

**CITY OF ESSEX JUNCTION  
PLANNING COMMISSION  
PUBLIC HEARING  
MINUTES OF MEETING  
March 7, 2024  
APPROVED April 4, 2024**

**MEMBERS PRESENT:** Phil Batalion, Chair; Patrick Scheld, Vice Chair; Scott McCormick.

**ADMINISTRATION:** Chris Yuen, Community Development Director; Jennifer Marbl, City Planner (via zoom).

**OTHERS PRESENT:** Cora Delucia, Lexi.

**1. CALL TO ORDER**

Phil Batalion called the meeting to order at 6:35 PM.

**2. AGENDA ADDITIONS/CHANGES**

Commissioner Scheld requested addition of a public art grant discussion as agenda item 5a.

Commissioner McCormick requested discussion of the rental registry conversation, and Director Yuen replied that he is prepared to give an update during the staff updates portion of the meeting.

**3. PUBLIC TO BE HEARD**

a. Comments from Public on Items Not on Agenda

None.

**4. MINUTES**

a. February 1, 2024

**MOTION by PATRICK SCHELD, SECOND by SCOTT McCORMICK, to approve the minutes of February 1, 2024 as presented. VOTING: unanimous (3-0); motion carries.**

**5. BUSINESS ITEMS**

a. Public Art Grant \*new item\*

Commissioner Scheld began by noting that the Vermont Arts Council funds different art projects and he has reached out to a contact at the Council about opportunities for grant funding for art near City gateways. He spoke about potential areas for art installations at gateways to the City as an opportunity for placemaking. He said that the Council has suggested pursuing a \$5,000 design grant for public art, and that a \$15,000 grant opportunity for implementation of that design would subsequently be available both after procurement of an artist through an RFP. He said that a requirement of the grant application is a preliminary project pitch, which is due at the end of next week. He said that the area he was thinking could be suitable for this type of public gateway art would be a concrete wall located on Route 2A North as one travels into Essex Junction from Williston. He said that an outstanding question relates to the property-owner's willingness to have art or a mural on this concrete wall (which is moot if the concrete wall is in the public right-of-way). He said that grantees are not responsible for local match, but any costs above \$5,000 would be the responsibility of the grantee. Other Commissioners expressed their support for pursuing this grant, and Commissioner Scheld said that he would be willing to put together

the preliminary project pitch as well as help with grant management, if the City pursues this. He said that this grant would not preclude eligibility for other grants from the Vermont Arts Council. He said that as he sees it, they could put together a preliminary pitch and concurrently reach out to the property owner next week, and if they are invited to pursue a full application from the Council and the property owner is amenable to the use of this wall, they could issue an RFP for art design and the Planning Commission could play a role in the selection of the artist. Once that occurs, they could ask the artist to provide several design options, which the public and the Planning Commission would weigh in on and make a selection.

Director Yuen said that he will follow up with the Public Works Department to determine where the boundary line for that parcel lies and determine who owns the concrete wall in question. Commissioner Scheld said that simultaneously he will draft a letter of intent to submit to the Vermont Arts Council by March 18. He added that if they are selected to pursue an application, the full application is due June 3.

**MOTION by PATRICK SCHELD, SECOND by SCOTT McCORMICK, to begin work on the animated infrastructure grant with the Vermont Arts Council. VOTING: unanimous (3-0); motion carries.**

b. Neighborhood Development Area update

Director Yuen said that the City applied for the Neighborhood Development Area expansion last month and that the Downtown Board met at the end of February and approved this application. He showed the expanded boundaries of the Neighborhood Development Area for the City, noting that it now covers the Highway Arterial District, where small and medium-sized development is now occurring.

Commissioner Scheld spoke about how this fits into the Homes For All project and toolkit being run by the Agency of Commerce and Community Development (ACCD), which is focused on more development of the “missing middle” type of housing in municipalities around Vermont.

c. Review examples of E.V. charging regulations for Land Development Code updates

City Planner Marbl said that she has researched what other municipalities are doing in terms of E.V. charging regulations and that she has found that generally, other municipalities are encouraging E.V. charging but aren't requiring developments to install E.V. chargers. She noted that South Burlington is currently looking into some kind of E.V. charging requirement, though it is in process. She reminded the Planning Commission that the Residential Building Energy Standards (RBES) and Commercial Building Energy Standards (CBES) at the State level both require developers to attest to having met certain energy standards, through voluntary compliance. She said that Essex Junction could recommend voluntary compliance with the RBES/CBES E.V. charging requirements, that it could offer municipal incentives for installation of E.V. charging stations, or it could pursue adoption of requirements for meeting or exceeding the RBES/CBES standard for E.V. charging. Director Yuen noted that the RBES and CBES are State standards and cannot be enforced by a municipality unless it is included in the City's building code (which Essex Junction does not have). City Planner Marbl said that the City will continue to monitor South Burlington's requirements once they are released to the public, in case Essex Junction could leverage them for its own requirements.

City Planner Marbl provided a summary of potential options the City could pursue, should it decide to pursue E.V. charging requirements above the RBES/CBES. She said that these include mirroring the

2014 recommendations from the Chittenden County Regional Planning Commission (CCRPC), mirroring the 2020 version of the RBES/CBES standards, or mirroring the new 2024 version of the RBES/CBES standards. Commissioner Scheld also suggested looking at the Vermont Housing Finance Agency (VHFA) and Vermont Housing Conservation Board (VHCB) housing applications, which include requirements for developers related to E.V. charging. City Planner Marbl also noted that the City could look at LEED green/gold standards for buildings.

Commissioner McCormick noted that existing standards include incentives for developers to include E.V. charging capabilities for certain parking spots, but not the installation of chargers themselves. He asked what the incentive is for installation of charges, not just ensuring that certain parking spaces are E.V. charging capable. Commissioner Batalion said that they should also be forward-thinking and consider what a property could look like 20 years from now, which is the intent of the RBES/CBES requirements.

Commissioner Scheld said that he would be supportive of requiring 1-2 E.V. charging spots in a development. Commissioner Batalion said that it is important to think about whether the City wants to encourage adoption of E.V. charging or ensure that there is a minimum number of accessible spots, saying that he would like to explore a mix of E.V. charging capable spots and E.V. charger spots for developments. He also asked about the feasibility of including regulations if minimum parking requirements are no longer in place. He said that if the City decides to align municipal requirements with the current RBES/CBES regulations, what is the downside for including those requirements in its Land Development Code (LDC). Director Yuen replied that there is no downside as long as it is legal, given that the Vermont League of Cities and Towns (VLTC) has opined that municipal LDCs are not an appropriate place for this type of regulation, given that they deal with zoning and location of development, and that building code or ordinance are more appropriate for E.V. charging requirements. He said that he would like to follow up with the City's own municipal attorney on this point.

The Planning Commission expressed interest in pursuing RBES/CBES-aligned requirements at the local level, and will encourage voluntary compliance with the RBES/CBES standards when development applications are received by the City.

d. Land Development Code amendments to Chapter 714: Sign Regulations presentation

Director Yuen said that staff began its work on sign regulation updates by examining Burlington's regulations related to signs and testing them out in Essex Junction scenarios. He said that City staff inventoried potential signage along major commercial corridors in February and tested them against existing LDC and proposed amended LDC requirements (based on Burlington's regulations). He said that he would like the Planning Commission to review these for unintended consequences.

Director Yuen showed the following sign examples:

- A directional sign on 11 Maple Street. He noted that the 2023 LDC requirements say that directional signs cannot exceed 3 square feet, and the proposed LDC amendments have a 2 square foot limit and require the sign to be oriented toward internal use. He said that the 11 Maple Street example is out of compliance with both of these versions of LDC requirements. He noted that this example's enforcement prioritization is medium.
- An example of an advertising banner at 27 Park Street. He said that under the current LDC, this sign is not in compliance because it advertises a product, but that this LDC requirement itself is

questionable because it is not a content-neutral requirement. He said that the proposed LDC amendment would categorize this as a temporary banner, which would limit it to 30 consecutive days at a maximum with a minimum of 30 days between display periods and 2 display periods per year. He said that this sign example isn't in compliance with either set of LDC requirements, and that its enforcement prioritization is low (visible from the parking lot but not very obvious from the right-of-way). Commissioner Batalion asked whether this example should be considered temporary, given the size of it. Director Yuen replied that this could be permitted as a wall sign rather than a banner, and would count toward the total wall space allowed. Director Yuen also showed an example of a banner/wall sign at 34 Park Street, showing banners being used as wall signs (which they do not have permits for).

- An example of a banner at 110 Pearl Street. He said that the issue with this banner is that it is currently hung from a utility pole, and isn't in compliance with the 2023 LDC. He said that under the proposed LDC amendments, this would be considered a temporary sign and would be limited to 6 square feet, and would be limited to 30 consecutive days at a maximum with a minimum of 30 days between display periods and 2 display periods per year. He said that it would be in compliance as long as it adheres to the temporary requirements, and its enforcement prioritization is medium.
- An example of a banner at 110 Pearl Street. He noted that it would be categorized as a special event sign/banner in the right-of-way, and that it is in compliance with the 2023 LDC requirements, as well as the proposed LDC amendments, since the municipality would be allowed to put up any sign.
- An example of neon window signs at 94 Pearl Street. He noted that under the 2023 LDC, the signs would be considered internally illuminated window signs and would be limited to 25% maximum coverage, which are in compliance and don't require a permit. He said that under the proposed LDC amendments, this would also still be in compliance but would require a permit. He said that this leads to some policy questions, such as whether there should be quantity limits and permit requirements for internally lit window signs and whether there should be quantity limits and permit requirements for non-illuminated window signs. Commissioner Batalion said that this may depend on whether the signs are pointed at the right-of-way or at other buildings, as signs that face other buildings could be more of a nuisance. Director Yuen agreed that nuisances are a good reason to regulate, and so are aesthetics. Commissioner McCormick said that quantity limits for lit signs should be considered for certain districts (such as the Village Center district), while other districts could have higher quantities. Commissioners agreed that permit requirements for illuminated signs make sense, while permit requirements for non-illuminated signs may be more burdensome to enforce.
- Several examples that deal with complaints from Essex Junction residents. He showed an example with multiple wall signs, which doesn't comport with current requirements that limit wall signs to one per business, though this example was allowed because the second sign was treated as a directional sign. He noted that under the proposed LDC amendments, wall signs would not be limited by quantity, but by the total size based on the size of the wall, and that permits would be required. Commissioners agreed with the proposed amendments, which limit the total based on the size of the wall. Director Yuen showed an example of small wall signs, which under the current rules are limited to 1 per business and have a maximum size of the linear façade feet x 15 x 5%, or 20 square feet (whichever is bigger), and under the proposed LDC amendments would be limited to 2 square feet per linear foot of façade. He asked whether the low-end maximums make sense. Commissioner Batalion said that they seem to make sense, but

the bigger they get, the more a setback might be important to consider. Director Yuen then showed an example of a large wall sign, noting that the current requirements are 1 per business and that the maximum size is the linear feet façade x 15 x 5% or 20 square feet (whichever is bigger), and that the proposed LDC amendments would limit the size to 2 square feet per linear foot of façade and a 200 square foot absolute maximum for all wall signs combined. He asked whether the limits should consider absolute maximums or absolute minimums. He noted that South Burlington and Winooski both have absolute size limits of 100 square feet and 40 square feet respectively. Commissioner Batalion said that setbacks are important to consider, and also asked whether the requirements could be different by district.

- Examples that include multiple types of signs. He noted that the 2023 LDC has de-facto limited establishments to 2 types of signs per property, and that staff review found no actual limit in the LDC. He said that the proposed LDC amendments would ban certain combinations of sign types (i.e., no projecting sign if a freestanding sign is also used). Commissioners agreed that it makes sense to regulate the combinations of signs.
- An example related to sandwich boards. He said that this sign type is difficult to regulate under current rules. He said that the current LDC allows for a sandwich board to be a maximum of 15 feet from the door and that they are only allowed during business hours. He said that the proposed LDC amendments would mirror these requirements. He noted that sandwich boards are usually not in compliance with these requirements. He asked whether 15 feet from the door is the correct maximum distance, given that businesses are sometimes located around the back of the building from where the sandwich board is located. He noted that Winooski doesn't have a 15-foot limit, and that South Burlington treats sandwich boards as temporary signs. Commissioner Batalion said that he doesn't see an issue with sandwich boards, other than safety issues if they are blown over into the sidewalk or road. He said that he would increase the 15-foot limit to a reasonable distance and also include language to require sandwich boards to be weighted down and secured from blowing away.
- An example of multi-business freestanding signs, such as what appear at entrances to strip malls. He said that under the 2023 LDC, there is a limit of one per lot or 2 per lot if it has more than 400 feet of frontage, and that the size limit is 0.3 square feet per linear foot of street frontage, capped at 40, 50, or 60 square feet depending on the frontage length. He said that the proposed LDC amendments would limit this type of sign to 1 per primary street frontage and limit the size to 60 square feet or 0.3 square feet per linear foot of street frontage (whichever is less). He noted that businesses in malls with large setbacks or no access to freestanding sign space could resort to sandwich boards or other temporary signs. He also noted that South Burlington allows for one freestanding sign per entrance per lot, when each entrance is more than 300 square feet from one another. Commissioner Batalion suggested allowing a freestanding sign per entrance but requiring the distance be increased from 300 feet to 500 feet, and that signs should be limited to 2.

Director Yuen said that he will draft changes based on today's discussion, and encouraged Planning Commissioners to test these sign regulations for themselves, if they have time. He said that he would like to ensure that the regulations don't stifle creativity and provide a viable path for compliance. He noted that signs that are out of compliance currently will be grandfathered into the new bylaws once they go into effect. Commissioner McCormick suggested thinking about outreach to the public on what is and is not allowed, once any new LDC amendments go into effect, given that a code enforcement officer will likely not be active for some time.

## **6. COMMISSIONER UPDATES**

Commissioner McCormick provided updates on the City's strategic initiatives and community engagement. He noted that there is a meeting next week to discuss the next online survey that will go onto the City's website in the next several weeks. He said that the survey will be online for two weeks and gives more specifics about the six pillars identified for the City.

## **7. STAFF UPDATES**

Director Yuen noted that the rental registry was on the City Council's agenda at its February 28 meeting. He said that the Council decided to take a step back and consider all possibilities for the program, including ways to make it cheaper and ways to phase in the program. He said a concern that arose was how to make it clear what the inspection criteria is, given that some of the criteria is nested within larger state requirements. He said that there were concerns about the revenues from the fees building up a reserve. He said that there is no timeline for when the City Council will discuss this again, and that this was removed from the FY25 budget. Commissioner McCormick noted that the City Council also discussed meeting with the Planning Commission on this, which he strongly supports, and said that the topics for this joint meeting should be the rental registry as well as the Comprehensive Plan. Other Commissioners concurred. Commissioner Scheld said that any reserve built up from revenues from fees related to the registry could be used to help landlords come into compliance with any findings related to inspections. Commissioner McCormick said that a portion of the fees could also be set aside for a housing trust fund.

## **8. ADJOURNMENT**

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

The meeting was adjourned at 8:49 P.M.

*RScty: AACoonradt*