

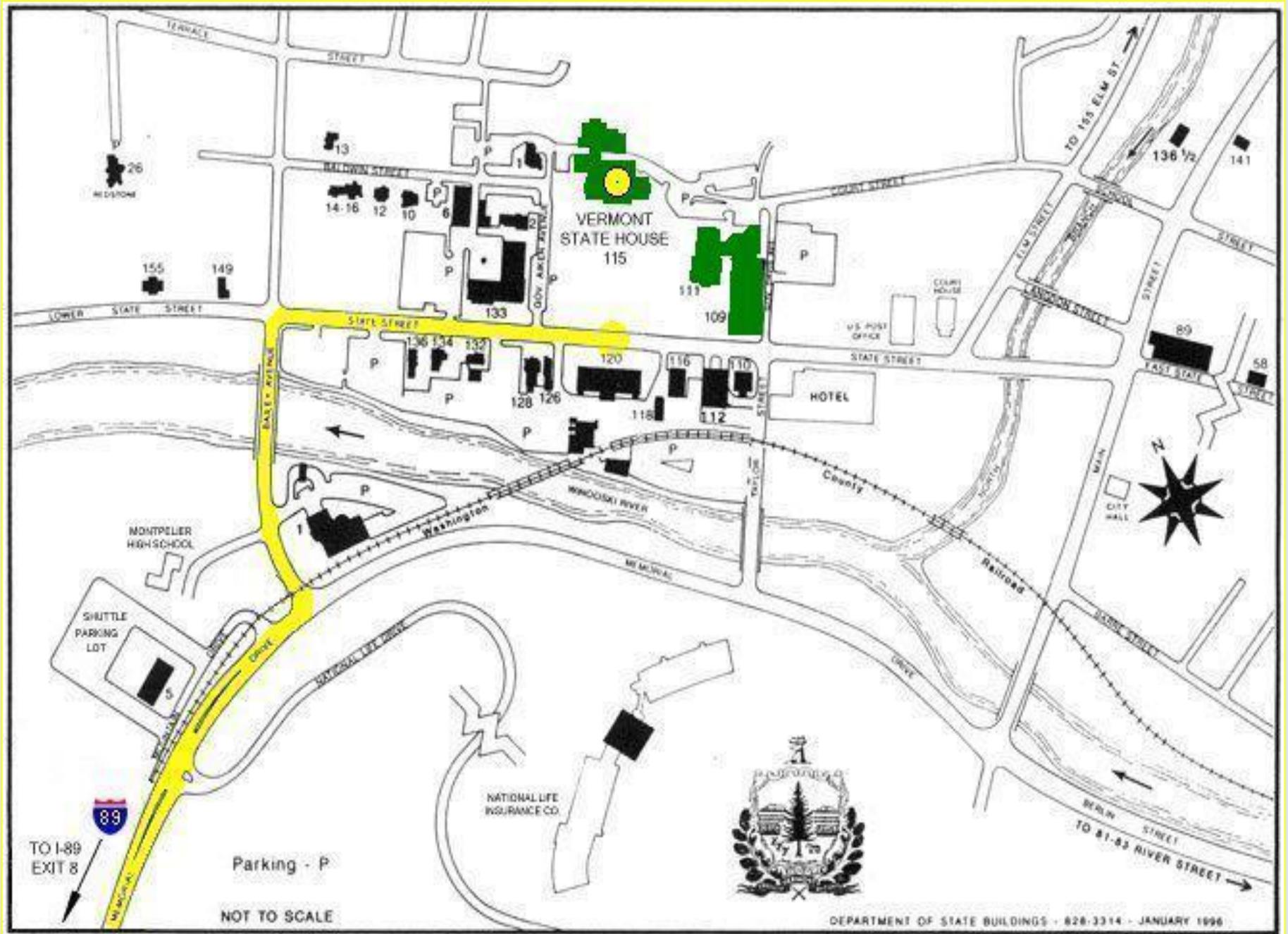
# Statutory Overview: Capitol Complex Commission and the City-State Commission

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# Capitol Complex

Defined in 29 V.S.A. 182(1):

(1) "Capitol complex" means all of the land and buildings in the city of Montpelier, excluding so much of State Street as lies within the boundaries thereof, enclosed within the following described bounds: commencing at the juncture of Taylor Street, so-called, and north line of the Winooski River, thence northerly along the westerly line of Taylor Street, crossing state Street and continuing northerly along the westerly line of the extension of Taylor Street, crossing Court Street at an angle to the westerly line of Greenwood Terrace, thence continuing northerly along the westerly line of Greenwood Terrace to a point on a line extension of the southerly line of Mather Terrace, thence westerly along the aforesaid line extension to Mather Terrace, thence westerly along the southerly line of Mather Terrace and Terrace Street to the intersection of Terrace Street and the easterly line of Bailey Avenue, thence southerly along the easterly line of Bailey Avenue crossing State Street and continuing along the easterly line of Bailey Avenue extension to the Winooski River, thence easterly along the northerly line of the Winooski River to the point of the beginning.



VERMONT  
STATE HOUSE  
115

MONTPELIER  
HIGH SCHOOL

SHURTLEFF  
PARKING  
LOT

HOTEL

NATIONAL LIFE  
INSURANCE CO.



Parking - P

NOT TO SCALE

DEPARTMENT OF STATE BUILDINGS - 828-3314 - JANUARY 1996

# Establishment of the Capitol Complex Commission

- Capitol Complex Commission is established in Chapter 6 of Title 29
  - Chapter added in 1974 Acts and Resolves No. 269, Sec. 17
- Effective Date: April 16, 1974

# Purpose of the Capitol Complex Commission

Under 29 V.S.A. § 181:

- The General Assembly finds that *“the capitol complex is an important and unique historic district and that the maintenance of the architectural and aesthetic integrity of this district is of the utmost importance to all of the people of the state.”*
- The purpose of the chapter is *“to establish a procedure for reviewing the plans for any structure within the capitol complex not substantially erected and completed on April 16, 1974.”*

# Capitol Complex Commission Members

- Five member committee
  - Four members appointed by the Governor, with the advice and consent of the Senate, that serve three-year terms
  - One member appointed by the Montpelier City Council that serves a two-year term
- Governor designates the Chair
- Commissioner of BGS serves as Executive Secretary and has no vote
- Limitations
  - No more than two members from Montpelier
  - No member may be an exempt State employee

# Capitol Complex Commission Members

## Current Members

- Jireh Billings
- Mary Evslin
- Heather Shouldice
- Susan Hayward
- [Paul Carnahan\*]

\* Based on 2011 data

## Term Expires

- February 28, 2015
- February 28, 2015
- October 31, 2016
- October 31, 2016
- [Indefinite]

# Role of the Capitol Complex Commission

Review and approve plans for “any structure on any plot or parcel within the capitol complex” prior to commencement of construction

- Includes any State construction plans
- “Plan” includes all overall designs, blueprints of floors plans, site plans, elevation drawings and front left and right and detailed perspectives.

*(See 29 V.S.A. §§ 182(4) and 183(1))*

# Construction Plan Approval or Modification

- Commission has 60 days after a plan is submitted to approve or suggest alterations or modifications
- Suggested modifications may include overall bulk, size, height, setback, parking requirements, landscaping, design continuity with other structures in the complex, both public and private, and maintenance of the unique and historic character of the district

*(See 29 V.S.A. § 183(2))*

# Modification of Plan

- If the Commission suggests a modification that results in increased costs, it may recommend to the General Assembly (or the Emergency Board if not in session) that additional payment is made to the developer
- No increased amount may be recommended because of a claim of a reduction in the profitability or FMV of a parcel structure or improvement arising out of an alteration or modification
- The amount of the any additional payment is at the discretion of the General Assembly or Emergency Board

*(See 29 V.S.A. § 183(3))*

# Enforcement Mechanisms

- Commission may adopt rules and regulations to carry out the provisions of Chapter 6
- A violation of Chapter 6 or any adopted rules is punishable by a fine of up to \$500/day for each day of the violation
- The Commission is authorized to bring any action, injunction or proceeding to prevent, restrain, correct or abate any violation in the name of the State

*(See 29 V.S.A. § 183(3))*

# Establishment of the City-State Commission

- The City-State Commission (formerly the “Capitol Area Study Commission”) was established in Chapter 8 of Title 29
  - Chapter added in 1995 Acts and Resolves, No. 62, Sec. 43 (*See Appendix*)
- Effective Date: April 26, 1995
- Sunset Provision: July 1, 1997
  - Repeal date changed to **July 1, 2004** (*See 1996 Acts and Resolves No. 185, Sec. 60 and 1998 Acts and Resolves No. 148, Sec. 73*)

# Purpose of the City-State Commission

- Cooperation between State and City of Montpelier in the “*planning for the future growth of the capital city.*”
- Goal of optimizing “*potential uses of the geographically confined area of downtown Montpelier*”

# City-State Commission Members

- Eight member commission
  - Commissioner of BGS
  - Chairs of House Corrections and Institution & Senate Institutions
  - Mayor of Montpelier
  - J. Paul Giuliani
  - Chair of Montpelier Conservation Commission
  - Senior Senator from Washington County
  - A person appointed by the Chair of Senate Institutions
- Chair of Senate Institutions serves as the Chair

# Role of the City-State Commission

Consider and prepare a master plan for land use and development within the downtown area of the City of Montpelier known as the “Capital Area District” to help guide future decisions by the executive and legislative branches, and by the City of Montpelier

- “Capital Area District” is defined more broadly than “Capitol Complex”
- Plan based on analysis of five and ten year land use projections for the area
- Master plan completed in 2000 and included report and recommendations
- Up to \$40,000 appropriated by State for project, with the City required to provide matching funds

# Capital District Master Plan

Final Version of the Capital District Master Plan  
can be found at:

<http://www.montpelier-vt.org/group/128.html>

# APPENDIX

## CHAPTER 8. CAPITOL AREA STUDY COMMISSION

### § 210. POLICY

The general assembly finds it to be in the interest of the state of Vermont and the city of Montpelier to cooperate in planning for the future growth of the capital city. This cooperative venture shall seek to optimize potential uses of the geographically confined area of downtown Montpelier.

### § 211. CAPITOL AREA STUDY COMMISSION

#### (a) Commission created.

A capitol area study commission is created with the duties and composition provided by this section.

#### (b) Commission duties.

##### (1) Land use and development master plan.

(A) The commission shall consider the preparation of a master plan for land use and development within the downtown area of the city of Montpelier, which shall be known as the "Capitol Area District". The boundaries of the area may encompass: the state capitol complex created by chapter 6 of this title; state-owned property located within the city outside the capitol complex; and other portions of the city as designated by the capitol area study commission. The plan may be based on an analysis of land use and development demands of the state within the capitol area district, including a five and a 10-year projection of these demands into the future. The plan and its analysis of land use and development demands may also account for possible uses of areas outside the city of Montpelier, including the towns of Berlin, Middlesex, Barre City and Barre Town, and Waterbury through the use of computerized systems and satellite locations for offices that do not need to be in the immediate area of the capitol area district or city of Montpelier; however, none of the state funds appropriated to help implement this chapter shall bespent to study uses outside of the city of Montpelier.

(B) The objective of the plan shall be to guide future decisions by the executive and legislative branches of state government, and by Montpelier city government, in formulating and adopting capital construction plans and projects, including the space needs of all state agencies, in particular the agency of transportation, municipal land use plans and zoning bylaws, and appropriations of public funds, as these decisions pertain to the capitol city district. The force and effect of the plan shall be advisory only to state government and to Montpelier city government, and shall not diminish the respective powers and responsibilities of these public entities.

(C) The commission may be aided with its tasks by staff and other professional support as provided by section 212 of this title.

##### (2) Reports and recommendations.

The commission shall make a preliminary report to the house and senate institutions committees and to the Montpelier city council by January 15, 1996 concerning its work in progress. The commission shall make a final report to the house and senate institutions committees and to the Montpelier city council by January 15, 1997. The final report may consist of a proposed master plan for the capitol area district.

#### (c) Commission composition.

The commission shall consist of eight members: The Vermont commissioner of state buildings; the chair of the senate institutions committee; the chair of the house institutions committee or his designee; the mayor of Montpelier; J. Paul Giuliani, a Montpelier resident; the chair of the Montpelier Conservation Commission, an entity which has been created by the Montpelier city council; the senior senator from Washington county; and a person appointed by the chair of the senate institutions committee. The chair of the commission shall be the chair of the senate institutions committee. Legislative members of the commission shall be entitled to compensation and reimbursement pursuant to section 406 of Title 2.

### § 212. STAFF; OTHER PROFESSIONAL SUPPORT; AND CONTRACTS

(a) As a condition of the appropriation contained in this act, and notwithstanding any charter provision to the contrary, the Vermont commissioner of state buildings, the Vermont secretary of transportation, the Montpelier city manager, and the Montpelier city planning commission, may provide staff support to the commission, in a manner and to the extent requested by the commission.

(b) The commission is authorized to retain professional consultant assistance with the preparation of the master plan and its demand analysis, commission findings and recommendations, and related commission duties.

(c) The commission is authorized to enter into financial contracts and agreements necessary to carry out the purpose of this chapter.

### § 213. USE OF STATE APPROPRIATION

The sum of up to \$40,000.00, appropriated to the department of state buildings by Sec. 1(a)(2) of the 1995 Capital Construction Act (1996 fiscal year), shall be available for use by the commission to implement the provisions of this chapter, provided the sum is matched dollar-for-dollar by funds appropriated or otherwise made available by the city of Montpelier or other sources except for other state funds. The use of all state, city and other funds shall be determined by the commission. All funds shall be accounted for and disbursed by procedures approved by the commission.

### § 214. SUNSET

This chapter shall be repealed on July 1, 1997.