

**CITY OF ESSEX JUNCTION
PLANNING COMMISSION and
DEVELOPMENT REVIEW BOARD
SPECIAL MEETING
DRAFT MINUTES OF MEETING
JULY 11, 2022**

PLANNING COMMISSION MEMBERS PRESENT: Phil Batalion, Diane Clemens, Elijah Massey, Scott McCormack, Patrick Scheld.

DEVELOPMENT REVIEW BOARD MEMBERS PRESENT: Cristin Gildea, Maggie Massey, Dylan Zwicky.

ADMINISTRATION: Wendy Hysko, Brownell Library Director/Interim Co-Manager; Robin Pierce, Community Development Director; Taylor Newton, Chittenden County Regional Planning Commission.

OTHERS PRESENT:

AGENDA:

1. Planning Commission Special Meeting 6:00 – 7:00 P.M.
 - A. Planning Commission to review full amendments, review the written report, and warn the public hearing for updates to the City of Essex Junction Land Development Code.
2. Planning Commission and Development Review Board 7:00 P.M.
 - A. Overview of the roles and responsibilities of the PC and DRB for the new City of Essex Junction.
3. Adjournment

1. PLANNING COMMISSION SPECIAL MEETING 6:00 – 7:00 P.M.

A. Planning Commission to review full amendments, review the written report, and warn the public hearing for updates to the City of Essex Junction Land Development Code

Phil Batalion called the meeting to order at 6:05 PM.

Ms. Clemens suggested minor amendments to update references to Section 6-22 and address typos.

MOTION by Diane Clemens, SECOND BY Patrick Scheld, to warn a public hearing for the proposed amendments to the Land Development Code as reviewed tonight and described in the written (with minor non-substantive amendments) report for August 4, 2022 at 6:30 P.M. and authorize staff to warn and notice the hearing as required by statute. VOTING: unanimous (3-0; Elijah Massey and Scott McCormack abstained); motion carried.

MOTION by Diane Clemens, SECOND by Scott McCormack, to warn a public hearing for the proposed amendments to the Use Table in Section 6-22 of the Land Development Code to add cannabis establishments as reviewed tonight and described in the written report for August 4, 2022 at 6:30 P.M. and authorize staff to warn and notice the hearing as required by statute.

DISCUSSION:

- **Scott McCormack asked for clarification on cannabis manufacturing establishment 2.1 and whether anything under \$10,000 is considered a hobby. Mr. Pierce clarified that it cannot be more than \$10,000 per year gross to be considered a minor home occupation.**

VOTING: unanimous (5-0); motion carries.

MOTION by Diane Clemens, SECOND by Patrick Scheld, to adjourn the special meeting.

VOTING: unanimous (5-0); motion carried.

The special meeting was adjourned at 6:16 PM.

2. PLANNING COMMISSION AND DEVELOPMENT REVIEW BOARD 7:00 P.M.

A. Overview of the roles and responsibilities of the PC and DRB for the new City of Essex Junction

Mr. Newton led a presentation of an overview of the roles and responsibilities of the Planning Commission (PC) and Development Review Board (DRB) for the City of Essex Junction. He began by providing information on the statutory basis for planning and regulation in Vermont.

He then discussed municipal/comprehensive plans and why municipalities should have them. He said that they are generally a guide for accomplishing community aspirations and intentions through public investments, land use regulations, and actions that the municipality can take to achieve its vision. He outlined the benefits of a municipal plan, including its use as a vehicle for adopting zoning, subdivision, and flood hazard regulations. He noted that Act 250 applications must conform to a municipal plan, and that municipal plans are considered in Section 248 Certificate of Public Good applications. He also noted that municipalities with these plans have access to more competitive grants in the State. He provided an overview of the planning process that must be followed when developing a municipal plan, including robust citizen participation, consideration of the use of resources and consequences of growth and development, and coordination of plans with neighboring municipalities and the region.

He then outlined the planning goals that are codified in State statute (Section 4302) and elements of municipal plans that are codified in State statute (Section 4382). He noted that the goals need to be achieved in order to receive regional approval (though they are optional at the State level) and that they focus on the creation of a vibrant and sustainable community. He noted that the elements are required in every municipal plan and that each element generally has a chapter within a municipal plan.

He noted that municipal plans expire every 8 years and that revisions should generally occur a year or two ahead of time, as the adoption process can take several months. He outlined the adoption process.

Mr. Newton then outlined the local roles and responsibilities as they pertain to planning and regulation. He compared the structure to that of the federal government, noting that the legislative body is the Planning Commission, the quasi-judicial body is either the Development Review Board or the Zoning Board of Adjustment/Planning Commission, and that the executive body is the Zoning Administrator.

He then outlined the differences between regulations, bylaws, and ordinances. He noted that regulations are any rule (and that bylaws and ordinances are both considered types of regulations). He said that bylaws and ordinances are different, noting that all zoning and subdivision regulations must be bylaws (not ordinances), since the main difference between the two pertains to grandfathering. He said that with

bylaws, grandfathering of pre-existing uses is allowed. He said that ordinances do not allow grandfathering and that elements must be brought into compliance upon adoption.

Mr. Newton then spoke about activities around implementing the municipal plan. He said that generally, the plan can be implemented through regulatory (zoning, subdivision, flood hazard bylaws, local ordinances) and non-regulatory (improving public facilities, informing and engaging citizens) activities. He spoke about how local land use regulations are tools that can be used to implement the vision and goals of the municipal plan, to the extent that they comply with the 5th and 14th amendments (due process, equal protection), and Vermont statute.

He then outlined the players and processes involved in local regulation. He outlined the types of review, which include zoning, permitted/allowed use, conditional use, site plan review, variances, waivers, planned unit developments (PUDs), and subdivisions. He then provided further detail about each of the types of review. He briefly described regulatory decisions, their required elements (must be in writing and include findings of fact and conclusions of law), their timelines, and who is responsible for preparing them. He described the appeal process, noting that it can occur either at the local or state level, and that only interested persons can appeal.

He spoke briefly about non-regulatory implementation, which serves to complement regulatory implementation. He noted examples of non-regulatory implementation, which include using a capital budget and program, tax stabilization contracts, purchase/acceptance of development rights, supporting plans, advisory commissions, and other projects/studies.

Mr. Newton then provided details about the meeting and hearing processes. He described meetings, which discuss business or take action and are generally legislative and open to all public bodies; legislative hearings, which receive public comment on a course of action and are held by the PC and Selectboard; and quasi-judicial hearings, which hear from parties seeking board approval and are held by the board that reviews the proposed development (the DRB). He briefly spoke about Vermont's Open Meeting Law and its requirements. He spoke about public notice requirements in more detail for meetings, legislative hearings, and quasi-judicial hearings. He walked through the steps involved in a quasi-judicial public hearing, the role of the chair and board members during a quasi-judicial hearing, and requirements for deliberative sessions that pertain to hearings. He spoke about types of conflicts of interest.

Mr. Batalion asked whether it is appropriate for current DRB members (who are former PC members) to attend Planning Commission meetings as members of the public to provide context for prior decisions. Mr. Newton said that it isn't advisable, since it could lead to a mix of legislating and deliberating at the same hearing. Ms. Clemens suggested that the Development Review Board occasionally visit and check in with the Planning Commission if they have questions on decisions. Mr. Newton suggested regular check-ins between the two bodies.

3. ADJOURNMENT

The meeting was adjourned at 8:00 PM.

RScty: AACoonradt