - (a) A demolition and site restoration plan which, at a minimum, describes the intended use of the site and the manner in which the site is to be restored to grade, surfaced, landscaped or screened to minimize adverse visual impacts, and secured to prevent hazards to public safety and adjoining properties; and
  - (b) For historic structures, documentation that the rehabilitation of the structure would cause undue financial hardship to the owner, or that the demolition is part of a site development plan that would provide clear and substantial benefit to the municipality.



- (2) **Demolition of Historic Structures.** The demolition or replacement of any structure or portion thereof listed as a contributing structure on the Vermont Historic Sites and Structures Survey or the National Register for Historic Places is prohibited unless the Development Review Board approves the demolition and site restoration plan, and:
- (a) The Board finds, pursuant to Paragraphs (3) and (4) below, that rehabilitation of the structure or portion thereof would cause undue financial hardship to the owner; or
  - (b) The Board finds that the demolition is part of a site development plan and design plan (if applicable) that would provide clear and substantial benefit to the community.
- (3) **Standards for Determination.** The Development Review Board shall consider the following factors in making its determination regarding whether undue financial hardship exists under Paragraph (4) below:
- (a) The applicant's knowledge of the property's historical significance at the time of acquisition, or of its status subsequent to acquisition;
  - (b) The structural soundness of the building, or any structures on the property and their suitability for rehabilitation;
  - (c) The economic feasibility of rehabilitation or reuse of the existing property in the case of a proposed demolition;
  - (d) The current level of economic return on the property as considered in relation to the following:
    - (i) amount paid for the property, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant, and the person from whom the property was purchased;
    - (ii) a substantial decrease in the fair market value of the property as a result of the denial of the permit;
    - (iii) the fair market value of the property at the time the application is filed;
    - (iv) real estate taxes for the previous three (3) years;
    - (v) annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses for the previous three (3) years; and a depreciation deduction and annual cash flow before and after debt service, if any, for the previous three (3) years;
    - (vi) remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, during the previous three (3) years;
    - (vii) all appraisals obtained within the previous three (3) years by the owner or applicant in connection with the purchase, financing or ownership of the property;
    - (viii) any state or federal income tax returns on or relating to the property for the previous three (3) years.
  - (e) The marketability of the property for sale or lease, considered in relation to any

listing of the property for sale or lease, and the price asked and offers received, if any, within the previous two (2) years. This determination can include testimony and relevant documents regarding:

- (i) any real estate broker or firm engaged to sell or lease the property;
  - (ii) reasonableness of the price or rent sought by the applicant; and
  - (iii) any advertisements placed for the sale or rent of the property by the owner or applicant.
- (f) The feasibility of alternative uses that can earn a reasonable economic return for the property as considered in relation to the following:
- (i) a report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any buildings/structures on the property and their suitability for rehabilitation;
  - (ii) testimony from a licensed engineer or architect with experience in rehabilitation as to the economic feasibility of rehabilitation or reuse of existing buildings/structures on the property.
- (g) Studies and evaluations conducted at the owner's expense shall identify impact of economic incentives and funding available to the applicant through federal, state, city, or private programs, including tax credits, in relation to a ten (10) year pro forma of projected revenues and expenses for the reasonable uses or revenues that takes into consideration the utilization of incentives programs available.
- (h) Input from community organizations, preservation groups, other associations, and private citizens who may wish to evaluate and comment on a submission made under the financial hardship provision.
- (4) **Determination of Undue Financial Hardship.** A determination of undue financial hardship may be granted only if the project fully complies with one of the following requirements:
- (a) For income producing properties – the building, site or object cannot be feasibly used or rented at a reasonable rate of return in its present condition or if rehabilitated, and denial of the application would deprive the owner of all reasonable use of the property; or
  - (b) For non-income producing properties – the building site or object has no beneficial use as a residential dwelling or for an institutional use in its present state or if rehabilitated, and denial of the application would deprive the owner of all reasonable use of the property.
- (5) Conduct to be excluded from review – Demonstration of undue financial hardship by the owner shall not be based on conditions caused by or resulting from the following:
- (a) willful or negligent acts by the owner, agents, tenants, or licensees;
  - (b) purchasing the property for substantially more than market value at the time of purchase;
  - (c) failure to perform normal maintenance and repairs;
  - (d) failure to diligently solicit and retain tenants;

- (e) failure to prescribe a rental amount which is reasonable; or
  - (f) failure to provide normal tenant improvements.
  - (g) failure to maintain or repair significant architectural features or structural components.
- (6) **Hearing Recess.** Prior to approving the demolition of an historic structure, the Development Review Board may temporarily adjourn the hearing process for a period not to exceed six months from the date of complete application, to provide time to assess the feasibility of rehabilitation of the structure, or to document the historic and architectural elements of the structure prior to its demolition.
- (7) **Site Restoration.** Within 30 days after a permanent or temporary building or structure has been demolished, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over and filled to the normal grade by the owner(s), unless otherwise required as a condition of an approved site restoration plan.
- (8) The requirements of this section shall not apply to orders of the Building Inspector or Fire Marshall requiring that a building be removed due to public health, safety, or welfare concerns.

### Section 3005. Riparian Areas

- 3005.A **Purpose.** The purpose of this section is to protect and enhance the overall quality, natural function, ecological health, scenic benefits, and recreation potential of the city's water resources by limiting or mitigating the impact of development within riparian areas.
- 3005.B **Applicability.** The provisions of this section apply to land within the water setback as established in the base district and as measured below. Pre-existing buried streams, regardless of whether it is identified on Montpelier Natural Resources Map, shall meet the requirements of Subsection 3005.D.
- 3005.C **Measuring Water Setbacks.** Water setbacks shall be measured from top of bank of all surface waters mapped on the Montpelier Natural Resources Inventory Map.
- 3005.D **Exception- pre-existing buried streams.** Pre-existing buried streams are exempt from the requirements of this section except that a 10-foot setback shall be maintained from the centerline of the culvert. No buffer is required for buried streams.
- 3005.E **Development in the Riparian Area.** Except as outlined in Subsection 3005.F and Subsection 3005.G below, all development is prohibited in the water setback.
- 3005.F **Groundcover within Water Setbacks.** Applicants shall establish or maintain a riparian buffer of natural woody vegetation from the top of bank a distance equal to or greater than half of the water setback for the applicable zoning district (i.e., a 50-foot water setback requires a 25-foot riparian buffer).
- (1) The water setback area that is not part of the required riparian buffer may be covered with mowed lawns, patios, decks, walkways, or other impervious area provided impervious cover does not exceed 20% of the entire water setback area.

## Meredith Crandall

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**From:** Oliver Ames <oliverames@gmail.com>  
**Sent:** Monday, February 13, 2023 10:38 AM  
**To:** Meredith Crandall; Mark Provost; Kathryn Provost; donnamonack@yahoo.com; Kaitlin Ames  
**Subject:** VCFA Conditional Use Change Request

Hi Meredith,

My wife, Kaitlin, and I are concerned about the potential adverse effects of the College's application on our neighborhood. We live at 5 Kemp Ave.

Primarily, we are afraid that the increase in parking spaces, both in the existing areas and in the new angled parking on West and College Street, will worsen the traffic, noise, and safety problems that we already face from the College's residential sessions. There are times we have been pushing a stroller with our six month old baby and had people clogging the sidewalks, oblivious to their surroundings and so absorbed in conversation that they will not move to get out of the way. So disrespectful!

We also care deeply about College Green, a vital part of our community and a public space we enjoy. We need clarification about the plans for the Green, and we fear that it could be altered significantly, such as by adding new structures. We want to have the opportunity to review and comment on any changes that may affect that space.

Finally, adding any other roads connecting Barre Street to College Street would result in an outcry from the community. This is not a highway but a residential neighborhood where children can safely play in the street and walk to school together.

As such, we favor maintaining the current 'Conditional Use' status of VCFA buildings to allow for a period of public input on proposed changes. New uses of the VCFA buildings and open space are inevitable. Still, community members must retain the ability to offer feedback on proposed changes.

We would like to ask that the DRB vote no on the VCFA Development Application.

Thanks,

Oliver and Kaitlin Ames

5 Kemp Ave, Montpelier VT, 05602  
802 730 6464