

**CITY OF ESSEX JUNCTION  
PLANNING COMMISSION  
REGULAR MEETING AGENDA**

Online & 2 Lincoln St.  
Essex Junction, VT 05452  
Thursday, October 5, 2023  
**6:30 PM**

E-mail: [cyuen@essexjunction.org](mailto:cyuen@essexjunction.org)

[www.essexjunction.org](http://www.essexjunction.org)

Phone: 802-878-6944, ext. 1607

This meeting will be held in-person at 2 Lincoln Street and available remotely. Options to join the meeting 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. September 14, 2023\*
5. **BUSINESS ITEMS**
  - a. Introduce Jennifer Marbl – new City Planner in Community Development Department
  - b. Global Foundries Solar installation letter to Public Utilities Commission\*
  - c. Rental Registry & Inspection Program
    - Updated draft of Ordinance\*
    - Potential rental units data analysis update
  - d. Review of recent DRB decisions and policy implications\*
6. **READING FILE**
  - a. Village center renewal
7. **MEMBERS UPDATES**
8. **STAFF UPDATES**
9. **ADJOURN**

\*attachments included in the packet

*This agenda is available in alternative formats upon request. Meetings of the Planning Commission, like all programs and activities of the City of Essex Junction, are accessible to people with disabilities. For information on accessibility or this agenda, call the City Manager's office at 802-878-6944 TTY: 7-1-1 or (800) 253-0191.*

**VILLAGE OF ESSEX JUNCTION  
PLANNING COMMISSION  
MINUTES OF MEETING  
SEPTEMBER 14, 2023  
DRAFT**

**MEMBERS PRESENT:** Philip Batalion, Chair; Patrick Scheld, Vice Chair; Diane Clemens; Elijah Massey, Scott McCormick

**ADMINISTRATION:** Chris Yuen, Community Development Director

**OTHERS PRESENT:** Jake Clark, Encore Renewable Energy; Warren Coleman; Jeff Cram, Global Foundries; Gina DeRossi, Global Foundries; Steve Eustis

**1. CALL TO ORDER**

Mr. Batalion called the meeting to order at 6:34 PM.

**2. AGENDA ADDITIONS/CHANGES**

None.

**3. PUBLIC TO BE HEARD**

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

Mr. Eustis asked about planting requirements to ensure that new developments do not encroach on the public infrastructure, such as sidewalks and fire hydrants. Mr. Yuen said that every development needs to submit a landscaping plan, and that sometimes there is a disconnect with how it is implemented. He said that this will be reviewed going forward.

**4. MINUTES**

**a. August 10, 2023**

**MOTION by ELIJAH MASSEY, SECOND by DIANE CLEMENS, to approve the minutes of August 10, 2023. Motion passed 5-0.**

**5. BUSINESS ITEMS**

**a. Introduce Jennifer Marbl – new City Planner in Community Development Department**

Mr. Yuen said that Ms. Marbl is ill and unable to attend tonight's meeting and will meet with the PC later.

**b. Global Foundries Solar installation**

Mr. Clark, of Encore Renewable Energy, and Jeff Cram, of Global Foundries presented. Mr. Clark introduced Encore and provided an overview of where and what type of solar panels are planned, and the reasoning for such. Global Foundries has petitioned the state to operate as their own utility and would like to utilize solar to do so and generate power where it is to be utilized. There will be no adverse impact on historical properties, wetlands, or wildlife. Answering a question from Mr. McCormick, Mr. Clark said that any excess power generated will go back into the grid, however this is unlikely to occur as solar is expected to supply 10-15% of the power needs for Global Foundries. Additional solar panels are expected to be installed in coming years. A certificate of public good from the state of Vermont will be required in order to complete installation. Ms. Clemens asked about the amount of noise to be generated with construction, noting that it is across the street from a school. Mr. Clark said that noise and delivery

will be minimal and that Encore will coordinate with the school about the project. Mr. Eustis asked if any deforestation will occur, Mr. Clark said that two trees will be planted for every tree that is cut, however tree cutting will be minimal and carefully analyzed. Mr. Yuen asked for information on how this project matches with the North Quadrant Master Plan from 2012. Mr. Cram said that the plan will be updated to include the use of solar on this property. Mr. Yuen said that the Planning Commission could write a letter to the Public Utility Commission to state that this project is in line with the municipal plan. All Planning Commissioners were amenable to this, and Mr. Yuen said that he would draft a letter for the October meeting. Mr. Clark said that there would be vegetative screening between the project area and Maple Street.

**ELIJAH MASSEY made a motion, seconded by DIANE CLEMENS to request that Chris Yuen draft a letter to the Public Utilities Commission confirming the alignment with the plan to the existing Municipal Plan. Motion passed 5-0.**

### **c. Rental Registry & Inspection Program**

#### **• Review updated draft of Ordinance**

Mr. Yuen said that the draft is almost ready to be shown to the City Council and that the Council is interested in having a joint meeting with the DRB and PC in October to discuss it. When reviewing the draft, Ms. Clemens said that she is concerned about the verbiage noting “out of state ownership” as a risk factor. Mr. Yuen said that this factor is likely a predictor of landlord responsiveness. He said that additional public engagement would occur to ensure that these risk factors are equitable and effective. The PC discussed the fairness of including this as a risk factor, and the possibility of mitigating accessibility risk by requiring a local contact person. Mr. Eustis said that it is important to consider the gray areas of this issue. Mr. Battalion said that the real risk factor is owner absenteeism, not their location. Mr. Massey said that this is one of many potential risk factors, which could be weighted, and that it is important to communicate why these indicators are being included. Mr. Battalion said that he is concerned that this could be seen as bias against out of state owners. The PC discussed getting the input of the City Council on this issue as well. Mr. Yuen said that there is always an issue of equity with selective enforcement. He said that there are methods for renters to contact the municipality if they feel there are issues, and also said that some communities give separate scores to the property itself and owner/property manager.

Mr. Batalion requested that verbiage be added to the document stating that adding/reducing bedrooms would not result in an additional fee. Thus, the application would be updated, not new. The number of violations was discussed that would result in more frequent inspections. Mr. Batalion expressed concern about only inspecting sample units in larger buildings, as all units should be inspected for safety concerns. Mr. Massey suggested creating some form of abridged checklist that would go in place for additional units. Mr. McCormick said that his major concern is the number of inspections that need to be conducted in a year, as it could result in an untenable workload. Mr. Yuen said that a backlog is possible, but that it will not result in properties losing their registration.

Mr. McCormick said that it is important to show how inspections are prioritized and that it should be written into the standard operating procedures. Mr. Yuen said that the fee schedule would likely depend on the number of units registered in Essex Junction. The PC discussed whether owners who own multiple unit properties should be offered a lower registration fee, as this reduces the cost of inspection and incentivizes density. The PC discussed the registration cost, and a desire to be close in price to Winooski

and Burlington. Answering a question from Mr. McCormick, Mr. Yuen said that the program, as currently proposed, would not include commercial properties initially, however, may do so in the future. Short-term rentals will have the same inspection process as long-term rentals. Ms. Clemens expressed concern that current regulations on weeds might impact wildflower gardens and beehives. The PC decided to strike this portion of the draft as it is covered in a different ordinance.

• **Next steps**

Mr. Yuen said that this will be presented to the City Council at a special meeting. He has worked with the Chittenden County Regional Planning Commission (CCRPC) to try to predict how many units are rented in Essex Junction. This has resulted in a preliminary estimate of 1,300 units, and around 330 properties. About half of the properties are single units. Mr. Scheld suggested that Mr. Yuen reach out to the Vermont Housing Finance Association (VHFA) for additional data, or if the data Essex Junction is collecting could be useful to them. Ms. Clemens asked how inspections on rooming houses, room rentals, or family rentals would be determined. Mr. Yuen said that units will only be inspected if there is a rental agreement and if money is being exchanged, however he will talk to Winooski and Burlington to see how these issues are addressed. Using the definition of a rental unit, Mr. Batalion said that he believes that a rooming house would be considered a single unit and need to be registered. Ms. Clemens brought up the home share program, where there is an agreement but no rent. Mr. Massey said that it is important to determine if the owner's residency in the location is relevant. Mr. Yuen said that he would check the Vermont Rental Housing Health Code to see what would apply. Mr. Batalion said that the code does not apply to properties subject to meals and rooms tax, which would include Air BnB units. After discussion with the PC, Mr. Yuen said that he would adjust this definition to ensure that short-term rentals and any unit where the exchange of money or services for housing could be included. Mr. Massey suggested to clarify the inclusion or exclusion of short-term rentals in the ordinance. Mr. Yuen will also discuss the idea of home shares with other municipalities. The PC discussed the idea that home shares need to meet minimum housing standards, however the fee could be waived.

Mr. Yuen will take the input and include it in the draft and will review the document again at the next meeting. Mr. Yuen will also show the PC the list of likely rental properties.

**d. Housing Commission cross appointment**

Mr. Yuen said that the City Council is looking for a Planning Commissioner to also serve on the Housing Commission. He requested that anyone who is interested reach out.

**e. Village center renewal**

Mr. Yuen said that this application has been submitted. He said that over the next few months PC should begin discussing the expansion of the existing Neighborhood Development Area.

**6. READING FILE**

**a. Nothing this month**

**7. MEMBERS UPDATES**

Ms. Clemens said that she received a notice about an Agency of Natural Resources environmental conference and has passed along the information to the rest of the PC. She has attended in the past and has found it to be very helpful and plans to attend this year. Mr. Scheld said that registration for the

VLCT's Town Fair is now open. Mr. Massey said that he will not be able to attend the next meeting on October 5.

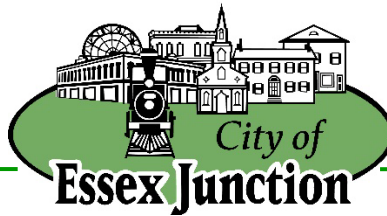
**8. STAFF UPDATES**

None.

**9. ADJOURN**

**MOTION by ELIJAH MASSEY, SECOND by PATRICK SCHELD, to adjourn the meeting at 8:48 PM. Motion passed 5-0.**

Respectfully submitted,  
Darby Mayville



September 29, 2023

Holly R. Anderson  
Clerk of the Public Utility Commission  
112 State Street  
Montpelier, VT 05620-2701

Re: Essex A North Lot Solar, LLC (GlobalFoundries) Petition for 4.95 MW Solar Array off Robinson Parkway, Essex Junction (case #23-2606-AN)

Dear Ms. Anderson,

The City of Essex Junction has received the 45-day notice of the above-named application submitted by Encore Renewable Energy to develop a 2.8 MW solar array to be located off Robinson Parkway in Essex Junction, VT on a parcel owned by GlobalFoundries, Inc.

The City's Planning Commission has reviewed this project's conformance with the Essex Community Enhanced Energy Plan, and with the Essex Junction Comprehensive Plan, both of which were adopted in 2019.

#### Essex Community Enhanced Energy Plan Renewable Energy Goal

The City finds that this project meets the intent of the Renewable Energy Generation Goal of the Enhanced Energy Plan, which aims to "generate between 211,386 and 353,629 Mwh of renewable energy by 2050".

The Enhanced Energy Plan recognizes the potential for a significant portion of the City's total solar generation potential to be realized on existing impervious surfaces, such as paved areas. Page 21 of the Plan states that "Because these sites are already developed, solar generation may be compatible with other land uses if developed in a way that is in harmony with existing development patterns and existing aesthetic norms". The proposed solar project is mostly sited on existing impervious surface parking lots.

#### Constraints Policies

The Enhanced Energy Plan states that renewable energy facility development should be located to avoid state and local known constraints, and to minimize impacts to state and local possible constraints. Our review indicates that the following constraints are located on the property:

#### State Possible Constraints

- **Agricultural and Hydric Soils.** Primary Agricultural Soils underlie a majority of the site, some of which may be considered previously impacted by the development of the existing parking lots. The City of Essex Junction requests that further impacts to the agricultural soils be minimized in accordance with the recommendations of the Vermont Agency of Agriculture, Food, and Markets.

#### Local Known Constraints

- **Slopes of 20% and steeper are NOT considered to be Local Known Constraints within the City of Essex Junction.** While the Enhanced Energy Plan generally lists the slopes of 20% and steeper to be a “local known constraint”, the City does not prohibit the siting of solar generation in these areas (unlike the Town of Essex, which does). As such, these areas are not shown within Map 2 of the Plan within the boundaries of the City of Essex Junction.

#### Siting Policies

The site meets the Essex Junction Enhanced Energy Plan’s siting policies, which define characteristics of sites where the City encourages renewable energy generation facilities. These relevant standards, with the most applicable components bolded for emphasis are:

- Policy 1: “The Essex Community strongly encourages development of renewable energy generation facilities on rooftops, **parking lots**, on parcels or directly adjacent parcels to a customer that has been allocated more than fifty percent of the net-metered system’s electrical output, **previously-developed sites**, brownfields, landfills, former mineral resource extraction areas, and municipally designated sites.”.
- Policy 5: “Locate energy generation **proximate to existing distribution and transmission infrastructure** with adequate capacity and **near areas with high electric load** to reduce the need for new distribution and transmission extensions.

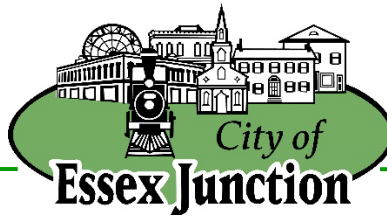
This review is based on the information currently available. The City of Essex Junction will review and comment on materials submitted as the Section 248 review process continues.

Thank you for your time and attention.

Sincerely,

Patrick Scheld  
Essex Junction Planning Commission Vice-Chair

CC: Essex Junction City Council  
Chris Yuen, Essex Junction Community Development Director



September 29, 2023

Holly R. Anderson  
Clerk of the Public Utility Commission  
112 State Street  
Montpelier, VT 05620-2701

Re: Essex B1 Parking Lot Solar, LLC (GlobalFoundries) Petition for 2.8 MW Solar Array off Robinson Parkway, Essex Junction (case #23-2607-AN)

Dear Ms. Anderson,

The City of Essex Junction has received the 45-day notice of the above-named application submitted by Encore Renewable Energy to develop a 2.8 MW solar array to be located off Robinson Parkway in Essex Junction, VT on a parcel owned by GlobalFoundries, Inc.

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- Policy 5: “Locate energy generation **proximate to existing distribution and transmission infrastructure** with adequate capacity and **near areas with high electric load** to reduce the need for new distribution and transmission extensions.

#### Alignment with area Master Plan

The City notes that the “Group B” solar installation are proposed to be sited within an area that was the subject of IBM’s 2012 North Quadrant Master Plan. Solar arrays are proposed within areas previously envisioned for new industrial and office buildings. Global Foundries has indicated that their plans have changed since the acquisition of the site from IBM. and as such, they plan on updating the master plan in the future to include the solar installations.

This review is based on the information currently available. The City of Essex Junction will review and comment on materials submitted as the Section 248 review process continues.

Thank you for your time and attention.

Sincerely,

Patrick Scheld  
Essex Junction Planning Commission Vice-Chair

CC: Essex Junction City Council  
Chris Yuen, Essex Junction Community Development Director



**City of Essex Junction Municipal Code**  
**Chapter 20 – Public Building Registry**

## **Chapter 20 - Residential Rental Registry**

### **ARTICLE I - PURPOSE AND OBJECTIVES**

It is the purpose of this ordinance to set forth the type of buildings, schedule, certificate(s) and fees required for those buildings subject to the Public Building Registry.

The objectives of the Rental Registry and Inspection program are to:

- A. Ensure the adequate life and safety of all residential rental properties.
- B. Develop inventory of residential rental properties in Essex Junction
- C. Improve opportunities to connect landlords to adequate resources for improving their properties.

### **ARTICLE II - TABLE OF CONTENTS**

Article I	Purpose and Objectives
Article II	Table of Contents
Article III	Definitions
Article IV	Public Building Registry

Section 20.01	Registry Required
Section 20.02	Administration
Section 20.03	Registry Information Required
Section 20.04	Inspection Cycle
Section 20.05	Inspection Requirements
Section 20.06	Scheduling Inspection
Section 20.07	Certificate of Fitness
Section 20.08	Issuance of Certificates and Terms of Inspections
Section 20.09	Issuance of a Conditional Certificate
Section 20.10	Fees
Section 20.11	Fines and Penalties

### **ARTICLE III - DEFINITIONS**

BUILDING INSPECTOR shall mean the duly appointed building inspector of the City or his/her



**City of Essex Junction Municipal Code**  
**Chapter 20 – Public Building Registry**

designated assistant.

CODE ENFORCEMENT OFFICER shall mean the Director of Code Enforcement or duly authorized municipal official.

HEALTH OFFICER shall mean the appointed municipal health official as defined in 18 V.S.A. § 613. The Health Officer may also serve as the Building Inspector and Code Enforcement Officer.

CERTIFICATE OF FITNESS shall mean the written approval, signed by the Code Enforcement Officer, or duly authorized municipal official, setting forth that the building, structure, and premises comply with duly adopted life safety and housing codes. This Certificate of Fitness is required prior to a dwelling unit, or a public building, to be occupied.

CERTIFICATE OF OCCUPANCY shall mean the written approval of the Zoning Administrator certifying that a newly constructed structure, addition and or alterations to an existing structure, or an existing structure undergoing a change in use is in full compliance with the zoning provisions of Municipal By-laws, Ordinances and Codes adopted under the authority of the City Charter.

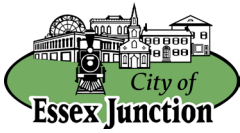
OWNER shall mean the owner or owners of the freehold of the premises or lessor estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm, or corporation in control of a building or any duly authorized agent thereof.

RENTAL HOUSING means "all dwellings, dwelling units, rooming houses, rooming units, or mobile home lots let by the owner to one or more persons to be used as a regular residence, or as defined in the current version of Vermont Rental Housing Health Code.

SHORT TERM RENTAL (STR) shall mean a dwelling unit that is rented to guests for less than thirty (30) consecutive days and for more than 14 days per calendar year, is subject to the Vermont rooms and meals tax, and is either a: (a) Partial Unit, meaning a room located within a host's primary residence that is used primarily for sleeping purposes by human occupants and that contains at least seventy (70) square feet of floor area; or (b) Whole Unit, meaning an entire dwelling unit.

COMMERCIAL RENTAL UNIT shall mean all real estate units let by the owner to one or more businesses to be used as for commercial purposes or as a place of employment.

**Commented [A1]:** Only included in case of later phase which expands program to commercial spaces



**City of Essex Junction Municipal Code**  
**Chapter 20 – Public Building Registry**

**ARTICLE IV – RENTAL REGISTRY**

**SECTION 20.01 - REGISTRY REQUIRED**

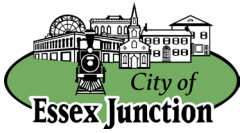
- A. The City of Essex Junction Code Enforcement Department is responsible for ensuring that all rental properties, as defined in 20 V.S.A. § 2730, in the City of Essex Junction are maintained at established and adopted standards to protect the health, safety, and welfare of the occupants.
- B. A Certificate of Fitness shall be issued prior to the occupancy of any residential rental dwelling unit within the city. All residential rental property owners shall file a yearly Registry Application identifying their properties subject to the inspection requirements in the City of Essex Junction.

**SECTION 20.02. - ADMINISTRATION**

- A. Administration and enforcement of the residential rental registry is the responsibility of the City of Essex Junction Code Enforcement Office. Enforcement will be provided by any duly authorized municipal official.
- B. All records, including inspection reports, records of complaints received and investigated, and plans for inspections of residential rental properties, shall be available for public inspection.

**SECTION 20.03 - REGISTRY INFORMATION REQUIRED**

- A. ~~Residential rental~~Rental Housing and Short-Term Rental property owners must provide the following information to the department:
  - 1. The address of the property.
  - 2. The number of units at that address.
  - 3. The mailing address of each unit.
  - 4. The number of bedrooms, if applicable.
  - 5. The name, address and phone number of the property owner, corporation, or registered corporate agent.
  - 6. The name, address and phone number of any managing agent.



**City of Essex Junction Municipal Code  
Chapter 20 – Public Building Registry**

7. The name, address and phone number of a local emergency contact located in Chittenden County and/or a designated person within the state responsible for services on the property.
- B. Upon purchase or transfer of each property containing one or more residential rental units, the purchaser shall file a new landlord registration application within 60 days of assuming ownership.
- C. Prior to occupancy of any newly constructed rental unit, conversion of the use to a rental unit, or the addition or removal of new bedrooms and major renovations, the owner shall file a new or updated application for landlord registration with the community development department.
- D. It shall be a violation of City codes for an owner of any residential rental property within the city to fail to register as required by this section.
- E. Property owners shall have a continuing obligation to notify the City of any changes in the information required above during the periods between filings of the landlord registration application.

**Commented [A2]:** Add provision for "new bedrooms and major renovations"

**Commented [A3]:** In fee schedule, clarify that no additional fee is incurred if no additional unit is created in renovation

**SECTION 20.04 - INSPECTION CYCLE**

- A. All ~~rental housing units~~ residential rental properties are subject to inspection pursuant to this Chapter.
- B. All ~~rental housing units~~ residential rental properties are subject to inspection pursuant to this Chapter. At least every five (5) years, a housing code inspection for each residential rental dwelling unit is required. A Certificate of Fitness will be issued based on the results of the inspection, as appropriate.
- C. Notwithstanding the existence of the valid Certificate of Fitness, the Community Development Department, Fire Chief, or health officer may cause the subject building to be inspected as often as may be necessary for the purpose of ascertaining and causing to be corrected any violations of the provisions of the laws, ordinances, or rules which they enforce.

**Commented [A4]:** If we don't have a building code and are only enforcing the Rental Housing Code, I'm not sure we have the authority to inspect for anything. We can probably still require registration and a fee for that.



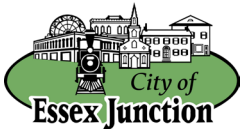
**City of Essex Junction Municipal Code**  
**Chapter 20 – Public Building Registry**

**SECTION 20.05 - INSPECTION REQUIREMENTS**

- A. The Code Enforcement Officer shall make scheduled, periodic inspections of all residential rental properties buildings and/or residential rental dwelling units within the city.
- B. The following buildings may be excluded from periodic inspection with approval of the City:
  - 1. Public Buildings owned by a government agency that conducts annual inspections under the HUD (Housing and Urban Development) Program.
  - 2. Buildings owned by nonprofit organizations under housing requirements and inspected by another government authority.
  - 3. Buildings owned by individuals, corporations, partnerships or organizations that are subject to inspections by another government authority.
- C. All buildings that are excluded from this program as pursuant to Section 13.05(B) shall provide an inspection report, which has been performed by a Certified Fire Inspector I or equivalent, to the City for approval. The issuance of a Certificate of Fitness for these structures and such documents shall be recorded in the City Land Records.

**SECTION 20.06 - SCHEDULING INSPECTION**

- A. The Code Enforcement Office shall schedule with the property owner or their agent the date and time of the life safety and housing code inspection. The owner or the agent shall arrange for the inspection within sixty days of the initial request, and shall provide the occupant(s) with notice of an inspection not less than forty-eight (48) hours prior to the actual inspections as provided in 9 V.S.A. § 4460 for residential rental units. During the inspection, the owner shall provide access to the rental units and all common areas, including basements and other spaces.
- B. If an inspection does not occur within two months of the first (1<sup>st</sup>) request for any reason other than delay on the part of the Code Enforcement Office, it



## City of Essex Junction Municipal Code Chapter 20 – Public Building Registry

shall constitute a violation of this ordinance subject to forfeiture and / or withdrawal of any Certificate of Fitness.

- C. If the Code Enforcement Officer has reason to believe that an emergency situation exists tending to create an immediate danger to the health, welfare or safety of the occupants of any dwelling unit or the general public, he/she may enter, examine and inspect the public building unit at any time.
- D. Persons requesting inspections for buildings lacking a valid Certificate of Occupancy recorded in the land records in order to refinance or to transfer ownership of the property will do so in writing. These out-of-cycle inspections will be scheduled as soon as possible and no later than sixty (60) days from receipt of a written request.

**Commented [A5]:** How do we want to handle emergency when a Fire Marshall is required?

**Commented [A6R5]:** Health officers should have authority- but define emergency

**Commented [A7R5]:** If required, the City will request assistance by vermont....

### SECTION 20.07 - CERTIFICATE OF FITNESS

- A. It shall be a violation of the Essex Junction Municipal Code for an owner of a residential property unit within the city that is subject to inspections pursuant to this chapter to rent or allow any person to occupy any residential unit without a valid Certificate of Fitness.
- B. Certificates of Occupancy will not be issued for residential rental properties without current Residential Rental Registry Applications and a current Certificate of Fitness on file in the land records.

**Commented [A8]:** What is this and does the City have one?

### SECTION 20.08 - ISSUANCE OF CERTIFICATES AND TERMS OF INSPECTIONS

- A. All residential rental properties receive a Provisional Certificate of Fitness upon registration and are subject to inspection.
- B. A Certificate of Fitness will be issued based on the results of the inspection, as appropriate. The valid period of the certificate of fitness varies between one and five years, as determined by the Building Inspector, based on risk factors Including, but not limited to: inspection violation history of the unit, building, and property management company, age of building, complaints history, and out-of-state ownership.

**Commented [A9]:** Some members of the PC are unsure if "out-of-state ownership" should be included here as a risk factor as it may single-out otherwise responsive out-of-state landlords. Other members thought that this could be one of many predictors of risk and should be included.



**City of Essex Junction Municipal Code**  
**Chapter 20 – Public Building Registry**

- C. Upon expiry, the Certificate of Fitness returns to provisional status and the property is subject to re-Inspection.
- D. Upon completion of an inspection, if a residential rental property is found to be in compliance with the life safety and housing codes and all other adopted applicable Federal, State, and Municipal Codes, the Code Enforcement Officer shall issue a Certificate of Fitness. The valid period of the certificate of fitness varies between one and five years from the date of Issuance, as determined by the Building Inspector, based on risk factors Including, but not limited to: inspection violation history, age of building, and out-of-state ownership.
- E. Upon completion of an inspection of a residential rental dwelling, if an individual unit is cited for five (5) or less minor non life-threatening violations of the life safety and housing codes, and if violations have been corrected within the time set for compliance, the Code Enforcement Officer shall issue a Certificate of Fitness. The valid period of the certificate of fitness varies between one and five years from the date of Issuance, as determined by the Building Inspector, based on risk factors Including, but not limited to: inspection violation history, age of building, and out-of-state ownership.
- F. Upon completion of an inspection of a residential rental dwelling, if any individual unit is cited for more than five (5) minor non life-threatening violations of life safety and housing codes, and if violations have been corrected within the time set for compliance, the department shall issue a Certificate of Fitness, valid for one year.
- G. Inspection Requests. All properties in the city, including residential rental dwelling units, shall remain subject to inspection requests. The building department, fire department, and health department shall continue to inspect residential rental dwelling units based on tenant or resident requests or complaints.
- H. There shall be no fee for follow-up inspections for verification by the Code Enforcement Officer that corrective actions have been completed.





**City of Essex Junction Municipal Code**  
**Chapter 20 – Public Building Registry**

- I. Upon completion of the initial or any subsequent inspection of a residential rental property, if any individual unit is cited for any of the following conditions, the Code Enforcement Officer shall declare the dwelling unit uninhabitable and deny the issuance of a Certificate of Fitness:
  1. The physical condition or use of the property constitutes a public nuisance;
  2. Any physical condition, use or occupancy of any public building or its appurtenances that is considered an attractive nuisance to children, including, but not limited to, abandoned vehicles, appliances, basements and unsafe fences and structures;
  3. Any public building that has unsanitary sewage or plumbing facilities;
  4. Any public building that is designated as unsafe for human habitation or use;
  5. Any public building that is manifestly capable of being a fire hazard or is manifestly unsafe or unsecured so as to endanger life, limb or property;
  6. Any public building dwelling from which the plumbing, heating, fire protection systems, fire detection systems, or other facilities required by law have been removed, or from which utilities have been disconnected, destroyed, removed, or rendered ineffective, or the required precautions against trespassers have not been provided;
  7. Any public building that is unsanitary or which is littered with rubbish or garbage, pests, or rodents;
  8. Any public building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent of not providing shelter; in danger of collapse or failure and dangerous to anyone on or near the dwelling.
  9. Any public building that is determined to be a health hazard, i.e., high carbon monoxide levels, unmitigated lead paint hazard, poisons present, and improper storage of flammables.
- J. The department shall issue a Certificate of Fitness for a term of four (4) years for a newly constructed residential rental dwelling unit, upon final inspection



**City of Essex Junction Municipal Code**  
**Chapter 20 – Public Building Registry**

of the duly authorized municipal official.

- K. Nothing in this section shall preclude the inspection of said residential rental property more frequently than the term of the Certificate of Fitness.
- L. A Certificate of Fitness may be revoked if a subsequent inspection finds that any residential rental property is no longer in compliance with the provisions of the Vermont Rental Housing Health Code and other applicable rules.
- M. Prior to the issuance of a Certificate of Fitness, all registration and additional inspection fees shall be paid to the City.
- N. The City retains the right to require residential rental properties be subject to a more frequent inspection cycle for repeat violations and noncompliance.

**SECTION 20.09 - ISSUANCE OF A CONDITIONAL CERTIFICATE**

The City may issue a Conditional Certificate of Fitness whenever the Code Enforcement Officer is unable to inspect a residential rental property after the expiration of an existing certificate, or more time is required to remedy a minor code violation cited on an inspection report, when the inability to inspect is not due to obstruction by the property owner or agent.

**SECTION 20.10 - FEES**

As prescribed in Essex Junction Development Fee Schedule.



**City of Essex Junction Municipal Code**  
**Chapter 20 – Public Building Registry**

**SECTION 20.11 - FINES AND PENALTIES**

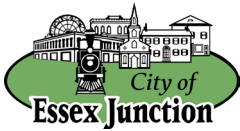
- A. Unless otherwise stated, any violation of this Chapter shall be a civil violation and subject to civil penalties and enforcement as provided for in Chapter 9 of Essex Junction Municipal Code.
- B. In addition, if the City determines that a person has failed to pay the registration fee due under this section, the City of Essex Junction shall mail to such person a statement showing the balance due and shall add thereto a twenty-five (\$25.00) late payment fee plus interest at a rate of twelve (12%) percent per year. The unpaid balance and penalty shall be subject to interest at a rate of twelve (12%) percent per year from the due date until the date of payment.
- C. The charges levied in this chapter shall constitute a lien upon the property on which the rental unit is situated and may be enforced within the time and manner provided for collection of taxes on property.

**Commented [A10]:** Current fees are \$25/50/100 for first, second and third offences if recipient declines to contest the municipal complaint. Civil Penalties (if we issue tickets) are double

Proposed Fee Schedule addition:

Example 1: from Winooski

- **Four Year Certificate of Fitness and Registry Application Fee: \$115 per unit per year**



## City of Essex Junction Municipal Code Chapter 20 – Public Building Registry

Pursuant to Section 20, the Registration and Inspection of all rental dwelling units including attached units subject to Rental Registry and Inspection program, will be required in order to issue a (4) Four Year Certificate of Fitness. To comply with the Minimum Housing Standards Inspection Program the property owner shall file the Registry Application each year and pay an annual fee of one hundred fifteen dollars (\$115.00) per unit. The fees are due by April 1st, of the programmed year.

- **Re-inspection fee for Noncompliance after 90 days: \$115 per re-inspection**  
Re-inspections for noncompliance to applicable standards shall be assessed a fee of one hundred fifteen dollars (\$115.00) per dwelling units each time they are inspected until they obtain a (4) year Certificate of Fitness except when an extension or variance has been granted in writing from the City.
- **Commercial Properties**

A. Certificate of Fitness:

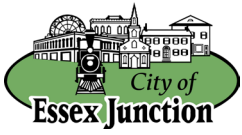
Category I: under 2000 square feet	\$100.00/per year
Category II: 2,001-10,000 square feet	\$250.00/per year
Category III: 10,001-100,000 square feet	\$500.00/per year
Category IV high hazard/service station	\$1,000.00/per year
Category V industrial, manufacturing	\$1,250.00/per year

- B. Multi-unit buildings: buildings having a common roof, common corridors, storage areas, exits, fire doors, fire alarms, and sprinkler systems, and which may include separate businesses, recreational areas, parking lots, and related premises, will undergo an annual inspection for the common area. All common areas inspected yearly with a random percentage of units inspected on a 4-year cycle. Other residential uses such as Inn, Boarding Housing Student Housing and Hotels with common areas shall apply based on number of units and mix uses.

Less than or equal to 10 units	\$50.00 per unit
More than 10 units	\$25.00 per unit
Annual inspection of common areas, fire protection systems, and garages/parking areas	\$300.00

Example 2: from Rochester NY

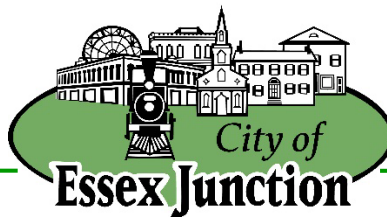
- A. Expirations are on a rolling basis from when applicants registered.



**City of Essex Junction Municipal Code**  
**Chapter 20 – Public Building Registry**

**FEE SCHEDULE**

Unit	Fee
Single Family	\$60.00
Two Family	\$80.00
Three Family or more	\$100.00 + \$10/unit over 5
Rooming House	\$100.00 + \$10.00/unit over 5
Mixed Commercial/Residential	\$100.00 + \$10.00/unit over 5
Non-Residential 0 - 25,000 sq. ft.	\$100.00
Non-Residential 25,000 sq. ft. or more	\$150.00



## MEMORANDUM

**To:** Planning Commission

**From:** Chris Yuen, Community Development Director

**Meeting Date:** 10/05/2023

**Subject:** Recent DRB Decisions Summary and Policy implications

**Issue:** Some recent DRB decisions may have planning policy implications. Staff will provide an overview of recent issues discussed at DRB hearings.

### Discussion:

Essex Junction switched from a Planning Commission (PC) / Zoning Board of Adjustment (ZBA) model to a Development Review Board (DRB) / Planning Commission (PC) model a few years ago. With current development application approvals now being handled by the DRB, the PC now has more time to focus on policymaking; however, the change also means that the PC is less directly engaged with the impacts of policy on recent developments.

Staff will provide the PC a summary of recent DRB decisions and be available to answer any questions about the applications. The intention is not for the PC to dive into detailed policy discussion, but for Commissioners get an idea of what areas of focus that the PC may wish to consider and prioritize in the future zoning and land development code amendments. The following cases will be summarized:

- **Autumn Pond II** Final Site Plan Approval for the construction of 117 apartment units– April 20, 2023;
- **1 Jackson Street** Final Site Plan Approval for the renovation of industrial space to create six apartments– April 20, 2023;
- **227 Pearl Street** Final Site Plan Approval for the construction of 34 apartment units; – May 18, 2023
- **161 Pearl Street** Final Site Plan Approval for the construction of 18 apartment units – May 18, 2023;
- **10 Pearl Street** staff deferral to the DRB on decision of roofing material change within the historic preservation overlay district (no signed DRB decision is available for this case)– May 18, 2023;
- **8 Railroad Street** Conceptual Site Plan denial and subsequent approval for the construction of 34 apartment units – July 20, 2023;
- **132 Pearl Street** Conceptual Site Plan approval for the construction of 18 apartment units – Sept 21, 2023;
- **8 Taft Street** appeal of Administrative Officer's zoning bylaw enforcement decision – Sept 21, 2023.

More information about each of these projects is available on the DRB section of the website; however, it is not strictly necessary to pre-read these decisions before the meeting, as staff will be available to summarize the most relevant information.

**Cost:** None

**Recommendation:** No immediate action by the Planning Commission is necessary, but the Planning Commission should consider these recent cases when prioritizing future zoning and land development code amendments.



Board Approved  
09-28-2015

# Essex Junction Designated Village Center

Map ID	Business	Map ID	Business
1	Atty. Gordon Gebauer	43	Bushley's Auto Repair
2	Benchmark Financial	44	Essex Grill
3	On Tap Bar and Grill	45	Fairpoint Communications
4	El Gato Cantina	46	Maybush's Florist
5	Pho Dang	47	Winston Prouty Federal Building
6	Five Corners Laundry	48	Dept. of Fish & Wildlife
7	MetLife	49	Crystal Nails
8	Haircuts Plus	50	Essex Car Care
9	Cafe Medterano	51	Chittenden County Chiropractic
10	Dominos Pizza	52	Emma Lou Salon & Boutique
11	A Wireless Solution	53	Workers In Wood
12	Essex Paint & Carpet	54	Murray's Tavern
13	Woodstock Kitchens & Baths	55	Albiate Insurance
14	Cocoplum, Inc. Home Appliances	56	VT Quilt Festival
15	D & G Construction	57	Five Corners Counseling
16	Rex's Outrageous	58	Essex Excess
17	East Coast Printers	59	Triple Loop
18	Vermont Aquatics	60	Up In Smoke
19	Northern Coal & Oil	61	The Living Room: Center of Positivity
20	Karen's Closet	62	AJ's Kitchen
21	West Meadow Farm Bakery	63	Hornet's Nest Pub
22	Car Quest	64	Ex-Ray's Barber Shop
23	Park Place Tavern	65	Law Offices of David A. Barra, PLLC
24	Essex Barber Shop	66	Amtrak Station
25	Five Corners Discount Beverage	67	Essex Agency
26	Rocky's NY Style Pizza & Ice Cream	68	All Seasons Siding
27	Riverside at the Village Offices	69	Essex Eye Associates
28	Simon's Five Corners	70	BCK Real Estate
29	Smitty's Sewing Machine Service	71	Associates In Orthodontics
30	Road Res-Q	72	Essex Community Justice Center
31	TD Bank	73	Mulhorn Massage Therapy
32	Yankee Pride	74	Central Beverage
33	China Garden	75	McLure North American
34	Roots Salon	76	Mason Brothers Salvage
35	Daniel McGuire, Esq.	77	Five Corners Antiques
36	Darkroom Gallery	78	Brothers Furniture of VT
37	Martone's Market	79	Kalanges & Dalton
38	William Nash PhD	80	Bailey, Spring and Chassis
39	Transitions Physical Therapy	81	Bushley (Ron) Auto Repair
40	Fiori Bridal	82	Albiate Insurance Company
41	Bilodeau, Wells & Company	83	Senior Center
42	Scott & Partners, Architects	84	Village Offices
		85	Fire Department
		86	Brownell Library

## Legend

- Historic District
- 2013 Tax Parcel Boundary
- Designated Village Center
- Zoning-District Village Center



0 0.025 0.05 0.1 Miles

Source:  
Zoning Districts - 2014  
Road Centerline - e911, 7/2015  
Railroad - VTrans, 2003  
Imagery - 2013  
Map created by M. Needle using ArcGIS. All data is in State Plane Coordinate System, NAD 1983.

Disclaimer:  
The accuracy of information presented is determined by its sources. Errors and omissions may exist. The Chittenden County Regional Planning Commission is not responsible for these. Questions of on-the-ground location can be resolved by site inspections and/or surveys by registered surveyor. This map is not sufficient for delineation of features on-the-ground. This map identifies the presence of features, and may indicate relationships between features, but is not a replacement for surveyed information or engineering studies.



**State of Vermont**  
**Department of Housing and Community Development**  
Deane C. Davis Building – 6<sup>th</sup> Floor  
One National Life Drive  
Montpelier, VT 05620-0501

*Agency of Commerce and  
Community Development*

[phone] 802-828-3211

September 25, 2023

[Regina Mahony](#), City Manager  
City of Essex Junction  
2 Lincoln Street  
Essex Junction, Vermont 05452

**RE: Designation Renewal for Essex Junction Village Center / Neighborhood Development Area**

Dear Ms. Mahony:

Congratulations! I am pleased to inform you that at its meeting on September 25, 2023, the Downtown Development Board found Essex Junction's renewal application for the village center designation, as well as its Neighborhood Development Area, met the statutory requirements ([24 VSA Chapter 76A](#)). The designations will be eligible for [benefits](#) for the next eight years, until September 2031. At that time, the City of Essex Junction will need to renew its designation. The Department of Housing and Community Development will send out a renewal reminder six months prior to the renewal date. Please note that the Neighborhood Development Area will be up for renewal at the same time as the underlying designation.

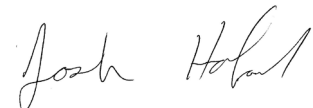
Our team will check in with the municipality annually to offer support, share updated information, tools, and resources related to the designation, and to ensure our local contact information is up-to-date.

Please find below a few useful links to support your village revitalization efforts:

- [Downtown and Village Center Funding Directory](#) – A comprehensive list of state, federal and nonprofit funding sources.
- [Strong Communities Newsletter](#) – A monthly newsletter from the Department of Housing and Community Development with news on new programs and grant opportunities. [Subscribe here.](#)
- [Vermont Planning Atlas](#) – An easy-to-use tool that provides access to commonly requested data - the status of local planning and regulations, designation boundaries, and more.
- [Vermont Planning Manual](#) – The Planning Manual offers up-to-date guidance on preparing municipal plans, as well as an overview of the state designation programs, and their benefits.

Please do not hesitate to call or email me if you have questions or need assistance.

Sincerely,



[Josh Hanford](#), Vermont Downtown Development Board Chair  
Commissioner of the Department of Housing and Community Development

cc: [Christopher Yuen](#), Community Development Director  
[Jennifer Marbl](#), City of Essex Junction  
[Chittenden County Regional Planning Commission](#)

Enclosures: Summary of the benefits for designated villages  
Board-approved designated village center boundary map

