

**VILLAGE OF ESSEX JUNCTION  
PLANNING COMMISSION  
MINUTES OF MEETING  
JUNE 8, 2023  
DRAFT**

**MEMBERS PRESENT:** Patrick Scheld, Vice Chair; Diane Clemens; Scott McCormick; Elijah Massey  
**ADMINISTRATION:** Chris Yuen, Community Development Director  
**OTHERS PRESENT:**

**1. CALL TO ORDER**

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

**2. AGENDA ADDITIONS/CHANGES**

Mr. McCormick requested to add an update on a recent Capital Committee meeting. Ms. Clemens requested to add a discussion on what types of projects are brought forth to the Planning Commission (PC) or Development Review Board (DRB) and who should be responsible for reviewing lapsed permits. Mr. Scheld said that he would like to update the PC on a recent Community Development conference he attended.

**3. PUBLIC TO BE HEARD**

**a. Comments from Public on Items Not on Agenda**

None.

**4. MINUTES**

**a. May 4, 2023**

**MOTION by DIANE CLEMENS, SECOND by ELIJAH MASSEY, to approve the minutes of May 4, 2023. Motion passed 3-0-1 with PATRICK SCHELD abstaining.**

**5. BUSINESS ITEMS**

**a. S.100 Updates**

Mr. Yuen said that this was recently signed into law. Duplexes will be allowed anywhere that single-family homes are permitted and four-plexes will be allowed should there be water/sewer capacity for such. Municipalities will also be required to treat emergency shelters as a permitted use in all districts, although they may regulate their secondary impacts. He explained the density bonus available for qualifying affordable housing developments. This could result in allowing for an additional floor than would be allowed for non-affordable housing. A 40% density bonus is also available for such. The PC discussed conversations with the City Council regarding including these changes being integrated into the Land Development Code (LDC). Mr. Yuen said that the city will be undergoing a Transit-Oriented Development study which will assist with determining with that community would like the City to look like in the near future.

**b. Land Development Code Amendments**

- Council decisions on additional changes to amendments and next steps\*
- LDC Amendments Markup Document
- Planning Commission report update

Mr. Yuen discussed the fifteen changes made by the City Council to the LDC. These are outlined below:

PUD Conceptual Plan Review: Reinstating of Conceptual Plan Review for Planned Unit Developments.

Pedestrian Path Lighting: Lighting will be required for pedestrian paths.

Sewer Allocations: Mr. Yuen described this as one of the most impactful changes, as developers will pay a fairer amount for sewer connections and allocations.

Clarifications on Bike parking requirements

Four-plexes: These will be allowed in accordance with S. 100.

Affordable Housing Density and Height Bonus: These will be updated in accordance with S. 100.

Minimum-Parking Requirements

Accessory Dwelling Units

Drive through facilities: Through the LDC amendment process, the City Council has decided to disallow drive-throughs in the Village Center District only and has directed the PC to explore the disallow of drive-throughs in all districts in the future. The PC had a discussion on the continued approval of drive-throughs, with some members feeling that new drive-throughs should not be permitted in any district. Ms. Clemens stated that she would like to see drive-throughs allowed in the TOD (transit orientated development) district, as she feels that they are in-line with the purpose.

Traffic Control Plan: This will now be required for all developments.

Village Center 15-foot Buffer: This change is continuing as proposed by the Planning Commission in 2022.

Lot Coverage: Changes to lot coverage requirements are continuing as proposed by the Planning Commission in 2022.

25-year storm standard: This was deemed to be sufficient.

Fee Schedule: This has been updated and will be removed from the LDC in the future to allow for easier updates.

Sewer Capacity Allocation Fee: These fees will be increased.

Mr. Scheld expressed concern that the PC is not able to make any changes to the City Council's changes to the LDC and said that he would like to submit a response to this document. Mr. Yuen said that, ultimately, the LDC is the City Council's legislative document, and they may make whatever changes they wish. He said that this report is a statutory requirement for the hearing to be held and that this is the opportunity to make a summary of changes to the LDC for the public. Mr. Scheld continued to express concern that the PC is named on the document, however they are unable to change it. Mr. McCormick said that it is important for there to be a process for better communication with the Council and Ms. Clemens suggested scheduling regular joint meetings. Mr. Yuen will contact the City Manager to determine what the best way of communicating in the future is, and encouraged Commissioners to attend next week's meeting of the City Council.

**SCOTT MCCORMICK made a motion, seconded by DIANE CLEMENS to approve the report as written and as presented. Motion passed 4-0.**

**c. Rental Registry & Inspection Program**

Ms. Clemens said that she and other Commissioners had a great conversation with Winooski about their rental registry program. Mr. McCormick said that Winooski has the oldest housing stock in the state and has a high rate of fire calls as a result. He suggested that the PC think of their purpose behind establishing the registry and suggested a phased in approach. The PC discussed the differences between a Fire Marshall and a Health Officer, with Mr. Yuen noting that the new Community Development staffer will serve as a Health Officer. The PC decided to begin the process of drafting an ordinance. Mr. McCormick and Mr. Massey offered to work together as a subcommittee on this project. They will draft a document, using the Winooski rental registry as an example, and then present it to the full PC for their approval. Mr. Scheld said that this will help to ensure that all rentals will meet the same basic standards, enhances communication between the City and landlords, and increases property values for all. He also said that it would be helpful to have a funding stream available for rental rehabilitation in the future.

Mr. Yuen said that fee development is essential and said that it is important to keep costs low while still covering the cost of the program. Ms. Clemens noted that this is an enterprise fund, and thus is expected to be self-sustaining. Mr. McCormick suggested utilizing AmeriCorps or other interns to assist with the development of the program.

**d. Vermont Department of Housing and Community Development "Homes for All" pilot community application**

Mr. Yuen said that the state is looking for a few pilot communities to serve as case studies. This project is focused on using infill development to create additional housing for the "missing middle." The application is due later this month.

**DIANE CLEMENS made a motion, seconded by ELIJAH MASSEY that the Planning Commission direct Chris Yuen to fill out the Vermont Department of Housing and Community Development "Homes for All" pilot community application. Motion passed 4-0.**

**e. Role of the Planning Commission as it pertains to Development Review**

Ms. Clemens said that there are past applications, such as the construction on 100 Pearl Street, that have not been reviewed by the DRB nor PC because substantial changes have been made to the original

application. She also expressed concern about the number of studio apartments being constructed. Mr. Scheld said that a community of just studio apartments does not seem like a welcoming nor affordable place. He pointed to the Comprehensive Plan which states that more diverse housing stock is required. He said that it would be good to have additional larger units to accommodate families.

Mr. Yuen said that since the City has formed a Development Review Board, the PC's role is now in policymaking, rather than specific project or development review. He said that the 100 Pearl Street property was approved for three buildings, and has been in development for over five years, albeit slowly. Some delays have been related to the Act 250 approvals. The approval was based on having continually active permits. He said that further conversations could be had on permit expirations for future projects. Regarding studio apartments, he said that inclusionary zoning with a density bonus would be the best method to develop additional family housing. He also said that some of the studio apartments are effectively one-bedroom apartments, however they do not have windows in the bedroom. Mr. Scheld expressed concern that this may be out of compliance with egress and fire codes. He also said that residents may "grow out" of studio apartments as their family needs change, resulting in them leaving the community. Mr. Scheld said that the DRB cannot deny an application if it meets the requirements of the LDC but asked what the PC could do to address this. The PC plans to review this in the next round of LDC updates.

## **6. READING FILE**

### **a. Nothing this month**

## **7. MEMBERS UPDATES**

Mr. McCormick said that the Capital Program Review Committee met for the first time in two years recently. The FY2025 budget will be prepared in late summer/early fall. There are currently three capital projects ongoing, and none are upcoming. The new Local Options Tax will be able to fund additional capital needs, however this has not been allocated. A desire for additional public input in the Capital Project selection was discussed. Mr. Scheld suggested that funds from the rental registry could come from the Local Options Tax.

Mr. Scheld said the most recent Vermont Community Development Association discussed recreation and economic vitality. He suggested that the City have more information regarding trails and biking accessibility easily available. He discussed how restaurants and other amenities could be marketed to outdoor recreation users. Mr. Yuen said that he is working on an updated bike network map.

## **8. STAFF UPDATES**

None.

## **9. ADJOURN**

**MOTION by SCOTT MCCORMICK, SECOND by DIANE CLEMENS, to adjourn the meeting at 9:05 PM. Motion passed 4-0.**

Respectfully submitted,  
Darby Mayville

