

**CITY OF ESSEX JUNCTION
PLANNING COMMISSION
PUBLIC HEARING
MINUTES OF MEETING
December 6, 2023
FINAL**

MEMBERS PRESENT: Phil Batalion, Chair; Diane Clemens; Scott McCormick; Elijah Massey.

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

OTHERS PRESENT: Carlton Houghton.

1. CALL TO ORDER

Phil Batalion called the meeting to order at 6:32 PM.

2. AGENDA ADDITIONS/CHANGES

None.

3. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda

None.

4. MINUTES

a. November 9, 2023

MOTION by DIANE CLEMENS, SECOND by SCOTT McCORMICK, to approve the minutes of November 9, 2023 as drafted. VOTING: unanimous (4-0); motion carries.

5. BUSINESS ITEMS

a. Act 47 affordable housing verification procedures

Community Development Director Yuen began by noting that Act 47 allows for 1 bonus story if a development meets certain affordable housing criteria, but that it is silent on how affordability requirements are to be verified. He said that he outreached to the City of Burlington on the administration of their inclusionary zoning requirements, and that this proposed procedure adapts some of Burlington's process to one that could work for Essex Junction. He noted that unlike Burlington's inclusionary zoning requirements, Act 47 does not include income requirements as part of the criteria, but rather looks at whether total rent, utilities, and fees comes under a certain threshold based on household size. He said that Essex Junction would propose to use number of bedrooms as a proxy for household size. City Planner Marbl walked through how staff would use this information to determine whether a building passes or fails the affordable housing requirements. Commissioner McCormick asked whether there would be any way to incentivize this for existing landlords, given that there are a very limited number of opportunities for developers to take advantage of this height bonus for new developments. Community Development Director Yuen replied that there are federal incentives for affordable housing for existing developments, but those aren't administered by the City. Commissioner Batalion asked how the City will enforce this. Community Development Director Yuen replied that it would be a condition of site plan approval for new buildings and that if the criteria are not met during the 15-year period of applicability, then it is a zoning violation and subject to the processes and penalties

for zoning violations. He also noted that the affordability details would need to be included on a deed, ensuring that they are maintained for the 15-year period if the property is sold. Commissioner Massey asked whether that 15-year required time period could be extended. Community Development Director Yuen replied that he is unsure about raising the standard past the State minimum. He said that as municipalities adopt this requirement over the next months and years, the State may issue further guidance.

b. Sign content neutrality

Community Development Director Yuen said that some of the requirements in the current LDC around sign content are unconstitutional (in the context of limiting free speech) and needs to be updated to meet sign content neutrality standards. He noted that Burlington and Manchester have both recently adopted sign content neutrality requirements that are compliant and recommended that Essex Junction amend its LDC to align with Burlington's amendments. Commissioner Clemens expressed support for providing further clarity on regulations through the LDC. Commissioner McCormick agreed, saying that the layout of the proposed amendments are helpful for determining whether signs meet the requirements. Commissioner Batalion said that as the Junction grows, they should also look at lighted sign requirements, to determine if they are adequate. Community Development Director Yuen noted that many of the requirements Burlington has are already in place for Essex Junction, but said they should think about the businesses that don't have compliant signs and how these regulations may affect them or pose a hardship for them if they need to replace their signage. Commissioner Massey discussed how these regulations could encourage more public art and asked whether the mural requirements could be modified to allow for street-facing murals. Community Development Directory Yuen replied that it gets difficult to define a mural in regulations, given that it could inadvertently end up allowing graffiti. Commissioner Batalion suggested allowing murals through permitting (which could be fee-free). Commissioners agreed that they liked Burlington's approach to sign content regulation, and Community Development Director Yuen said that staff would work to produce LDC amendments that align with Burlington's approach for content neutrality.

c. Potential Land Development Code amendments memo

Community Development Director Yuen said that since the sign content regulations must be amended in the LDC, there is an opportunity to include additional amendments simultaneously, and he would like to discuss the scope of potential additional amendments. He noted two major projects either in process or upcoming for Essex Junction, which include the Vision and Strategic Action Plan project and the Transit Oriented Development (TOD) study, and that these projects may result in policy changes. He said that the former could be completed in time to inform LDC amendments, but that the latter may not be ready in time to inform this round of LDC amendments. He noted that even if the amendment scope is small, it will still take about a year for the amendments to go through the review and approval process and be implemented. He noted that the next round of amendments must include the sign content neutrality changes and technical fixes to be consistent with State statute, but other potential additional topics could include renaming or rezoning the Highway Arterial (HA) District, EV charging requirements, LEED or other municipal green building incentives, Planned Unit Development open space requirements, and revisiting commercial minimum parking requirements. Commissioner McCormick said that his priorities relate to affordable housing and EV charging/green building incentives. City Planner Marbl noted that Vermont recently updated its building energy standards for residential and commercial buildings (RBES and CBES), which includes minimum EV charging requirements. She also spoke about examples of green building incentives implemented by other municipalities around the country, noting that green

building incentives will be more complex to incorporate into LDC amendments than EV charging. Commissioner Massey expressed support for both green building incentives and EV charging-related LDC amendments, noting that the green building incentive-related amendments will likely be a longer-term project. Commissioners also discussed the PUD open space requirement, and said they would like to explore that issue further. Commissioner Batalion asked about potential amendments related to inclusionary zoning that go beyond Act 47 requirements. Commissioner McCormick spoke about sequencing topical areas for LDC amendments, given that the Strategic Action Plan project is currently underway and could result in the Housing Commission developing a housing plan (which would inform future LDC amendments). Community Development Director Yuen asked whether the Commission is amenable to an interim fix to rezone or rename the Highway Arterial District currently, given that the TOD study may inform longer-term fixes in future. He noted that the current name of the zoning district is an impediment to the expansion of the Neighborhood Development Area along the Pearl Street Corridor. Commissioner Massey asked if the current name of the district is the only impediment, and Community Development Director Yuen said that they do not know whether a name change or a name change and other fixes (such as making the district more pedestrian-friendly) would be necessary. Some Commissioners expressed support for looking into an interim fix through LDC amendments, and others said they would like to wait until the TOD study work is wrapped up.

Commissioners decided that in addition to content neutrality and technical-related LDC amendments, they would like to pursue LDC amendments related to EV charging and open space requirements for PUDs. They agreed with the other items on Community Development Director Yuen's list of topics to pursue for future LDC amendments. Commissioner Massey added that he would like to explore how to encourage more public art through regulations. Community Development Director Yuen encouraged Commissioners to think about other additional topic areas they may like to explore for future LDC amendments.

The following public comments were received:

- Carlton Houghton expressed concern about the lack of land space for building additional housing, saying that density shouldn't be increased to try and solve Chittenden County's housing crisis.

6. COMMISSIONER UPDATES

Commissioner McCormick provided an update on the Strategic Plan and Vision process, noting that a steering committee meeting will occur tomorrow. He noted that at the last meeting, Survey #1 was extended to the end of the year and Survey #2 will be fielded in January. He said that there will be two public events at the end of the month, including an open house and focus groups to gather feedback on the areas of focus (the pillars).

Commissioner Clemens spoke about the Essex Junction senior luncheon, noting that residents are concerned about the statewide school tax rate increase of 18% that was recently announced by the State.

7. STAFF UPDATES

Community Development Director Yuen said that the rental registry and inspection program will be taken up by the City Council at its December 20, 2023 meeting, where it could potentially be warned for a public hearing in January, 2024.

City Planner Marbl said that the City is planning to apply for the Neighborhood Development Area expansion in January.

8. ADJOURNMENT

MOTION by ELIJAH MASSEY, SECOND by SCOTT McCORMICK, to adjourn the meeting.

VOTING: unanimous (4-0); motion carries.

The meeting was adjourned at 8:35 P.M.

RScty: AACoonradt