

**CITY OF ESSEX JUNCTION
PLANNING COMMISSION
PUBLIC HEARING
MINUTES OF MEETING
October 5, 2023
FINAL**

MEMBERS PRESENT: Patrick Scheld; Scott McCormick; Elijah Massey.

MEMBERS ABSENT: Philip Batalion, Diane Clemens

ADMINISTRATION: Chris Yuen, Community Development Director; Jennifer Marbl, City Planner.

OTHERS PRESENT: Marcus Certa, Karla C., Lexi Dane, Bernard Greene, Samuel Jones, Steve M., Dennis Thibeault, Jake Z.

1. CALL TO ORDER

Patrick Scheld called the meeting to order at 6:31 PM.

2. AGENDA ADDITIONS/CHANGES

Planning Commissioners said they would like to discuss what projects should come next for discussion and consideration, once rental registry work is completed.

3. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda

4. MINUTES

a. September 14, 2023

MOTION by SCOTT McCORMICK, SECOND by ELIJAH MASSEY, to approve the minutes of September 14, 2023 as drafted. VOTING: unanimous (3-0); motion carries.

5. BUSINESS ITEMS

a. Introduce Jennifer Marbl – new City Planner in Community Development Department
Community Development Director Yuen introduced Jennifer Marbl, the new City Planner, noting that she is taking on a significant role in staffing the Development Review Board. City Planner Marbl spoke about her past experience in architecture as an architectural draftsman, noting that she is relatively new to planning.

b. Global Foundries Solar Installation letter to Public Utilities Commission
Community Development Director Yuen introduced this item and asked whether the Planning Commission approves the letters to the Public Utilities Commission regarding the Global Foundries Solar Installation.

MOTION by ELIJAH MASSEY, SECOND by SCOTT McCORMICK, to authorize Patrick Scheld to sign the letters of support to the Public Utilities Commission on behalf of the Essex Junction Planning Commission. VOTING: unanimous (3-0); motion carries.

c. Rental Registry & Inspection Program

- Updated draft of Ordinance

Community Development Director Yuen reviewed the updated draft ordinance for the rental registry and inspection program. He noted that the changes were limited to what had been discussed at its September meeting. He asked whether Commissioners had questions or comments. Commissioner Scheld approved of the nomenclature change to “rental housing units” instead of “residential rental properties”, and Community Development Director Yuen noted that this was to align with language used in the Land Development Code (LDC) and Statute.

Commissioner McCormick asked about a comment within the document regarding inspection of rental housing units, which stated that if the City does not have a building code and can only enforce the Rental Housing Code, it may not have the authority to inspect for anything. Community Development Director Yuen replied that the City does not have a municipal building code but relies on the LDC, and would be enforcing the Rental Housing Code on behalf of the State. Commissioner Scheld suggested raising this question with the City counsel to obtain a legal opinion on whether the City has the authority to inspect rentals on a regular basis, other than performing an initial inspection during the registration process.

Commissioner McCormick asked whether a fee schedule should be included in the ordinance. Community Development Director Yuen replied that it is a separate document, though it was included with the ordinance for the Planning Commission’s review and discussion.

MOTION by SCOTT McCORMICK, SECOND by Elijah MASSEY, to approve the draft Rental Registry & Inspection Program Ordinance as presented for consideration by the City Council. VOTING: unanimous (3-0); motion carries.

- Potential rental units data analysis update

City Planner Marbl provided an overview of the rental units data analysis conducted for the City of Essex Junction. She noted that the data sources for this analysis is the grand list, so it may be slightly out of date. She said that there were a total of 258 estimated rental properties, 1904 estimated total rented units, and 116 estimated rented condo properties. She said that 79% of rental units were commercial, 6% were condos, and 15% were other. She noted the locations of rental units in the City, showing where there were larger or smaller concentrations of rental properties. She spoke about the number of units each rental property had, noting that over half of the properties consist of individual units (not part of a larger complex), noting that only 4% of rental properties contain 31 or more units. She noted that by contrast, major rental units are owned by landlords who manage up to four properties, and landlords who manage properties of five or more units comprise over 80% of the rental units in Essex Junction. She noted four of the most prominent landlords in Essex Junction, saying that combined, their properties comprise 54.6% of Essex Junction’s rental units.

Commissioner Massey asked about next steps for this data, such as checking with landlords to confirm the number of units. Community Development Director Yuen replied that from this analysis they can develop a mailing list and confirm rental properties and counts with owners. He said that they can then set a deadline for registering these rental properties and assessing fees.

- d. Review of recent DRB decisions and policy implications

Community Development Director Yuen provided updates on recent DRB decisions. He began with the Autumn Pond Phase 2 development, which would include 117 units. He noted that it is very similar to Autumn Pond 1, which is generally considered a successful development. He said that one interesting feature of the plan had to do with the private street within the development and the fact that it does not include a sidewalk or lighting. He noted that the DRB's decision was to require striping of the road to delineate where pedestrians should travel but deemed that a sidewalk and lighting were not deemed necessary. Commissioner McCormick asked whether the DRB discussed having affordable housing rather than market rate housing. Community Development Director Yuen replied that the DRB is limited in terms of what it can prescribe for affordable housing outside of requirements through the LDC. He noted that density and height bonuses are available for developments that include more affordable housing.

Community Development Director Yuen then spoke about 1 Jackson Street, which is an industrial building. He said that the owners are looking to add 6 units on the second floor of the building. He said that this received DRB approval easily, after lighting concerns were addressed.

Community Development Director Yuen then spoke about 227-229 Pearl Street. He said that this, along with many of the other projects, had waivers for dimensional standards. He noted that the DRB often waives these standards within the LDC and said it could be a good point for discussion in future. In terms of this project specifically, he said that this is for 34 multi-family residential units. He noted that between preliminary and final approval, the entire property had to be reconfigured in order to meet 15-foot buffer requirements between multi-family and single-family properties.

Community Development Director Yuen then spoke about 161 Pearl Street, which is an 18-unit multi-family residential building and would require shared parking. He said that through the review process, the DRB required the developer to modify the front entrance to make it more accessible.

Community Development Director Yuen then spoke about 8 Railroad Street, noting that this is to replace a property that burned down. He said that it is next to Gaines Court, which is a private driveway. He said that the DRB had issues with the design, and that the project was redesigned and brought back to the DRB. He noted that when it was redesigned and brought back, to the DRB there was also a concern cited about the 15-foot buffer, which could be waived if no adverse impact for neighboring properties could be determined. He noted that the building was reconfigured to accommodate the 15-foot buffer, which was made possible by reducing the amount of parking.

Commissioner Scheld asked about the timeline to break ground on these properties. Community Development Director Yuen noted that several of the projects are going through an Act 250 review currently, which can take time. He noted that none of the approved buildings have permits yet.

Councilor Certa asked whether the 15-foot buffer is a radius or a straight line. Community Development Director Yuen replied that it should mean radius, and that the DRB was comfortable with the project.

Community Development Director Yuen then spoke about 132 Pearl Street. He said that this was a relatively small complex (18 units), and that it was able to move forward once the parking requirements were decreased. He said that they were also able to receive additional flexibility around buffers and

setbacks by going through the review process as a Planned Unit Development (PUD). He noted that this property has been approved at the conceptual stage, not the final stage.

Community Development Director Yuen then provided a brief procedural update on the appeal for 8 Taft Street.

6. READING FILE –

- a. Village Center renewal

7. MEMBER UPDATES –

Commissioner McCormick provided a brief update of the Capital Project Review Committee’s meeting on Tuesday, which centered on a discussion around the local option tax and how that revenue should be applied. He noted that current projections put the fiscal year revenue at around \$1 million. He said that they have decided that the initial LOT revenue be used for capital projects, though they also discussed establishing a housing trust fund or a revolving loan fund for rehabilitating old houses to convert to rental units. He additionally spoke about the initial meeting for the City of Essex Junction Vision & Strategic Plan Steering Committee, noting that the project will launch on October 6, 2023 and will field a survey to residents, and will also involve a large brainstorming session in early November to review the results of the survey. He noted that City staff will also draft and post communications regarding the survey. He said that they are hoping to receive around 1,000 responses to the survey.

Commissioner Scheld asked what projects the Planning Commission can initiate based on its list of priorities, now that the rental registry work is nearing completion. Commissioner McCormick noted that the Planning Commission’s priorities are around housing, business development, Design Five Corners, and climate adaptations. He said that given what they are experiencing related to weather irregularities, he would like to pursue something around climate change action and mitigation. City Planner Marbl noted that she recently attended a summit related to climate mitigation measures such as flood mitigation and said that she would explore further how to develop a plan to implement something. Commissioner McCormick also noted conversations about making increased temperatures more comfortable, such as increasing green spaces and shaded areas in municipalities, as well as increasing solar energy works. Commissioner Scheld also said that he would be interested in pursuing additional public art in Essex Junction to make the community more welcoming. He also said he would be interested in helping to implement a Farmer’s Market in Essex Junction, since it doesn’t currently have one, and potentially holding pop-up events to support Design Five Corners. Community Development Director Yuen said that he would like the Planning Commission to also discuss potential future LDC amendments, an exploratory discussion about the Highway Arterial Zoning District, and the Five Corners Intersection Redesign. Commissioner Scheld said it would be good to continue talking about these items at the next Planning Commission meeting.

8. STAFF UPDATES –

None at this time.

9. ADJOURNMENT

**MOTION by SCOTT McCORMICK, SECOND by ELIJAH MASSEY, to adjourn the meeting.
VOTING: unanimous (3-0); motion carries.**

The meeting was adjourned at 8:26 P.M.
RScty: AACoonradt