

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
SEPTEMBER 14, 2023
FINAL**

MEMBERS PRESENT: Philip Batalion, Chair; Patrick Scheld, Vice Chair; Diane Clemens; Elijah Massey, Scott McCormick

ADMINISTRATION: Chris Yuen, Community Development Director

OTHERS PRESENT: Jake Clark, Encore Renewable Energy; Warren Coleman; Jeff Cram, Global Foundries; Gina DeRossi, Global Foundries; Steve Eustis

1. CALL TO ORDER

Mr. Batalion called the meeting to order at 6:34 PM.

2. AGENDA ADDITIONS/CHANGES

None.

3. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda

Mr. Eustis asked about planting requirements to ensure that new developments do not encroach on the public infrastructure, such as sidewalks and fire hydrants. Mr. Yuen said that every development needs to submit a landscaping plan, and that sometimes there is a disconnect with how it is implemented. He said that this will be reviewed going forward.

4. MINUTES

a. August 10, 2023

MOTION by ELIJAH MASSEY, SECOND by DIANE CLEMENS, to approve the minutes of August 10, 2023. Motion passed 5-0.

5. BUSINESS ITEMS

a. Introduce Jennifer Marbl – new City Planner in Community Development Department

Mr. Yuen said that Ms. Marbl is ill and unable to attend tonight's meeting and will meet with the PC later.

b. Global Foundries Solar installation

Mr. Clark, of Encore Renewable Energy, and Jeff Cram, of Global Foundries presented. Mr. Clark introduced Encore and provided an overview of where and what type of solar panels are planned, and the reasoning for such. Global Foundries has petitioned the state to operate as their own utility and would like to utilize solar to do so and generate power where it is to be utilized. There will be no adverse impact on historical properties, wetlands, or wildlife. Answering a question from Mr. McCormick, Mr. Clark said that any excess power generated will go back into the grid, however this is unlikely to occur as solar is expected to supply 10-15% of the power needs for Global Foundries. Additional solar panels are expected to be installed in coming years. A certificate of public good from the state of Vermont will be required in order to complete installation. Ms. Clemens asked about the amount of noise to be generated with construction, noting that it is across the street from a school. Mr. Clark said that noise and delivery

will be minimal and that Encore will coordinate with the school about the project. Mr. Eustis asked if any deforestation will occur, Mr. Clark said that two trees will be planted for every tree that is cut, however tree cutting will be minimal and carefully analyzed. Mr. Yuen asked for information on how this project matches with the North Quadrant Master Plan from 2012. Mr. Cram said that the plan will be updated to include the use of solar on this property. Mr. Yuen said that the Planning Commission could write a letter to the Public Utility Commission to state that this project is in line with the municipal plan. All Planning Commissioners were amenable to this, and Mr. Yuen said that he would draft a letter for the October meeting. Mr. Clark said that there would be vegetative screening between the project area and Maple Street.

ELIJAH MASSEY made a motion, seconded by DIANE CLEMENS to request that Chris Yuen draft a letter to the Public Utilities Commission confirming the alignment with the plan to the existing Municipal Plan. Motion passed 5-0.

c. Rental Registry & Inspection Program

• Review updated draft of Ordinance

Mr. Yuen said that the draft is almost ready to be shown to the City Council and that the Council is interested in having a joint meeting with the DRB and PC in October to discuss it. When reviewing the draft, Ms. Clemens said that she is concerned about the verbiage noting “out of state ownership” as a risk factor. Mr. Yuen said that this factor is likely a predictor of landlord responsiveness. He said that additional public engagement would occur to ensure that these risk factors are equitable and effective. The PC discussed the fairness of including this as a risk factor, and the possibility of mitigating accessibility risk by requiring a local contact person. Mr. Eustis said that it is important to consider the gray areas of this issue. Mr. Battalion said that the real risk factor is owner absenteeism, not their location. Mr. Massey said that this is one of many potential risk factors, which could be weighted, and that it is important to communicate why these indicators are being included. Mr. Battalion said that he is concerned that this could be seen as bias against out of state owners. The PC discussed getting the input of the City Council on this issue as well. Mr. Yuen said that there is always an issue of equity with selective enforcement. He said that there are methods for renters to contact the municipality if they feel there are issues, and also said that some communities give separate scores to the property itself and owner/property manager.

Mr. Batalion requested that verbiage be added to the document stating that adding/reducing bedrooms would not result in an additional fee. Thus, the application would be updated, not new. The number of violations was discussed that would result in more frequent inspections. Mr. Batalion expressed concern about only inspecting sample units in larger buildings, as all units should be inspected for safety concerns. Mr. Massey suggested creating some form of abridged checklist that would go in place for additional units. Mr. McCormick said that his major concern is the number of inspections that need to be conducted in a year, as it could result in an untenable workload. Mr. Yuen said that a backlog is possible, but that it will not result in properties losing their registration.

Mr. McCormick said that it is important to show how inspections are prioritized and that it should be written into the standard operating procedures. Mr. Yuen said that the fee schedule would likely depend on the number of units registered in Essex Junction. The PC discussed whether owners who own multiple unit properties should be offered a lower registration fee, as this reduces the cost of inspection and incentivizes density. The PC discussed the registration cost, and a desire to be close in price to Winooski

and Burlington. Answering a question from Mr. McCormick, Mr. Yuen said that the program, as currently proposed, would not include commercial properties initially, however, may do so in the future. Short-term rentals will have the same inspection process as long-term rentals. Ms. Clemens expressed concern that current regulations on weeds might impact wildflower gardens and beehives. The PC decided to strike this portion of the draft as it is covered in a different ordinance.

• **Next steps**

Mr. Yuen said that this will be presented to the City Council at a special meeting. He has worked with the Chittenden County Regional Planning Commission (CCRPC) to try to predict how many units are rented in Essex Junction. This has resulted in a preliminary estimate of 1,300 units, and around 330 properties. About half of the properties are single units. Mr. Scheld suggested that Mr. Yuen reach out to the Vermont Housing Finance Association (VHFA) for additional data, or if the data Essex Junction is collecting could be useful to them. Ms. Clemens asked how inspections on rooming houses, room rentals, or family rentals would be determined. Mr. Yuen said that units will only be inspected if there is a rental agreement and if money is being exchanged, however he will talk to Winooski and Burlington to see how these issues are addressed. Using the definition of a rental unit, Mr. Batalion said that he believes that a rooming house would be considered a single unit and need to be registered. Ms. Clemens brought up the home share program, where there is an agreement but no rent. Mr. Massey said that it is important to determine if the owner's residency in the location is relevant. Mr. Yuen said that he would check the Vermont Rental Housing Health Code to see what would apply. Mr. Batalion said that the code does not apply to properties subject to meals and rooms tax, which would include Air BnB units. After discussion with the PC, Mr. Yuen said that he would adjust this definition to ensure that short-term rentals and any unit where the exchange of money or services for housing could be included. Mr. Massey suggested to clarify the inclusion or exclusion of short-term rentals in the ordinance. Mr. Yuen will also discuss the idea of home shares with other municipalities. The PC discussed the idea that home shares need to meet minimum housing standards, however the fee could be waived.

Mr. Yuen will take the input and include it in the draft and will review the document again at the next meeting. Mr. Yuen will also show the PC the list of likely rental properties.

d. Housing Commission cross appointment

Mr. Yuen said that the City Council is looking for a Planning Commissioner to also serve on the Housing Commission. He requested that anyone who is interested reach out.

e. Village center renewal

Mr. Yuen said that this application has been submitted. He said that over the next few months PC should begin discussing the expansion of the existing Neighborhood Development Area.

6. READING FILE

a. Nothing this month

7. MEMBERS UPDATES

Ms. Clemens said that she received a notice about an Agency of Natural Resources environmental conference and has passed along the information to the rest of the PC. She has attended in the past and has found it to be very helpful and plans to attend this year. Mr. Scheld said that registration for the

VLCT's Town Fair is now open. Mr. Massey said that he will not be able to attend the next meeting on October 5.

8. STAFF UPDATES

None.

9. ADJOURN

MOTION by ELIJAH MASSEY, SECOND by PATRICK SCHELD, to adjourn the meeting at 8:48 PM. Motion passed 5-0.

Respectfully submitted,
Darby Mayville