

CITY OF ESSEX JUNCTION PLANNING COMMISSION MEETING AGENDA

Online & 6 Lincoln St.
Essex Junction, VT 05452
Thursday, June 5th, 2025
6:30 PM

E-mail: cyuen@essexjunction.org

www.essexjunction.org

Phone: 802-878-6944, ext. 1607

This meeting will be held in-person at the Kolvoord Room at 6 Lincoln St and remotely. To participate remotely:

- **JOIN ONLINE:** [Join Zoom Meeting](#)
- **JOIN CALLING:** (toll free audio only): (888) 788-0099 | Meeting ID: 953 1240 7791; Passcode: 040339

1. **CALL TO ORDER** [6:30 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **PUBLIC TO BE HEARD**
 - a. Comments from Public on Items Not on Agenda
4. **MINUTES**
 - a. April 3rd, 2025
 - b. May 1st, 2025
5. **BUSINESS ITEMS**
 - a. Updates on “Center” boundaries* [6:35 PM]
 - b. PC Recommendation for Tier 1B Status* [6:40 PM]
 - c. Animating Infrastructure Mural Grant* [6:50 PM]
 - d. Connect the Junction TOD Master Plan Public Engagement* [7:05 PM]
 - e. Review and feedback on printable bike route map draft* [7:50 PM]
 - f. Review and feedback on Municipal Code Chapter 18* [8:00 PM]
 - g. Upcoming Planning Commission re-appointments [8:10 PM]
6. **MEMBERS UPDATES** [8:10 PM]
7. **STAFF UPDATES** [8:25 PM]
8. **ADJOURN** [8:30 PM]

*attachments included in the packet

Agenda item timestamps are estimates of the starting time of each topic and are subject to change.

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**CITY OF ESSEX JUNCTION
PLANNING COMMISSION REGULAR MEETING
MINUTES OF MEETING
APRIL 3, 2025
DRAFT**

PLANNING COMMISSIONERS PRESENT: Diane Clemens, Chair; Scott McCormick, Vice-Chair; Elena Juodisius; Elijah Massey, Kristie Paschall

ADMINISTRATION: Chris Yuen, Community Development Director

OTHERS PRESENT: Sarah Muskin

1. CALL TO ORDER

Ms. Clemens called the Planning Commission meeting to order at 6:32 PM.

2. AGENDA ADDITIONS/CHANGES

Mr. McCormick requested to discuss Energy Updates. All were amenable to this change.

3. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda

None.

4. MINUTES

a. March 6, 2025

SCOTT MCCORMICK made a motion, seconded by ELIJAH MASSEY, to approve the minutes of March 6, 2025, with modifications. Motion passed 5-0.

Modifications:

-The spelling of Ms. Juodisius's name is corrected throughout.

-In Item D, the sentence "A video should be prepared with the application" shall read, "A video could be prepared with the application."

5. BUSINESS ITEMS

a. Discussion of Regional Future Land Use Map Update and Housing Targets

Ms. Muskin, Senior Planner at the Chittenden County Regional Planning Commission (CCRPC), presented. The draft Regional Future Land Use Map has been published publicly and is available for comment. Housing targets were released on Friday. Most of the City is eligible for the Tier 1b exemption, except for the flood plain. This would provide an interim exemption in this area from Act 250 review for new housing developments of fifty or fewer units. This would not require the City to take on existing Act 250 review requirements at a local level. Mr. Yuen is exploring what staff resources are necessary to be able to take on this type of review. Essex Junction will review the exemption status and housing targets at the May 1, 2025 meeting with the Selectboard.

The PC discussed extending the proposed Center designation boundaries, with the PC reviewing a map and deciding to add additional areas in the Connect the Junction TOD Master Plan's Primary and Secondary Scope Areas into the proposal. These areas were chosen due to proximity to the City Center as well as ease of accessibility of public transportation. Inclusion in the Center designation could allow for a projects within the area to be eligible for additional state incentives.

Ms. Muskin said that the statewide housing assessment has allocated housing targets to each region, and that it is each regional planning commission's responsibility to disaggregate these targets to each community. The target assigned to each community will need to be included in the new municipal plan, and municipalities will need to provide the regulations to allow for this development. There are no punitive measures for not hitting a target, however if a town is opposing meeting the targets they may not receive municipal plan approval by the Regional Planning Commission. Each community has a high, medium and low target for each municipality. Ms. Clemens said that hitting the high number would double Essex Junction's current housing stock and said that the low number is a more realistic number. The PC discussed issues with hitting the targets, such as a labor shortage and a lack of control of market conditions. Mr. Yuen said that while the City has no control over the pace of private development, the City has control over existing regulations which can make Essex Junction attractive to developers. He will be drafting a letter for the PC's review either in support of or with concerns about Essex Junction's housing targets. Mr. Yuen discussed smart growth when allocating housing targets, and a need to put the growth in areas served by public transportation. The housing needs are front-loaded, and the need for growth will likely taper over time. Ms. Muskin said that the need for specific types of units needed is also necessary and Ms. Clemens spoke of the need for larger sized housing for families.

b. Connect the Junction TOD Master Plan Draft Initial Review

Ms. Clemens expressed concern about the quality of the draft, noting misspellings and incomplete sentences. Mr. Yuen said that this is a draft and that the content will be revised, but that high-level feedback can be collected at this meeting. Additional public engagement on this plan will be held and the consultants will produce a list of recommended code updates. Mr. Yuen provided his feedback and said that he would like to see more integration of the housing targets and Act 181 in this document. He does not believe that the suggestion of reducing the number of lanes on Pearl Street near Five Corners should be included in the document. The addition of covered parking areas on Railroad Avenue was discussed and Mr. Yuen said that he does not see it as being possible to be included in the current Amtrak proposal. He discussed capitalization of the Crescent Connector and efforts to reduce a travel lane on Main and Park Streets, which would create additional pedestrian spaces. Thoughtful housing was discussed in the plan, and it suggested increasing the allowable number of stories. Ms. Clemens expressed concern about the increase in height to seven stories. Mr. Massey said that an increase in building heights could contribute to solving the housing crisis. Mr. McCormick said that a problem statement would be helpful to include in each chapter, especially the chapter on housing, all agreed. Mr. Yuen will put together notes from tonight's discussion to share with the consultants.

c. Municipal Letter of Support for Essex C Parking Lot Solar Project

SCOTT MCCORMICK made a motion to sign the letter to be submitted in support of the Essex C Parking Lot Solar project. Motion passed 5-0.

d. Animating Infrastructure Grant Update

Mr. Massey said that the initial grant has been submitted. Finalists will be invited to give a full proposal.

6. MEMBERS UPDATES

There will be a Regional Housing Convening event on April 30th at the Hula building. Information will be provided at this meeting on how housing targets were created. Ms. Clemens and Mr. McCormick are planning on attending, and Mr. Massey may attend as well. Mr. McCormick asked for the Commission's

opinion on the idea of a subcommittee on energy, and if this would need approval from the City Council. He is willing to coordinate the subcommittee to discuss energy strategy. Mr. Yuen suggested creating a project scope for the development of this plan for the Planning Commission to formally discuss. Mr. McCormick discussed work that the Essex Rotary is planning on doing relating to an energy fair to support member towns.

7. STAFF UPDATES

None.

8. ADJOURN

SCOTT MCCORMICK made a motion, seconded by ELANA JUODISIUS, to adjourn the meeting. Motion passed 5-0 at 8:48 PM.

Respectfully submitted,
Darby Mayville

**CITY OF ESSEX JUNCTION
PLANNING COMMISSION REGULAR MEETING
CITY COUNCIL SPECIAL MEETING
MINUTES OF MEETING
MAY 1, 2025
DRAFT**

PLANNING COMMISSIONERS PRESENT: Diane Clemens, Chair; Scott McCormick, Vice-Chair; Elena Juodisius; Elijah Massey, Kristie Paschall

CITY COUNCILORS PRESENT: Amber Thibeault, President; Marcus Certa, Vice-President; Elaine Haney; Tim Miller; Brian Shelden

ADMINISTRATION: Regina Mahony, City Manager; Michael Giguere, City Planner; Chris Yuen, Community Development Director

OTHERS PRESENT: Jeff Arango, Charlie Baker, Raj Chawla, Marshall Distel, Hope Freije, Jake Katz, David Knox, Sarah Lukins, Resa Mehren, Dennis Thibeault

1. CALL TO ORDER

Ms. Clemens called the Planning Commission meeting to order at 6:33 PM.

In lieu of a Chair, Ms. Mahony called the City Council meeting to order at 6:33 PM.

2. CITY COUNCIL REORGANIZATION

MARCUS CERTA made a motion, seconded by ELAINE HANEY, to nominate Amber Thibeault for City Council President. Motion passed 5-0.

TIM MILLER made a motion, seconded by ELAINE HANEY, to nominate Marcus Certa for City Council Vice-President. Motion passed 5-0.

MARCUS CERTA made a motion, seconded by BRIAN SHELLEN, to nominate Tim Miller for City Council Clerk. Motion passed 5-0.

3. AGENDA ADDITIONS/CHANGES

None.

4. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda

None.

5. MINUTES

a. April 3, 2025

ELANA JUODISIUS made a motion, seconded by ELIJAH MASSEY, to postpone the approval of the minutes of April 3, 2025. Motion passed 5-0.

6. BUSINESS ITEMS**a. Connect the Junction TOD Master Plan Draft Review**

Ms. Mahony said that consultants from Framework will provide a project overview. The draft will be publicly available after this evening to obtain feedback. The Chittenden County Regional Planning Commission (CCRPC) will also present draft municipal housing targets. Ms. Mahony noted that the Community Development department was recently awarded a municipal planning grant as well as a downtown transportation grant for the train station redevelopment.

Mr. Arango, Ms. Lukins and Ms. Freije, all of Framework, presented. The Connect the Junction Master Plan is a federally funded transit-orientated development (TOD) project. Ms. Freije presented a project overview and history as well as the plan's connection to the housing targets. Ms. Lukins discussed transiting the private and public spaces so that it is more community-orientated for people, rather than cars. She identified parcels that are considered to be underutilized and likely to be redeveloped in the short to medium term. She detailed the height recommendations by district, with the Village Center at 7 floors, TOD at 6 floors, and Highway Arterial at 5 floors, plus the potential for a one story height bonus for affordable housing developments allowed by state statute. The new height recommendations would create the spatial capacity to allow the City to hit its 2050 housing targets. Mr. Arango requested that the boards consider if this plan allows for sufficiently denser growth, prioritizes quality of life and if the actions proposed can be accomplished with City resources. He reviewed the "big ideas" that structure the plan. He discussed the potential revitalization of Railroad Avenue, capitalizing on the Crescent Connector for pedestrian use and the possibility of closing Memorial Way. Mr. Arango reviewed traffic revisions that were developed as a part of this plan. Ms. Freije discussed how to best fulfill growth targets while offering diverse housing options for residents, blending into the historical fabric of the community and allowing for pedestrian amenities. Connectivity by a variety of methods was discussed.

Ms. Clemens encouraged the consultants to improve the grammar and context in the report. Mr. Arango said that a professional copywriter will review the document prior to its final form. Mr. McCormick questioned the ability of the City to complete all the ideas in the document in five years, as well as the price for such. Mr. Arango said that metrics for success would be included in the document and discussed non-capital improvements. Ms. Mahony said that this plan considers both public and private investment and said that zoning can be used to promote private investment. She said that the boards should consider if there is community buy in and if it makes more sense to extend the implementation timeline to ten years.

Mr. Arango discussed next steps. He said that document feedback is requested by Monday, May 12th. All comments and feedback will be addressed. More specific information regarding implementation strategies will be available at a future date. He said that continued monitoring is an important part of the process. An open house with online engagement is planned for this summer, as well as tabling, a focus group and additional board meetings. Mr. Knox, local developer, expressed support for increasing height limits. Mr. McCormick suggested setting up a framework to reach out to different groups of stakeholders. Ms. Juodisius said that it would be helpful to prioritize what type of public input is most needed. Ms. Haney said that she would like to investigate the impact of the construction and lane expansion on Route 2A in Williston on the Connect the Junction proposals. Ms. Mehren said that traffic could increase if the proposed Amazon warehouse is built in Essex.

b. Discussion of Act 181 and Regional Housing Targets

Mr. Yuen said that Vermont has assigned housing targets per region, which have been further divided by municipality. He said that Essex Junction typically adds around 52 units per year. He reviewed the low, medium and high housing targets for Essex Junction, and said that the City can set the regulations to unlock development in appropriate areas. Ms. Clemens expressed concern about the ability to make the mid or high targets, as Essex Junction does not have the wastewater capacity. She questioned who would be responsible for paying for additional upgrades. Ms. Mahony said that some additional capacity could be made available, with some infrastructure modifications or facility expansions. Mr. Yuen said that every municipality is being challenged with these targets, and that it is helpful to look at the county targets as a whole.

MARCUS CERTA made a motion, seconded by TIM MILLER, that the City Council approve the letter to the CCRPC regarding the draft housing targets as presented.

Friendly amendment by TIM MILLER to include minor edits. Friendly amendment accepted. Motion passed 5-0.

ELIJAH MASSEY made a motion, seconded by ELENA JUODISIUS, that the Planning Commission approve the letter to the CCRPC regarding the draft housing targets as amended. Motion passed 5-0.

7. MEMBERS UPDATES

Mr. McCormick said that his slot on the Capital Committee is up for reappointment, and that he wanted to see if any other members are interested in this role.

8. STAFF UPDATES

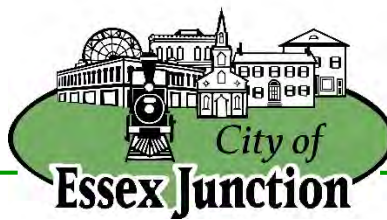
None.

9. ADJOURN

SCOTT MCCORMICK made a motion, seconded by ELANA JUODISIUS, to adjourn the meeting. Motion passed 5-0 at 8:28 PM.

MARCUS CERTA made a motion, seconded by TIM MILLER, to adjourn the meeting. Motion passed 5-0 at 8:28 PM.

Respectfully submitted,
Darby Mayville



MEMORANDUM

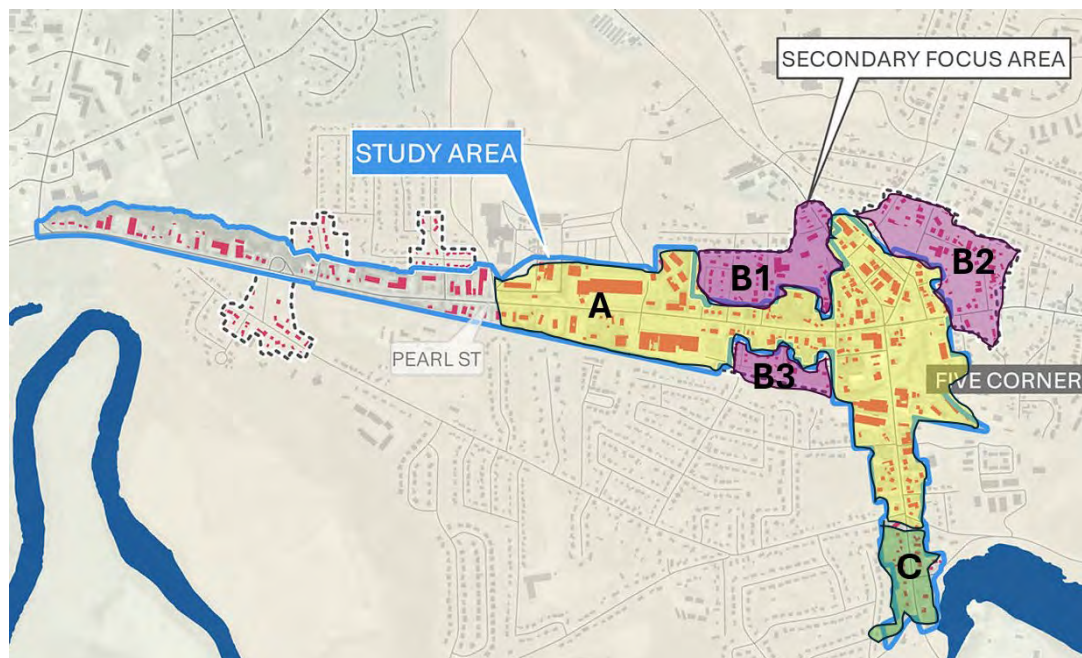
To: Planning Commission
From: Christoher Yuen, Community Development Director
Meeting Date: Thursday, June 5th, 2025
Subject: Regional Future Land Use Map Update

Issue: The CCRPC is continuing to prepare a Regional Future Land Use Map for approval by the Vermont Land Use Review Board

Discussion:

As discussed in April Planning Commission Meeting, the CCRPC is continuing to prepare a new regional Future Land Use Map. This map is a requirement of Act 181 from 2024 and is associated with a new system of Act 250 exemptions. The draft map as presented in April is attached.

During the April meeting, the PC asked that the "Center" designation be extended to include the entirety of the primary and secondary focus areas of the Connect the Junction Transit Oriented Development Master Plan. The CCRPC has since told City Staff that for regional consistency, they need to be a bit more discerning about what is mapped as a center. For that reason, the CCRPC is modifying the draft "Center" designation area to include the TOD study area, but to end at the Expo/the Dunkin Donuts along Pearl Street. Going down Park St, they are considering ending at River St to align with the City's zoning districts. This is marked in the map below, as areas A, B1, B2, and B3.



The Vermont Department of Housing and Community Development has recently published some additional new information on upcoming changes to the designation program. A summary is attached.

Cost:

N/A

Recommendation:

This memo is for information only.

Attachments:

1. CCRPC draft future land use map as of April 2025 (Essex Junction view only)
2. Summary of new Community Investment Designations under Act 181 of 2024

CHITTENDEN COUNTY DRAFT FUTURE LAND USE MAP

Chittenden County Regional Planning Commission (CCRPC) is working with cities and towns to create a regional Future Land Use map. This map, once adopted, will generally guide how land in the region will be used in the future. For more information, visit ccrpcvt.org/ecos-engagement.

The land use categories on the map are defined in state law and CCRPC is tasked with determining how the land use categories apply in the region. CCRPC is seeking input from the public to help guide our mapping work.

HOW WILL THIS IMPACT ME?

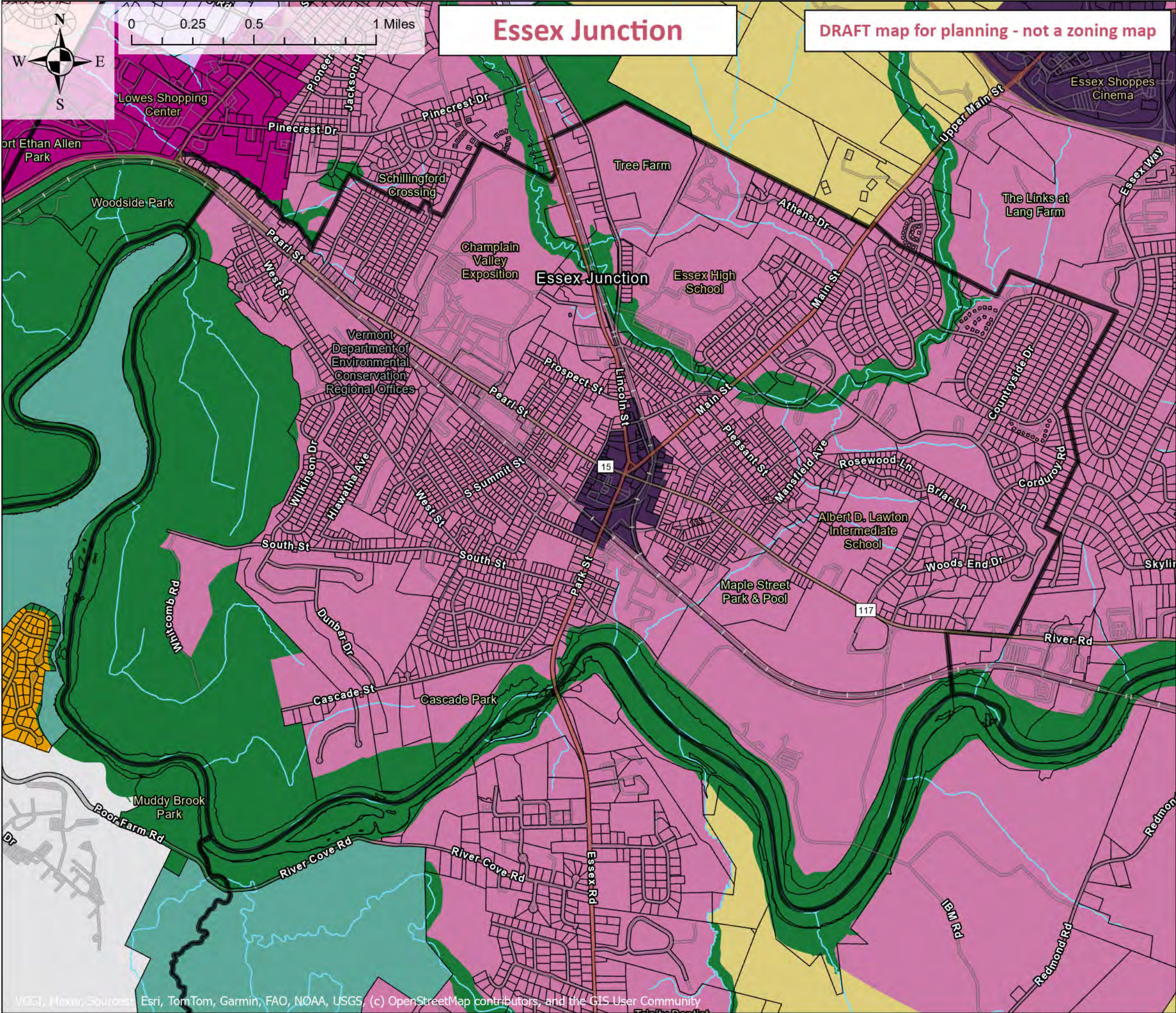
Through planning, your town or city prioritizes how land is used and shared. Land use maps and planning impact where houses and other development are built, as well as where natural resources are protected. You can participate in community discussions and decisions that shape your town or city. Please provide comments on the proposed future land use for Chittenden County by e-mailing Taylor Newton (tnewton@ccrpcvt.org).

Legend

- Municipal Boundary
- Property Boundary
- Roads
- River or Stream
- Lake Champlain

Future Land Use Area

- Downtown Center
- Village Center
- Planned Growth Area
- Village Area
- Transition / Infill Area
- Resource-Based Recreation Area
- Enterprise Area
- Hamlet
- Rural General
- Rural Ag and Forestry
- Rural Conservation
- Airport & Camp
- Johnson & Ethan Allen Firing Range



New State Designation for Community Investment

A Resource on Vermont's Transition to the New Community Investment Designations under Act 181 of 2024

Vermont Department of Housing & Community Development

Last updated May 2025



Overview of Designation Changes

Act 181 Modernizes Vermont's Designation Programs

For nearly 30 years, the State of Vermont's "designation" programs – Downtowns, Villages, Growth Centers, New Town Centers, and Neighborhood Development Areas – have supported economic revitalization, community vitality, and smart growth. These programs work together to provide incentives, align policies and give communities the technical assistance needed to encourage new development and redevelopment in our vibrant and compact designated areas. The program's incentives are for both the public and private sector within the designated area, including tax credits for historic building rehabilitations and code improvements, permitting benefits for new housing, funding for transportation-related public improvements and priority consideration for other State grant programs.

Facing an urgent housing crisis and a desire to better align planning and investment, in 2023 Vermont's General Assembly funded a review of Vermont's five designation programs. The result, the [Designation 2050 Report](#), guided legislative changes enacted by the General Assembly in 2024 in Act 181. The legislative changes make the program more accessible and help coordinate community investment. One major element of Act 181 is that it shifts the designation process to a new regional plan approval process, which expands access to the designation programs and transfers all legacy designations into the new framework.

Vermont Department of Housing & Community Development

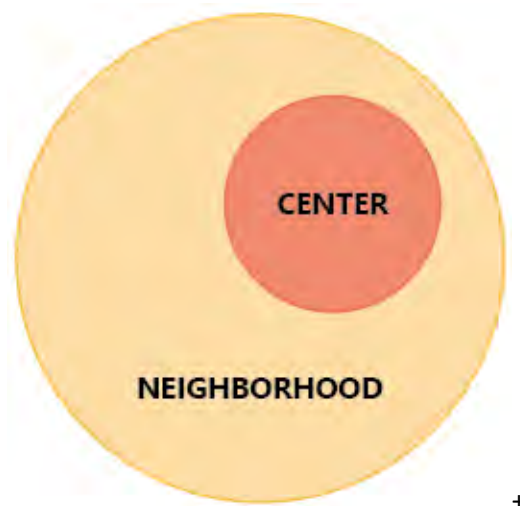
Division of Community Planning + Revitalization

A Resource on Vermont's Transition to the New Community Investment Designations

Last Updated: May 2025

The New Designations for Community Investment

The new designation framework simplifies the five legacy designations into two categories: **Centers** surrounded by **Neighborhoods**. The **Center** designation will continue to recognize downtown and village centers throughout the state, and the **Neighborhood** designation will continue to recognize areas around **Centers**.



New Designated Centers for Downtowns & Villages

Purpose

The **Center** designation supports the revitalization efforts of downtown and village centers throughout the state. The designation brings financial incentives, training and technical assistance needed to attract new people, businesses, and vitality to Vermont's communities – small or large. Incentives and programs available to **Centers** support local efforts to restore historic buildings, improve housing, design walkable communities and encourage economic development by incentivizing public and private investments.

Mapping

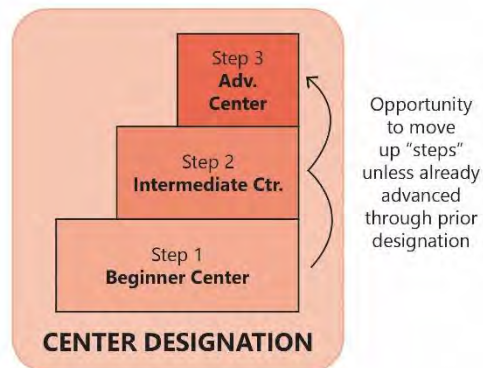
Downtown and village centers will be mapped by the regional planning commissions' Regional Plan Future Land Use (FLU) Maps and become automatically designated when the maps are approved by the State's new Land Use Review Board. Any newly mapped area with a FLU category of downtown and village center that is not associated with a legacy designation will enter the program as a **Step 1 Center** (see below for explanation).

Structure of New Designation

Centers are organized into three "steps" based on the characteristics of the downtown or village, local capacity, planning initiatives within the municipality, and any legacy designation associated with the Center. Through these three steps, **Centers** will gain access to varying levels of incentives, like the retiring legacy designation structure. The new **Step 1 Center** designation will expand program participation by providing a new, lower-barrier pathway for all historic centers (whether high or low-capacity) to become designated and access State benefits.

Centers can ‘step up’ to access greater levels of incentives and support by demonstrating local commitment and alignment with the goals and requirements of the program. Municipalities may apply directly to Department staff to reach **Step 2 or 3 Center** status. Application forms and guidelines will be made available following the approval of the first regional plan by the Land Use Review Board (expected late-2025).

Center Steps for Community Investment



Step 1 – Beginner **Center** (small village)

Step 2 – Intermediate **Center** (growing village/town center)

Step 3 -- Advanced **Center** (downtown, *Main Street America Program* member)

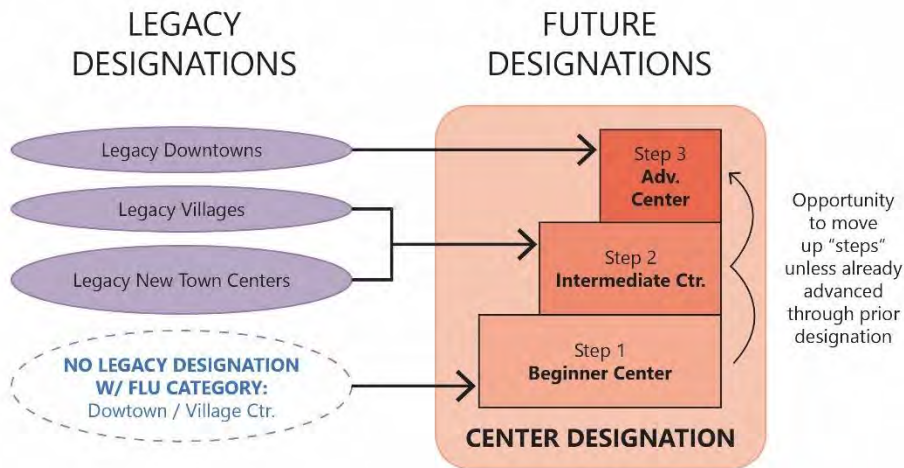
Community Investment

The new designations will be overseen by the re-named Downtown Board, now called the ‘[Community Investment Board](#)’ (CIB). The Board is staffed by the Department of Housing & Community Development and responsible for the stewardship of **Center** and **Neighborhood** investments and policies that grow and improve the vibrancy of Vermont’s designated places. The Board also makes certain funding decisions, like awarding Downtown and Village Tax Credits.

Transition of Legacy Designations

The **Center** designation consolidates the legacy Downtown, Village Center, and New Town Center designations and transfers them into the new **Center** designation through regional planning commissions’ Regional Plan Future Land Use maps. Legacy designated Downtowns will enter the new program as **Step 3 Centers**, and legacy designated Villages and New Town Centers will enter the new program at **Step 2**.

Designated Centers Flowchart: Transfer of Legacy Designations and Creation of New Centers



Center Requirements and Benefits

CENTER REQUIREMENTS	Step 1	Step 2	Step 3
<i>Meets one of the following location factors:</i>			
○ Mapped as <u>downtown and village center</u> area in approved regional plan, or	X	X	X
○ Has a Legacy New Town Center Designation on 12/31/26		X	
○ Has a Legacy Village Designation on 12/31/26		X	
○ Has a Legacy Downtown Designation on 12/31/26			X
Capital Plan			X
Local Downtown Organization			X
Available Public Water/Wastewater			X
Permanent Zoning and Subdivision Regulations			X
Historic Preservation Regulations			X
<i>(Unless a Legacy New Town Center on 12/31/2026)</i>			
Adopted Downtown Design or Form-Based Code Regulations			X
Regionally Confirmed Municipal Planning Process		X	X
Anchored by Historical Settlement	X	X	X
<i>(Includes areas listed or eligible for National Register of Historic Places)</i>			

CENTER BENEFITS	Step 1	Step 2	Step 3
Downtown Vibrancy Grant Funding			X
Sales Tax Reallocation Funding			X
National Main Street America Accreditation Eligibility			X
Placemaking/Wayfinding/Off-Site Signage Exemptions			X
Housing Permit Appeals Limitations			X
Location Priority for State Office Building Development			X
Downtown Transportation Improvement Fund Eligibility			X
Better Connections Grant Funding Priority		X	X
Infrastructure Funding Priority		X	X
Priority Consideration for State and Federal Affordable Housing Funding		X	X
Municipal Authority to Create Special Taxing District		X	X
Priority Consideration for State/Federal Funding		X	X
Authority to Lower Speed Limits <25 mph		X	X
State Water/Wastewater Permit Fee Reduction		X	X
Exemption from Land Gains Tax		X	X
DHCD-Assistance on Municipal Historic Preservation Regs.		X	X
Other benefits under Department, Program or Board guidelines.		X	X
Funding Priority for Municipal and Regional Planning Resilience Fund	X	X	X
o Municipal Plans/Visioning/Assessment	X	X	X
o Special Purpose Plans		X	X
Better Places Grant Funding (<i>not currently funded</i>)	X	X	X
Downtown & Village Tax Credit Funding	X	X	X

New Designated Neighborhoods

Purpose

The **Neighborhood** designation supports revitalization and development efforts surrounding designated **Centers**.

Mapping

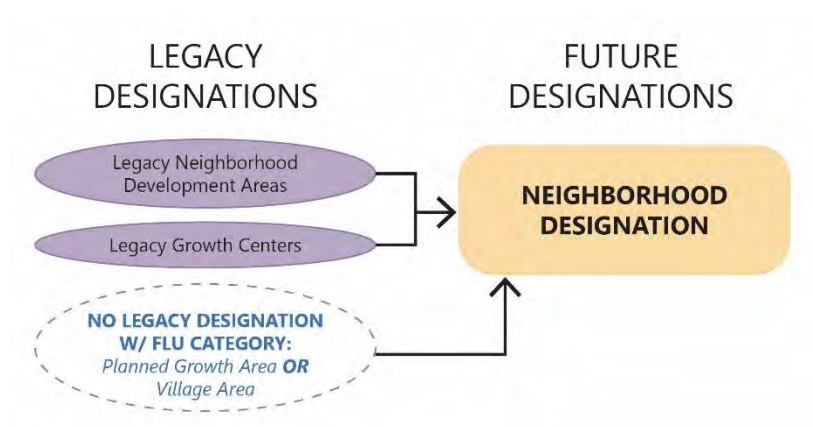
Neighborhoods will be mapped by the regional planning commissions on the Regional Plan Future Land Use (FLU) Map as *planned growth areas* or *village areas*. Once approved by the State's New Land Use Review Board, these two regional future land use categories establish a designated **Neighborhood**.

Transition of Legacy Designations

The new designation framework consolidates the legacy Neighborhood Development Area and Growth Center designations and transfers them into the new **Neighborhood** designation. The **Neighborhood** designation will expand program participation by providing a new and lower-barrier pathway for areas surrounding **Centers** to become designated and access benefits. This designation supports the creation

of new housing by providing tax, regulatory, and funding incentives for housing projects that are connected to **Centers**.

Designated Neighborhoods Flowchart: Transfer of Legacy Designations and Creation of New Neighborhoods



Neighborhood Requirements and Benefits

NEIGHBORHOOD REQUIREMENTS

Meets one of the following location factors:

- Mapped as **planned growth area** or **village area** in Approved Regional Plan, or
- Has a Legacy Growth Center or Neighborhood Development Area Designation on 12/31/26

NEIGHBORHOOD BENEFITS

Municipal and Regional Planning & Resilience Grant Funding Priority for:

- Municipal Plans/Visioning/Assessment
- Special Purpose Plans

[Better Connections Grant](#) Funding Priority

Infrastructure Funding Priority

[Downtown & Village Tax Credits](#) Eligibility

Affordable Housing Funding Priority

Housing Permit Appeal Limitations

Municipal Authority to Lower Speed Limits <25 mph

State Water/Wastewater Permit Fee Reduction

Land Gains Tax Exemption

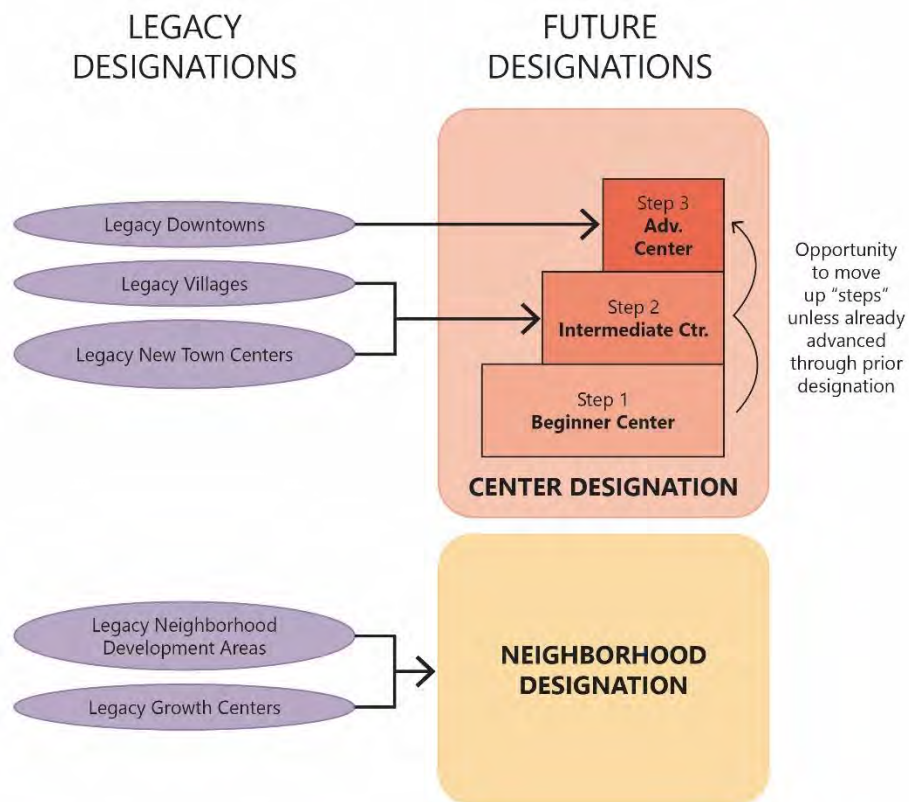
Municipal Special Taxing Authority

Transfer of the Legacy Designations

Upon approval of a regional plan, the legacy designations will be transferred into the new program using the boundaries established in the Land Use Review Board-approved regional plan, even if the boundaries differ from the legacy boundary. There will be no loss of existing incentives for legacy designated areas upon transition and the mapping of legacy areas will be maintained on the [Vermont Planning Atlas](#).

Under the new designation program, legacy Downtown, Village Center, and New Town Center designations will transition into a consolidated designation category, simply referred to as **Centers**. As noted above, the **Center** designation will have three different “steps” that define varying levels of incentives available to communities. Legacy Village Centers and New Town Centers will automatically enter the new program at **Step 2**, whereas legacy Downtowns will enter the new program at **Step 3**.

As noted above, legacy Neighborhood Development Areas and Growth Centers will be consolidated into **Neighborhoods** under the new designation program.



Overviews of Legacy Designation Transition

[Downtowns](#)

[Villages](#)

[New Town Centers](#)

[Growth Centers](#)

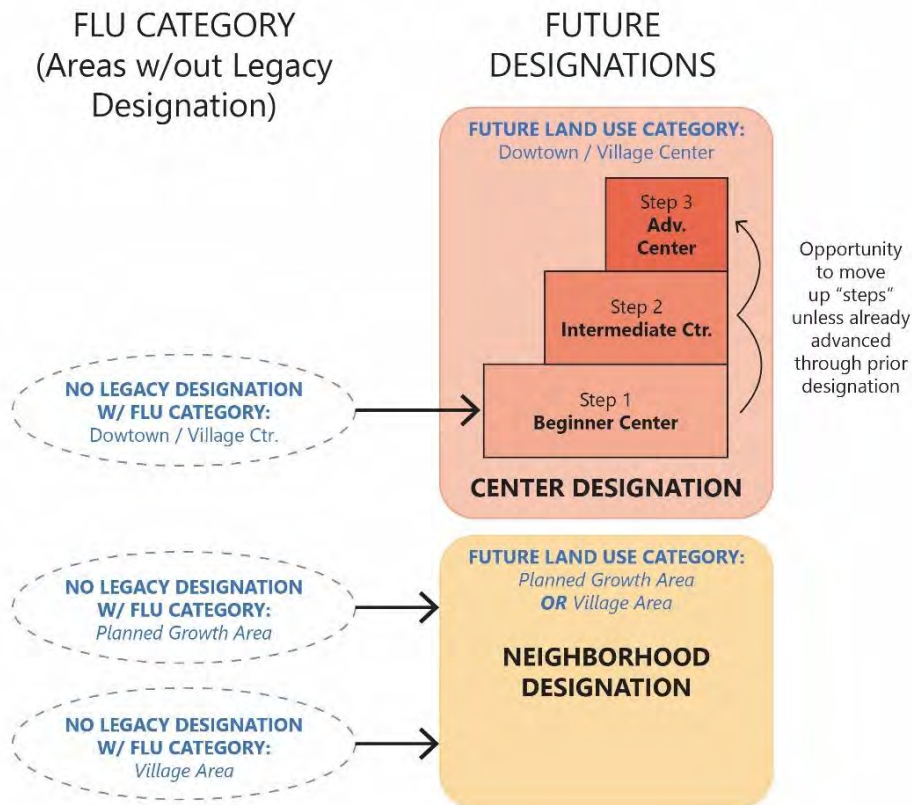
[Neighborhood Development Areas](#)

Creation of a New Designated Areas without a Legacy Designation

All New Designations Are Established by Regional Plans

Act 181 establishes standard categories for future land use (FLU) areas for approval by the State Land Use Review Board (LURB). New community investment designations are established upon LURB plan/map approval of three eligible regional land use categories: 1. downtown and village centers, 2. planned growth areas, and 3. village areas. Through this land use mapping process, areas may become designated “**Centers**” or “**Neighborhoods**” that did not previously have a legacy designation approved through DHCD. Areas mapped within the FLU category of downtown and village centers that do not have a designation under the legacy program will enter the new designation program as a **Step 1 Center**. Once a **Step 1 Center** is established, a municipality may “step up” by applying to Department staff for administrative approval within 30 days. The creation of a **Step 1 Center** creates a new, lower barrier entry point for historic centers to become designated and access benefits.

Similarly, the mapping process may identify areas with a FLU category of planned growth areas or village areas that will enter the new designation program as **Neighborhoods**. The chart below explains the process.



Key Transition Timelines

- Renewals of legacy designations are no longer required as of July 1, 2024.
- All legacy designations will continue through December 31, 2025. There will be no loss of existing incentives for legacy designated areas during the transition.
- The deadline to apply for designation under the legacy program for consideration at the October 27, 2025 Community Investment Board meeting is October 6, 2025.
- The Regional Planning Commissions will update Regional Plans and Future Land Use maps to establish the areas eligible for designation upon approval by the State Land Use Review Board (LURB) through December 31, 2026.
- All benefits for legacy designated areas transitioned into the new designations that are removed by the legislative changes shall remain in effect until July 1, 2034 to support a smooth transition for legacy areas.

Rural Technical Assistance Study for Better Community Investment

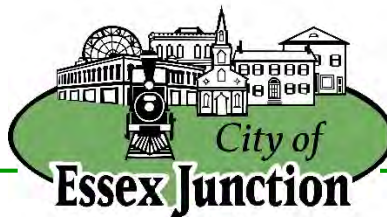
To support the new designation program, UVM, state agencies, and technical assistance (TA) service providers are working together to create actionable recommendations for an integrated approach to delivering rural TA. Known as the Vermont Assessment of Rural Technical Assistance (VERTA), this

partnership will co-develop new solutions and models of advancing rural development and resilience that retains and builds upon the rural town and village foundation. With improved access to TA and increased local capacity, designated areas will be better positioned to access Federal and State funding, address aging or absent infrastructure, and further development and planning objectives within designated areas.

For more information, visit www.accd.vermont.gov/VERTA.

Contact & Questions

- Regional future land use mapping questions: Please contact your regional planning commissio.
- Designation questions: Please contact Jacob Hemmerick (Jacob.Hemmerick@vermont.gov or 802-828-5249)



MEMORANDUM

To: Planning Commission
From: Christoher Yuen, Community Development Director
Meeting Date: Thursday, June 5th, 2025
Subject: Tier 1B Designation Recommendation to Council

Issue: Whether to recommend that the City Council request Tier 1B status for all eligible areas in the City.

Discussion:

As discussed during the April Planning Commission Meeting, the draft regional land use map designates most of the city as a Planned Growth Area, making these areas eligible for Tier 1B status. Upon the expiration of the current interim Act 250 exemptions at the end of 2025, areas under Tier 1B status would receive new, limited Act 250 exemptions for certain housing developments. Details on these exemptions are in the attached summary.

To be granted Tier 1B status, the legislative body must request Tier 1B status through a resolution, similar to the attached draft.

Cost:

N/A

Recommendation:

The Planning Commission should recommend that the City Council request to have the Downtown Center and Planned Growth Area qualify and be mapped for Act 250 Tier 1B area status.

Recommended Motion:

"I move that the Planning Commission recommend that the City Council request to have the Downtown Center and Planned Growth Area qualify and be mapped for Act 250 Tier 1B area status."

Attachments:

1. Act 250 exemptions summary
2. Draft Council Resolution for Tier 1B Status



REGIONAL PLAN FUTURE LAND USE CATEGORIES

Downtown Center	Village Center	Planned Growth Area	Village Area	Transition (optional)	Enterprise	Resource-Based Recreation	Rural			
							Hamlet	General	Ag / Forest	Consv.

STATE DESIGNATION / COMMUNITY INVESTMENT

Center	Neighborhood
--------	--------------

ACT 250

Tier 2: Status Quo								
Tier 1a: Full Exemption – ‘consistent with’ FLU								
Tier 1b: Partial Exemption								Tier 3

Tier 3 subject to rulemaking; not derived from regional maps.

This table represents land use, designation, and Act 250 jurisdiction categories, not land area acreage or percentage of land area.

Act 181 Regional Future Land Use (FLU) Areas					
Statutory FLU Area	Designation Name	Act 250 Tier Eligibility	Statutory Descriptions	Statutory Criteria	H.687/Act 181 Bill reference / Statutory Reference
Downtowns	Centers	Tier 1A / Tier 1B	These areas are the mixed-use centers bringing together community economic activity and civic assets. They include downtowns, villages, and new town centers previously designated under chapter 76A and downtowns and village centers seeking benefits under the Community Investment Program under section 5804 of this title. The downtown or village centers are the traditional and historic central business and civic centers within planned growth areas, village areas, or may stand alone. Village centers are not required to have public water, wastewater, zoning, or subdivision bylaws.	N/A - see statutory description	Section 49.12.A / 24 V.S.A. § 4348a(a)(12)(A)
Village Centers					
Planned growth areas	Neighborhoods	Tier 1B	These areas include the high-density existing settlement and future growth areas with high concentrations of population, housing, and employment in each region and town, as appropriate. They include a mix of historic and nonhistoric commercial, residential, and civic or cultural sites with active streetscapes, supported by land development regulations; public water or wastewater, or both; and multimodal transportation systems. These areas include new town centers, downtowns, village centers growth centers, and neighborhood development areas previously designated under chapter 76A of this title. These areas should generally meet the smart growth principles definition in chapter 139 of this title and the following criteria:	<p>(i) The municipality has a duly adopted and approved plan and a planning process that is confirmed in accordance with section 4350 of this title and has adopted bylaws and regulations in accordance with sections 4414, 4418, and 4442 of this title.</p> <p>(ii) This area is served by public water or wastewater infrastructure.</p> <p>(iii) The area is generally within walking distance from the municipality's or an adjacent municipality's downtown, village center, new town center, or growth center.</p> <p>(iv) The area excludes identified flood hazard and river corridor areas, except those areas containing preexisting development in areas suitable for infill development as defined in section 29-201 of the Vermont Flood Hazard Area and River Corridor Rule.</p> <p>(v) The municipal plan indicates that this area is intended for higher-density residential and mixed-use development.</p> <p>(vi) The area provides for housing that meets the needs of a diversity of social and income groups in the community.</p> <p>(vii) The area is served by planned or existing transportation infrastructure that conforms with "complete streets" principles as described under 19 V.S.A. chapter 24 and establishes pedestrian access directly to the downtown, village center, or new town center. Planned transportation infrastructure includes those investments included in the municipality's capital improvement program pursuant to section 4430 of this title. (refer to capital plan; if you don't meet this, the area is a village)</p>	Section 49.12.B / 24 V.S.A. § 4348a(a)(12)(B)
Village Areas	Neighborhoods	Tier 1B	These areas include the traditional settlement area or a proposed new settlement area, typically composed of a cohesive mix of residential, civic, religious, commercial, and mixed-use buildings, arranged along a main street and intersecting streets that are within walking distance for residents who live within and surrounding the core. These areas include existing village center designations and similar areas statewide, but this area is larger than the village center designation. Village areas shall meet the following criteria:	<p>(i) The municipality has a duly adopted and approved plan and a planning process that is confirmed in accordance with section 4350 of this title.</p> <p>(ii) The municipality has adopted bylaws and regulations in accordance with sections 4414, 4418, and 4442 of this title.</p> <p>(iii) Unless the municipality has adopted flood hazard and river corridor bylaws, applicable to the entire municipality, that are consistent with the standards established pursuant to 10 V.S.A. § 755b (flood hazard) and 10 V.S.A. § 1428(b) (river corridor), the area excludes identified flood hazard and river corridors, except those areas containing preexisting development in areas suitable for infill development as defined in 29-201 of the Vermont Flood Hazard Area and River Corridor Rule.</p> <p>(iv) The municipality has either municipal water or wastewater. If no public wastewater is available, the area must have soils that are adequate for wastewater disposal.</p> <p>(v) The area has some opportunity for infill development or new development areas where the village can grow and be flood resilient.</p>	Section 49.12.C / 24 V.S.A. § 4348a(a)(12)(C)
Transition or Infill Areas	N/A	Tier 2	These areas include areas of existing or planned commercial, office, mixed-use development, or residential uses either adjacent to a planned growth or village area or a new stand-alone transition or infill area and served by, or planned for, public water or wastewater, or both. The intent of this land use category is to transform these areas into higher density, mixed-use settlements, or residential neighborhoods through infill and redevelopment or new development. New commercial linear strip development is not allowed as to prevent it negatively impacting the economic vitality of commercial areas in the adjacent or nearby planned growth or village area. This area could also include adjacent greenfields safer from flooding and planned for future growth.		Section 49.12.D / 24 V.S.A. § 4348a(a)(12)(D)
Resource-based recreation areas	N/A	Tier 2	These areas include large-scale resource-based recreational facilities, often concentrated around ski resorts, lakeshores, or concentrated trail networks, that may provide infrastructure, jobs, or housing to support recreational activities.		Section 49.12.E / 24 V.S.A. § 4348a(a)(12)(E)
Enterprise Areas	N/A	Tier 2	These areas include locations of high economic activity and employment that are not adjacent to planned growth areas. These include industrial parks, areas of natural resource extraction, or other commercial uses that involve larger land areas. Enterprise areas typically have ready access to water supply, sewage disposal, electricity, and freight transportation networks.		Section 49.12.F / 24 V.S.A. § 4348a(a)(12)(F)
Hamlets	N/A	Tier 2	Small historic clusters of homes and may include a school, place of worship, store, or other public buildings not planned for significant growth; no public water supply or wastewater systems; and mostly focused along one or two roads. These may be depicted as points on the future land use map.		Section 49.12.G / 24 V.S.A. § 4348a(a)(12)(G)
Rural General	N/A	Tier 2	Rural; general. These areas include areas that promote the preservation of Vermont's traditional working landscape and natural area features. They allow for low-density residential and some limited commercial development that is compatible with productive lands and natural areas. This may also include an area that a municipality is planning to make more rural than it is currently.	All other areas of Rural	Section 49.12.H / 24 V.S.A. § 4348a(a)(12)(H)
Rural Ag and Forestry Rural	N/A	Tier 2	Rural; agricultural and forestry. These areas include blocks of forest or farmland that sustain resource industries, provide critical wildlife scenic beauty, and contribute to economic well-being and quality of life. Development in these areas should be carefully managed to promote the working landscape and rural economy, and address regional goals, while protecting the agricultural and forest resource value, habitat and movement, outdoor recreation, flood storage, aquifer recharge, and scenic beauty, and contribute to economic well-being and quality of life. Development in these areas should be carefully managed to promote the working landscape and rural economy, and address regional goals, while protecting the agricultural and forest resource value.	Generally, parcels enrolled in Current Use with 20 acres or more of tree canopy or agricultural land cover. Mapping of these areas will be done in coordination with municipalities.	Section 49.12.I / 24 V.S.A. § 4348a(a)(12)(I)
Rural Conservation	N/A	Tier 2	Rural; conservation. These are areas of significant natural resources, identified by regional planning commissions or municipalities based upon existing Agency of Natural Resources mapping that require special consideration for aquifer protection; for wetland protection; for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes. The mapping of these areas and accompanying policies are intended to help meet requirements of 10 V.S.A. chapter 89. Any portion of this area that is approved by the LURB as having Tier 3 area status shall be identified on the future land use map as an overlay upon approval.	<p>Includes:</p> <ul style="list-style-type: none"> - Protected Lands (minus Ag & Forestry areas - FEMA floodplains & DEC River Corridors outside Centers, Planned Growth Areas, Village Areas, Resource-Based Recreation Areas, and Enterprise Areas - Groundwater Source Protection Areas outside Centers, Planned Growth Areas, Village Areas, Resource-Based Recreation Areas, and Enterprise Areas - Wetlands (Class 1 & 2) that are 5 acres or larger - Elevations 2,500ft or higher outside Resource-Based Recreation Areas - VT Conservation Design Highest Priority Interior Forest Blocks & Highest Priority Connectivity Blocks, unless modified by other FLU areas 	Section 49.12.J / 24 V.S.A. § 4348a(a)(12)(J)
Water bodies	N/A				
Roads	N/A				

MUNICIPAL RESOLUTION ON TIER 1B STATUS

Municipality: City of Essex Junction

- WHEREAS, in accordance with Vermont law, 10 V.S.A. § 6033, a municipality may request Tier 1B area status for the purposes of Act 250 jurisdiction;
- WHEREAS, the Chittenden County Regional Planning Commission may seek approval of Tier 1B area status from the Vermont Land Use Review Board on the municipality's behalf;
- WHEREAS, the City of Essex Junction has a duly adopted and approved plan and a planning process that is confirmed in accordance with 24 V.S.A. § 4350;
- WHEREAS, the City of Essex Junction has adopted permanent zoning and subdivision bylaws in accordance with 24 V.S.A. §§ 4414, 4418, and 4442;
- WHEREAS, the proposed Tier 1B area excludes identified flood hazard and fluvial erosion areas, except those areas containing preexisting development in areas suitable for infill development;
- WHEREAS, the City of Essex Junction has adopted flood hazard and river corridor bylaws applicable to the entire municipality that are consistent with the standards in 10 V.S.A. §§ 755(b) (flood hazard) and 1428(b) (river corridor);
- WHEREAS, the City of Essex Junction has water supply, wastewater infrastructure, or soils that can accommodate a community wastewater disposal system for compact housing development in the proposed Tier 1B area; and
- WHEREAS, the City of Essex Junction has municipal staff, municipal officials, or contracted capacity adequate to support development review and zoning administration in the Tier 1B area.
- NOW, THEREFORE BE IT RESOLVED that
- The City of Essex Junction hereby requests that the Chittenden County Regional Planning Commission seek the Land Use Review Board's approval to have the Downtown Center and Planned Growth Area qualify and be mapped for Act 250 Tier 1B area status.

Adopted at a duly noticed public meeting held on June 11, 2025

Essex Junction City Council

Amber Thibeault, President

Elaine Haney

Marcus Certa, Vice President

Brian Sheldon

Tim Miller, Clerk

Attest:

Signature _____

Name _____

City Clerk

Animating Infrastructure Design Grant

Vermont Arts Council Letter of Support

June 5th, 2025

Dear grant review committee,

On behalf of the Essex Junction Planning Commission, I am writing to express my support for the Animating Infrastructure design grant application by the City of Essex Junction.

The proposed mural holds tremendous potential to become a central, accessible resource for our community due to its prominent façade and proximity to Five Corners, the heart of City. This mural can help transform the Fire Station from a utilitarian piece of infrastructure to a recognizable, memorable landmark that is special to the community.

This proposal was first recommended through Connect the Junction, an ongoing Transit-Oriented Development Master Planning project, which calls for the integration of artwork into public infrastructure in a space easily accessed by many different modes of transportation. Additionally, this project compliments the City's current Comprehensive Plan, which calls for "a culture that values diversity and offers a welcoming spirit" and reclamation of "space for people to create a high-quality pedestrian experience."

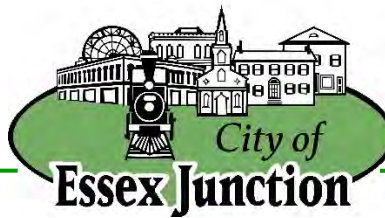
This initiative strongly resonates with the Vermont Arts Council's mission, and I am confident it will present an enriched experience for residents and visitors long into the future.

Thank you for considering this application. We look forward to hearing from you soon.

Sincerely,

Diane Clemens

Chair, Essex Junction Planning Commission



MEMORANDUM

To: Planning Commission, City Council
From: Christoher Yuen, Community Development Director
Meeting Date: Thursday, June 5th, 2025
Subject: Update on Connect the Junction Transit Oriented Development Draft Plan

Issue: Framework (Consulting team) is continuing work on the Connect the Junction Transit Oriented Development Master Plan

Discussion:

Framework is continuing to amend and refine the Connect the Junction Transit Oriented Development Draft Plan based on staff, Planning Commission, and City Council comments. The public-facing version of the draft plan is expected to be made available on or shortly after June 13, 2025. In a parallel effort, a set of recommended land development code amendments is being developed to align with the draft plan.

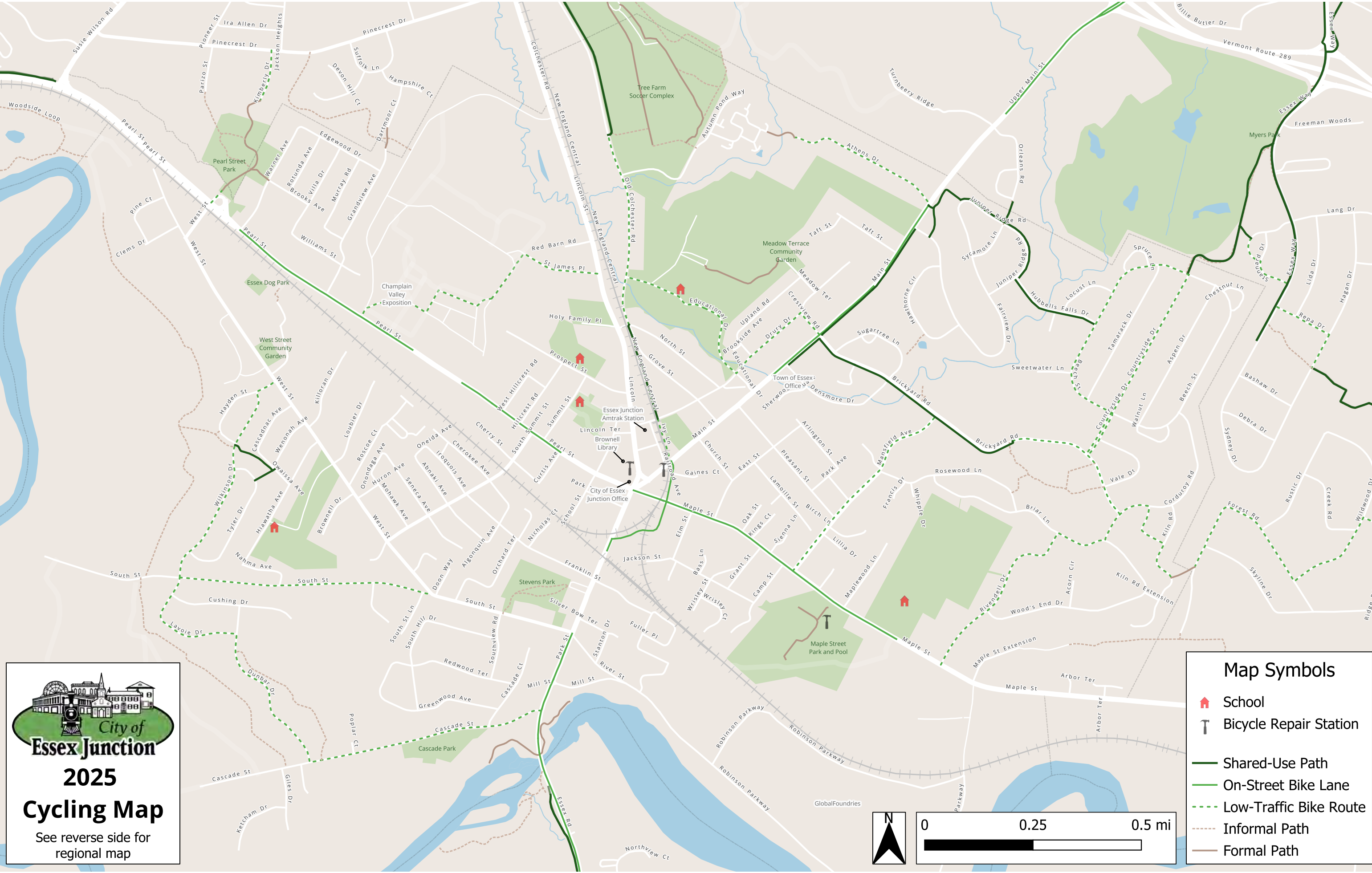
In addition to presenting the full report, the project team plans on developing approximately ten summary poster boards to be used in-person and for an online open house, which will be made available for at least one month. The project team also expects to attend the EJP's July 4th celebrations to promote the project. An in-person open-house event is also planned to coincide with the Lincoln Hall re-opening event, which will likely occur in August when renovations are completed. Additionally, the project team plans to reconvene the focus groups from earlier in the project to solicit feedback on the draft plan.


During the May 1 meeting, Planning Commissioners expressed that it may be beneficial to prepare a more distilled list of questions and topics to focus public engagement efforts. It would be particularly helpful if planning commissioners could each prepare a list of the topics that they think are the most important for public engagement prior to the June 5 meeting. This can then be discussed and can serve as important input for the project team as the public engagement material is developed.

Cost:
N/A

Recommendation:

Planning Commissioners should individually prepare a list of the Connect the Junction Master Plan topics that they think are the most important for public engagement prior to the meeting, and then collectively discuss these at the meeting.












City of Essex Junction

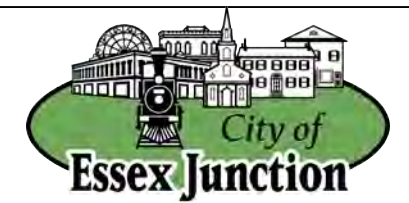
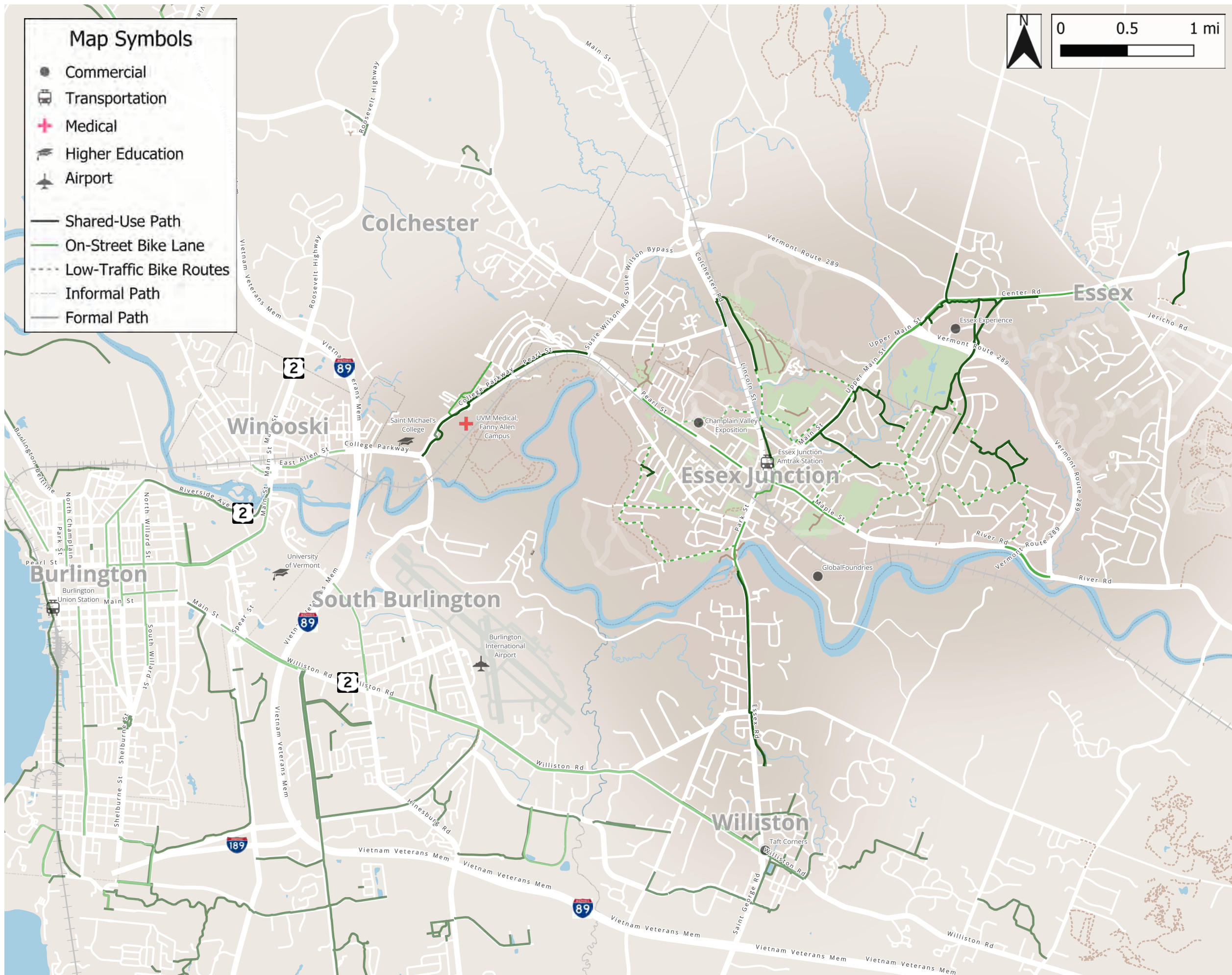
2025

Cycling Map

See reverse side for regional map

Map Symbols

-  School
-  Bicycle Repair Station
-  Shared-Use Path
-  On-Street Bike Lane
-  Low-Traffic Bike Route
-  Informal Path
-  Formal Path



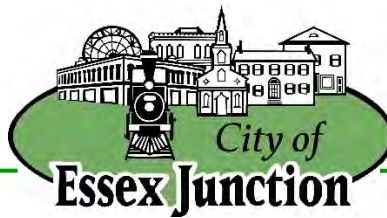
2025 Cycling Map

See reverse side for local
map

For the most up to date regional route information, contact the relevant municipalities or visit an open-source map website such as cyclosm.org.

Notice some gaps in the City's bike routes? We do too! Join the Essex Junction Bike/Walk Advisory Committee every second Thursday of each month to help the City plan for improved and expanded bicycle and pedestrian infrastructure in the coming years! Visit essexjunction.org/boards/bike-walk-advisory-committee for more details.

To be replaced with a
local biking photo



MEMORANDUM

To: Planning Commission
From: Christoher Yuen, Community Development Director
Meeting Date: Thursday, June 5th, 2025
Subject: Technical Changes to Junk Ordinance

Issue: The City is proposing updates to the junk ordinance to streamline enforcement procedures.

Discussion:

Chapter 18 of Essex Junction's Municipal Code regulates the control of litter, refuse, garbage, junk, junk motor vehicles, trash, and solid waste. Its purpose is to encourage property owners to take responsibility for the proper disposal of waste and to facilitate waste-free property maintenance through administration and enforcement of the ordinance.

A draft version of this updated ordinance is attached. Edits have been made to expand and streamline enforcement mechanisms based on recommendations from legal counsel. Community Development staff are seeking input from the Planning Commission on the topic of requiring junk to be screened from view which will be discussed during the Thursday, June 5th meeting.

Cost:
N/A

Recommendation:

Planning Commission members should review the attached drafted ordinance and provide input about requiring junk to be screened from view.

Attachments:

1. Municipal Code Chapter 18 draft

VILLAGECITY OF ESSEX JUNCTION**MUNICIPAL CODE****CHAPTER 18****ORDINANCE REGULATING CONTROL OF LITTER, REFUSE, GARBAGE, JUNK,
JUNK MOTOR VEHICLES, TRASH AND SOLID WASTE**

PURPOSE: This Ordinance mandates that all litter, refuse, garbage, junk, junk motor vehicles, solid waste, or trash be disposed of in either private or public receptacles and puts the responsibility on property owners, occupants and lessees to maintain their premises in a litter, ~~refuse, garbage, junk,~~ trash, and waste-free manner.

SECTION 1801: DEFINITIONS

- a.) The following words and terms, when used in this Ordinance, shall, for the purpose of this Ordinance, have the following meanings ascribed to them:
 1. Abatement cost means the ~~VillageCity's~~ cost for labor, equipment, and supplies for, or the contract price of, and any charges to, the ~~VillageCity~~, with respect to the removal and disposal of litter, garbage, rubbish, or refuse from a property.
 2. Construction site means ~~any residential, commercial, industrial or other area, lot or site~~property at which construction or demolition of any type is conducted, including roads and traveled ways, at buildings, and at all other places actively being constructed, demolished, renovated, or repaired.
 3. Construction waste means refuse, junk or salvage material ~~solid waste~~ that is produced or generated during construction, demolition, remodeling, or repair of pavements, houses, commercial buildings, and other structures. Construction wastes include, but are not limited to lumber, wire, sheetrock, ~~broken~~ bricks, shingles, glass, pipes, concrete, paving materials, ~~and metal, and~~ plastics or packaging for any construction material -if the ~~metal or plastics are a part of the materials of~~ are used, leftovers, surplus or remnants of construction or demolition or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids and garbage are not construction wastes.
 4. Discard means to abandon, dispose of, accumulate, store or treat before or instead of being abandoned, disposed of.
 5. Discarded material means a material that is abandoned, disposed of, accumulated, stored or treated before or instead of being abandoned, disposed of.
 6. Dispose means to discharge, deposit, inject, dump, spill, leak or placement of any solid waste into or on any land or water so that such ~~solid waste~~ or any constituent ~~of it~~thereof may enter the environment or be emitted into the air or discharged into any waters.
 7. Garbage means readily putrescible discarded materials composed of animal, vegetable, or other organic matter.
 8. Junk means items that are old or discarded, dismantled, wrecked, scrapped, unregistered, ruined, unfixable, inoperable or unusable for their intended purpose, including but not limited to: scrap copper, brass, iron, steel, ~~or other metals, or materials including but not limited to~~ tires, household appliances, furniture, rope, rags, batteries, glass, rubber ~~debris~~, waste, trash, construction ~~debris~~waste, plumbing fixtures, ~~or any discarded, dismantled, wrecked,~~

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- ~~scrapped, or ruined motor vehicles or parts thereof, trailers, campers, boats, equipment or machinery. Any of the above items used in a bona fide agricultural operation are excluded from this definition.~~
9. **Junk motor vehicle** means a discarded, dismantled, inoperable, wrecked, scrapped or ruined motor vehicle or parts thereof, an unregistered motor home not connected to water and/or sewer, or a vehicle other than an on-premise utility vehicle ~~which that~~ is allowed to remain unregistered for a period of 90 days from the date of discovery.
10. **Litter** means any garbage, waste or man-made materials that, if thrown, discarded, or disposed of as prohibited by this ordinance, or that may create a danger to public health, safety, or welfare or degrades the environment of the VillageCity. ~~Litter shall include, but is not limited to, any garbage, trash, refuse, rubbish, newspaper, magazine, glass, metal, plastic or paper container, construction waste, or any discarded object likely to injure any person, create a traffic hazard, or degrade the environment.~~
11. **Motor vehicle** means any vehicle propelled or drawn by power other than muscular power, including trailers. ~~Functional vehicles and equipment used for agricultural and construction operations. Farm vehicles and equipment are excluded from this definition. are excluded from this definition.~~
12. **Person** means any individual, corporation, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, representative, or group of individuals or entities of any kind.
13. **Receptacle** means a container that is specifically designed, constructed, and placed for use as a depository for litter or solid waste.
14. **Refuse** means all solid waste products having the character of solids rather than liquids and that are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean-up of spills or contamination, or other discarded materials.
15. **Rubbish** means combustible or slowly putrescible discarded materials, which include but are not limited to trees, wood, leaves, trimmings from shrubs or trees, printed matter, plastic and paper products, grass, rags, and other combustible or slowly putrescible materials not included under the term garbage.
16. **Solid waste** or **waste** means any material meeting the definition of solid waste per the State of Vermont Solid Waste Management Rules, including garbage, junk, refuse, rubbish, trash, or other discarded material, ~~which include but are not limited to tires, furniture, clothes,~~ but does not include solid or dissolved ~~materials~~ human waste in domestic sewage, solid or dissolved organic materials in irrigation return flows, industrial discharges, or special nuclear or by-product materials.
17. **Trash** means ~~combustible and noncombustible~~ discarded refuse, rubbish and waste materials ~~and is used interchangeably with the term rubbish.~~
18. **Traveled way** means that portion of a public highway designed for the movement of a motor vehicle and the area immediately ~~a~~ adjacent and contiguous to the traveled portion of the roadway, ~~motor vehicle, including~~ shoulders, and roadside parking, rest, observation areas, and other areas.

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SECTION 1802. ADMINISTRATION AND ENFORCEMENT.

The VillageCity Manager or Agent municipal officer shall be responsible for the administration of this Ordinance and shall have the authority to enforce compliance through the use of civil and criminal penalties as

authorized by this Ordinance. Further, any law enforcement officer, fire marshal, or any assistant fire inspector is authorized and shall have the authority to enforce all sections of this Ordinance.

SECTION 1803. DUTY OF OWNERS AND OCCUPANTS.

- a.) General Requirement. It shall be the responsibility of each owner, agent, occupant, or lessee to keep his or her property free of litter, refuse, garbage, junk, junk motor vehicles, solid waste, and trash. The owner, ~~agent~~, occupant, or lessee of any property shall be responsible for removing litter, refuse, garbage, junk, junk motor vehicles, solid waste, or trash ~~from accumulating on their said~~ property.
- b.) Litter Prohibited. No owner, agent, occupant, or lessee of any property shall allow the storage or accumulation of litter, refuse, garbage, junk, waste, or trash on the exterior of said property outside of a receptacle that is covered, secured, and maintained so as to prevent blowing, spilling, scattering, or leaking of the litter, refuse, garbage, junk, waste, or trash contained therein, except that this requirement shall not apply to an area designated and approved by the ~~Village City~~ as a permitted disposal site.
- c.) Litter Prevention and Control in Adjacent and Surrounding Areas. It shall be the responsibility of each proprietor and each operator of any business, industry, or institution to keep the adjacent and surrounding areas free of litter, refuse, garbage, junk, junk motor vehicles, solid waste, or trash. These areas include, but are not limited to public and private sidewalks, roads, and alleys; traveled ways; grounds; parking lots; loading and unloading areas; and all vacant lots that are owned or leased by such establishment or institution. Removal of any litter, refuse, garbage, junk, junk motor vehicles, solid waste, or trash shall be performed in accordance with this Ordinance.
- d.) Sidewalks. Each owner, agent, occupant, or lessee whose property faces on the sidewalks in the ~~Village City~~ or the strips between the streets and sidewalks shall be responsible for keeping such sidewalks and strips free of litter, refuse, garbage, junk, junk motor vehicles, solid waste, or trash. Removal of any litter, refuse, garbage, junk, junk motor vehicles, solid waste, or trash shall be performed in accordance with this Ordinance.

SECTION 1804. CONSTRUCTION SITES.

- a.) Litter Prohibited. It shall be unlawful for any owner or agent of a construction site, or any contractor on a construction site, to cause, permit, or allow the presence of litter, refuse, garbage, junk, waste, or trash on such site outside of a proper receptacle or to cause, permit, or allow litter, refuse, garbage, junk, solid waste, or trash to be spilled, discharged, or blown by wind or water, except for the wind and water from hurricanes, tornadoes, and floods. It shall be the responsibility of the owner or agent of the property and each contractor performing work on the site to keep the property free of litter, refuse, garbage, junk, junk motor vehicles, solid waste, or trash.
- b.) Receptacles Required. The owner, agent, or contractor in charge of a construction site shall furnish on such site receptacles sufficient to contain worker's litter and receptacles sufficient to contain all construction waste. All receptacles shall be conveniently available and maintained and secured or covered so as to prevent litter, refuse, garbage, junk, trash and waste from being spilled, discharged, or blown by wind or water, except for the wind and water from hurricanes, tornadoes, and floods. The number and capacity of receptacles should be determined by the primary contractor, but no less than one (1) receptacle for worker's

litter, refuse, garbage, junk, trash and waste and no less than one (1) receptacle for construction waste shall be placed at each construction site. Receptacles required under this subsection shall be not less than ten (10) gallons capacity. All receptacles shall be emptied as necessary, but not less frequently than weekly, except that receptacles used exclusively to contain construction waste shall be serviced with sufficient frequency to prevent spillage.

SECTION 1805. NOTICE OF VIOLATION; SUMMONS OR WARRANT.

- a.) Notice of Violation. The VillageCity may commence enforcement of any provision of this chapter by notifying in writing the owner, lessee, occupant, owner's designated agent or person in responsible charge or in possession of a property or premises, of the existence of an unlawful condition on such property or premises. Such written notice shall be sent to the owner, lessee, occupant, or responsible person in charge or in possession of a property by first class certified mail; return receipt requested, or may be served by the Police Department, to the last known address of the owner, as indicated in the Town of Essex current real estate tax assessment records or to the owner's registered agent, the lessee or occupant of the property. Such notice shall contain a description of the nature of the violation; any corrective action needed to be taken by such person to come into compliance with this Ordinance; and the time frame within which such corrective action shall be completed. The amount of time allowed to abate, correct, or eliminate the unlawful condition shall not exceed ten (10) days.
- b.) Abatement Required. Every owner, lessee, occupant, or person in responsible charge or in possession of a property or premises shall, upon written notice of an unlawful condition, abate, correct, and eliminate such condition within the timeframe required by such notice.
- c.) Any penalty assessed will be according to Section 1808.

SECTION 1806. REMOVAL OF LITTER, REFUSE, GARBAGE, JUNK, JUNK MOTOR VEHICLES, TRASH OR WASTE BY VILLAGECITY.

- a.) Abatement Required. After expiration of the cure period contained in receipt of a written notice of violation, the City may enforce this Ordinance against it shall be unlawful for the owner, lessee, or occupant, or person in responsible charge or in possession of a property or premises on which the unlawful condition exists to fail to abate, correct, or eliminate such condition within the timeframe as such written notice requires. Each day that the unlawful condition exists after the cure period has expired shall constitute a separate violation or offense and the owner, lessee or occupant is not entitled to a separate notice for any continuing violation beyond the cure period.
- b.) Removal by VillageCity. Ten (10) days after due notice is given to any owner, agent, occupant, operator, contractor in charge, or lessee of any property, business, industry, institution, or construction site to remove litter, refuse, garbage, junk, junk motor vehicles, trash or waste from the premises, the VillageCity is authorized to clean up such property, by use of VillageCity employees or by employing an agent of the VillageCity, and bill such owner or agent for the abatement costs thereof. If the bill has not been paid within thirty (30) days, execution may be issued by the VillageCity against the property for the abatement cost, and such execution shall constitute a lien on the property, on parity with liens for unpaid taxes, until the claim has been satisfied. Execution of the notice to remove litter, refuse, garbage, junk, junk motor vehicle, trash or waste shall be in writing and shall be in the form of a first class, certified letter, return receipt requested. Nothing in this section shall be

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deemed to bar the prosecution of any person for violation of this Ordinance.

SECTION 1807. EQUITABLE REMEDIES.

In addition to the penalty provided in the Ordinance, the ~~Village~~City Manager or municipal officer may initiate an injunction, mandamus, abatement, or any other appropriate action to prevent, enjoin, abate, or remove a violation of any of the provisions of this Ordinance.

SECTION 1808. PENALTY.

Except where otherwise noted, a violation of any provision of this Ordinance shall be punishable by a ~~fine of up to \$500 per day until the unlawful condition is abated, corrected or removed as specified in Chapter 9 of the Municipal Code.~~

SECTION 1809. SEVERABILITY.

If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

SECTION 1810. APPEAL OF NOTICE OF VIOLATION PENALTY

~~An owner, lessee, agent or occupant person~~ aggrieved by Notice of violation of this Ordinance may ~~a revocation, suspension or penalty pursuant to this Ordinance may~~ file a notice of appeal within 15 days of service of the Notice to the ~~as outlined in the~~ Trustees' City's Council's Policy regarding the Ordinance Appeals Board per the City's Policy Regarding the Ordinance Appeals Board.

New Chapter 18 adopted 1/10/12
[\[add date here\]](#)