

Minutes of the East Montpelier Planning Commission- Draft

December 21, 2023

PC Members Present: Zach Sullivan (Chair), Erica Zimmerman, Kim Watson (zoom), Clarice Cutler, Maia Stone (zoom)

PC Members Absent: Gianna Petitio, Nic Khosla, Richard Hall, Mark Lane

Call to Order: 7:04 pm

Changes to Agenda: None.

Public Comment: None.

Review Minutes

The group reviewed the December 7, 2023 minutes.

Motion: To approve the December 7, 2023, minutes as presented. Made by Clarice Cutler, second by Zach Sullivan. Passed unanimously.

Overview of Powers and Duties of Planning Commissions

Zach Sullivan presented the Statue to the commissioners who reviewed and discussed their duties.

The powers and duties of planning commissions are laid out in 24 V.S.A. § 4325. These are all things that a planning commission may do – it does not require a planning commission to do them. Vermont is a Dillon’s Rule state, which means that towns must be granted authority by the legislature. This means that we can interpret statute as being the limit of what we are empowered to do. The following are the significant powers laid out in 24 V.S.A. § 4325 (numbers in parentheses give the relevant subsection numbers). I have omitted items such as “hold public meetings” and “hire staff”.

- Create and update the town plan, to be presented to the Selectboard for approval (1)
- Prepare zoning and zoning amendments, to be presented to the Selectboard for approval (2)
- Conduct capacity studies and make recommendations related to land use, economic development, and energy use (4)
- Participate in a regional planning program (10)
- Undertake comprehensive planning (12)

There are also a number of powers and duties that are given to planning commissions by statute, but that East Montpelier has assigned to other groups:

- Administer bylaws (3) – Development review board
- Prepare building codes and enforcement procedures (5) – we do not have town building codes
- Prepare capital budget (6)

Overview of work done previously and outstanding items in town plan

Work done for 2022 zoning update.

- The 2022 zoning update made significant changes to the village. This was done to implement the town plan and village master plan's vision for the village area. These changes allowed for denser development in the village and for a mixed use area in the village, including along Route 14 S and up Quaker Road.
- The 2022 zoning update made significant changes to the village. This was done to implement the town plan and village master plan's vision for the village area. These changes allowed for denser development in the village and for a mixed use area in the village, including along Route 14 S and up Quaker Road. The zoning updates made some changes to other areas of town, but did not significantly change the development potential of those areas. Setbacks were decreased because the existing setbacks were generating a number of waiver requests to the DRB for things like sheds, which were almost always granted, and clarifications were made around planned unit developments. The update also allowed accessory dwellings up to 1200 square feet anywhere residential uses were allowed, and expanded where mobile home parks could be placed. These updates did not change the minimum lot sizes, and did not substantively change the allowed uses outside of the village.
- Open items in the town plan (actions not addressed or partially addressed)

There are a number of open items in the town plan assigned to the Planning Commission. Some of these are non-regulatory, but many have ties to the zoning but were not addressed when the PC decided to limit its focus with the zoning update to the village.

Preserve farmland and large forest blocks: High priority actions 7.4.2, 9.10.2, 9.7.1, 9.7.2, 10.1.6

These contain a combination of zoning and non-regulatory elements. Some of these were considered in the most recent zoning update, but most were not pursued when the Planning Commission opted to concentrate most zoning changes on the village.

Additional changes to zoning: High priority actions 10.1.1, 4.8.1, 9.13.2, 9.14.2, 9.3.1, 10.1.4, 10.1.5, 10.3.1, 10.4.1

These contain a number of actions around promoting compact growth, growth according to historic development patterns, to ensure that the zoning helps achieve the goals of the town plan, and to protect natural and scenic resources. Many of these were partially done with the recent zoning update in that many of them were addressed with the implementation of village zoning, but were not impacted in other parts of town (ie the updated zoning does not address the historic development areas on Center Road and in North Montpelier).

Work done with PlaceSense that was not adopted into zoning update was presented by Zach Sullivan but a deep discussion on these changes not adopted were tabled until additional commissioners are present and we had more time. As the commission reviews the proposed changes not adopted for the next meeting Mr. Sullivan asked the commissioners to come up with new items, gaps and how to get public engagement in these areas. As we scanned over

these items, Clarice Cutler spoke to figuring out the gaps in the zoning regulations as they relate to the Town Plan goals which brought us to the next agenda item.

Proposals from zoning project:

The planning commission's engagement with PlaceSense for assistance in rewriting the zoning from 2018-2020 yielded several proposals that were not ultimately enacted. The following were proposed in the zoning update but ultimately not acted on. We present them here as ideas that the PC has previously considered as ways of meeting the goals of the town plan.

Residential 2 district: half acre zoning for designated growth areas (Gallison Hill, EM Center, North Montpelier)

This proposal would have significantly increased the amount of housing that could have been added to designated growth areas outside of the village. It kept these areas almost entirely residential, but allowed much denser housing in them. The proposal to allow for half acre lots in East Montpelier Center specifically drew a significant amount of push-back in public forums.

Rural 2 district: 2 acre zoning primarily in areas served by paved roads

This proposal would have slightly decreased the minimum lot size along paved roads. This was not based around a change in expected character of the area, but on a recognition that the larger roads in town could support more traffic, and consequently more growth.

Rural 10: 10 acre average density, with lot sizes allowed down to 1 acre

This proposal would have allowed for much smaller lots in the most rural parts of town while maintaining the rural character of those areas. It requires that a landowner who is subdividing a property maintain an average density, but gives significant flexibility in how that is achieved. For example, a 50 acre parcel could support 5 houses under this type of regulation, but the owner would have significant flexibility in how that was achieved. Rather than allowing only for the land to be subdivided into 10 acre lots in order to support 5 houses, as would be required under traditional zoning, the owner could subdivide with lots of as little as 1 acre, but they would only be permitted to build 5 houses in total on the land. They could still divide into five 10 acre lots, but could also divide into two 1 acre lots, two 2 acre lots, and a single 44 acre lot. The key to this is that this would then exhaust the development potential of the original lot: the 44 acre lot could not be further subdivided and could only ever support one house.

This proposal received pushback as being perceived as too complicated, though it is used elsewhere in the state (particularly in Addison County). The impetus for this is two-fold: it allows for the sale of small lots which will be less expensive, and in places where it has been used it encourages people to build closer to the road, leaving large contiguous parcels behind the houses. This is not specifically regulated, but the system incentivizes keeping large parcels together.

Discussion of items to take up, gaps, and public engagement needed

We thought that some solutions to take up to identify the gaps and the need for public engagement was to create a survey for the town. The survey would be used to ask towns people their concerns, ask them to give ideas to help with affordable housing, education needs and development while maintaining the rural character. We agreed to table the survey potential and what that might look like until the next meeting. Clarice Cutler also noted that the CVRPC has public engagement tools available for the town and that we should ask for assistance, if any is available. Zach Sullivan noted that some of the key issues are housing and development. Erica Zimmerman asked how some of the development areas had been created and a discussion pursued on increased density and development for housing on paved roads. We also discussed the 7-acre zone, density housing units on 1 acre and conserved land areas as possible zoning changes in our current zoning regulations. We may want to look at other plans and ask about their strategic plan on relationships for housing, population increases, and land use. We do know that some people in town would like to see additional housing to help with lowering taxes.

Check-in on assignments of Town Plan sections for updates

Zach Sullivan reminded the commission that the Town Plan comments and edits can be found in google documents. He sent an email on November 17, 2023 with the URL.

“Email: Here's the folder with all of the town plan chapters we've gone through with the consolidated notes. This combines the notes that the initial reviewers made with the notes from our reviews during the meetings. The folder contains both versions in word, so that you can access an editable version, as well as PDF versions because the photos have made some of the editable copies enormous. These files should be publicly available - please let me know if you can't download them and I'll get the permissions fixed.

Here's the link:

https://drive.google.com/drive/folders/1Rkb_z83A032HwbQ3Pz7O9LD3WM8S0vxw?usp=sharing

Zach”

Updates

- **Capital Improvement Committee-** No Updates
- **Energy Committee-** Zach Sullivan reported no updates and will reach out to discuss timelines and approach for town plan.
- **Resilient Roads Committee-** No report.
- **Central Vermont Regional Planning Commission-** Clarice Cutler reached out again to ask if anyone was interested in being a permanent member to attend the CVRPC meeting since she is only the alternate. At this month’s meeting they discussed Emission Reductions and Energy carbon sequestration projects.

ZA/DRB Report

None

Other Business

We discussed the three open positions that are coming up in 2024 and the need to network for new members. Zach Sullivan said he would put it out to FPF, the need for new members and remind people that petitions need to be into the Town Clerk by January 25th, 2024.

Motion: To adjourn. Made by Clarice Cutler, second by Erica Zimmerman. Passed unanimously.

The meeting closed at 8:42 p.m.

Special note: Thanks to Zack Sullivan's great "Outline to Planning Commission Meeting"
Typing up meeting minutes are straightforward and easier to keep. Thank you.

Respectfully submitted by Kim Watson

Approved on: _____