

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
September 16, 2021**

MEMBERS PRESENT: John Alden, Chair; Steven Shaw, Vice Chair; Phil Batalion; Andrew Boutin; Diane Clemens; Patrick Scheld.

ADMINISTRATION: Terry Hass, Assistant Zoning Administrator; Regina Mahony, Chittenden County Regional Planning Commission; Chelsea Mandigo, Stormwater Coordinator.

OTHERS PRESENT: None.

- AGENDA:**
1. Call to Order/Audience for Visitors
 2. Additions/Amendments to the Agenda
 3. Minutes – August 5, 2021
 4. Work Session – Continue updates for Land Development Code
 - a. Stormwater Management
 - b. Housing
 - c. Format for future public outreach of Overlay District
 6. Other Planning Commission Items
 7. Adjournment

1. CALL TO ORDER/AUDIENCE FOR VISITORS

John Alden called the meeting to order at 6:05 PM.

2. ADDITIONS/AMENDMENTS TO THE AGENDA

None at this time.

3. MINUTES

August 5, 2021-

The Planning Commission reviewed the minutes from August 5, 2021.

Mr. Batalion noted that in Section 501c, the language should refer to the number of calendar days, not the number of working days. The group proposed making that adjustment in the LDC itself, but leaving the minutes as written.

Mr. Alden asked about Nick Meyer's suggestion around posting high-level meeting summaries on social media and whether that is occurring. Ms. Clemens said that Mr. Meyer's suggestion was to publish them on Front Porch Forum (FPF) or Facebook.

MOTION by Steven Shaw, SECOND by Diane Clemens, to approve the minutes as presented.

VOTING: unanimous (6-0); motion carried.

4. WORK SESSION: CONTINUE UPDATES FOR LAND DEVELOPMENT CODE

A. Stormwater Management

The Planning Commission began by reviewing staff comments for Chapter 5 and made minor language adjustments for clarification in Sections 514-515 around regulating disturbance and impervious surfaces. With adjustments, Section 514 will pertain to areas of 0.5 acres or less disturbance, and Section 515 will pertain to areas of 0.5 acres or more of disturbance or impervious surface.

The Planning Commission then reviewed staff comments for Chapter 7. Ms. Clemens noted that exception language around illumination of building façades for holiday lighting is in both Section 704B and 714A(e). Ms. Mahony said she would review both sections to determine whether language is appropriate and consistent between them. Mr. Shaw noted that defining ‘holiday’ for the purposes of regulating holiday lighting may be tricky, but because it has not been an issue in the past, the Planning Commission thought that it was acceptable to remain silent on the definition. Mr. Alden noted that façade lighting is not permitted except for buildings that are historic or of symbolic architecture. Ms. Hass noted that this has not been an issue and that the language seems sufficient as written. Mr. Alden suggested waiting to see how lighting is being implemented for new structures and addressing any concerns at that time.

The Planning Commission discussed staff comments for Section 707 (fences). Mr. Boutin noted that some fences in the Village are obscuring lines of vision or are in the Village right-of-way, which is a safety concern. Ms. Clemens asked how current enforcement of the regulation could be improved, recognizing that current structures would be grandfathered into new regulations. Ms. Mandigo said that, there are some staff concerns around stormwater drainage easements or accessing a sewer line if removable fence panel is not required. The Planning Commission agreed to include language that fences generally should not be put over public easements, but if they need to be there, then movable gates or panels need to be in place as well for access.

The Planning Commission also reviewed the criteria for home occupations in Section 711. Ms. Clemens noted that the parking limitations would likely not allow cars to be repaired in someone’s driveway (at a home occupation vehicle repair service, for example). Ms. Mahony noted that the subsection related to sign regulation must be rewritten to ensure compliance with a recent Supreme Court decision around sign regulation and free speech.

The Planning Commission then discussed extensive edits and comments for Section 713 (stormwater management), specifically around stormwater management performance standards. Ms. Mandigo noted that the Village is trying to encourage and push developers to use green stormwater infrastructure rather than gray stormwater infrastructure, which would help the Village meet phosphorus runoff reduction targets set by the State. She said that one concept is that if developers use gray stormwater infrastructure, they must pay a fee to the Village so that green infrastructure can be put in somewhere else. She said that this concept could be included in a sewer ordinance update if it’s not appropriate for the LDC. Mr. Alden asked if developers would be working with stormwater staff, and Ms. Mandigo replied that this requirement would force that conversation, and that stormwater staff would like more involvement in development moving forward. Other Commissioners concurred.

The Planning Commission then discussed edits and comments for the part of Section 713 that pertains to operation and management of stormwater systems. Mr. Boutin asked whether there are fines associated with non-compliance with annual self-reporting and Ms. Mahony replied that she would look into this. Mr. Alden asked about the waiver language, and who in “the Village” is ultimately responsible for

determining whether to waive the compliance provisions (such as the Trustees, the Village Engineer, or stormwater staff). Ms. Mandigo replied that staff will research who acts on the Village's behalf in waiver determinations.

The Planning Commission then discussed subsection H of Section 713, which incorporates the Town of Essex's stormwater ordinance by reference. Ms. Clemens suggested having the ordinance language referenced as an appendix in the LDC. Ms. Mahony suggested having the Village adopt its own stormwater ordinance, which would give it more flexibility to update than if the language is included in the LDC. Staff will investigate the issue and determine whether it needs legal review.

The Commission then discussed edits and comments in Section 719, which incorporate some of the Low Impact Design and Green Stormwater Best Management practices into landscape and tree planting requirements. Mr. Alden suggested input from the stormwater staff (in addition to the Conservation Commission) when discussing tree types and other landscaping. Ms. Mandigo suggested adding a reference to the Vermont Rain Garden manual under the approved plant materials section.

The Commission discussed edits and comments in Section 721, which has been updated to align with recently-adopted accessory dwelling unit (ADU) requirements in State statute. Ms. Mahony said that the Housing Committee will likely have other edits at a later time.

The Planning Commission discussed staff edits and comments for Chapter 9. Ms. Clemens asked how curbing or not curbing interacts with stormwater and runoff. Ms. Mandigo replied that on streets with stormwater, curbs could be cut to direct the runoff and install an infiltration swale rather than have runoff go into a catch basin. Ms. Clemens said that removing curbs could make it easier for people to park on their lawns. Ms. Mandigo clarified that the curb cut would be relatively short in length, and wouldn't entail the removal of a large length of the curb. Mr. Boutin asked if curbless designs are cheaper than having curbs in place. Ms. Mandigo replied that curbless features would help meet stormwater runoff requirements. Mr. Alden suggested adding language to clarify that curb cuts in this section don't include driveways (to ensure that driveways do not require approval from the Trustees). The Commission also discussed minor changes to clarify language in Sections 911 and 915, and noted that a new fee schedule will be included in the LDC. Mr. Alden asked about new fees in the stormwater acceptance section, which would be \$1,000 per system. Ms. Mandigo suggested holding off on further clarifying the language until there is a better sense of whether the Village will separate from the Town. She also noted a new sewer capacity maintenance fee and 10-year maximum permit on developers that have been granted sewer capacity but don't use it. Mr. Alden spoke in favor of linking capacity to development, and that capacity return to the Village if development doesn't occur.

The Planning Commission briefly reviewed staff edits and comments for Chapter 11. They decided that they would pause on reviewing sewer regulations while some of the permit appeal process is worked out, and will turn to other sections for now.

Planning Commissioners will summarize their comments and edits and send to Ms. Mahony for collation for the following Planning Commission meeting.

B. Housing

Mr. Alden noted that there are funds available from the State for municipalities that want to make changes to their affordable housing policies, and that the Village could potentially take advantage of that funding opportunity. Ms. Mahony added that the funding would be through a Bylaw Modernization Grant program, which was taken up by the legislature in the last legislative session. She said that she will be finding out more information on the grant in the coming weeks and that the application is due November 15.

Mr. Scheld added that he has been working with a subgroup of the Housing Committee, which is putting together a proposal for inclusionary zoning. Mr. Alden asked when the Housing Committee would be ready to discuss this with the Planning Commission. Mr. Scheld replied that they are still in planning stages and that they are conducting a feasibility study. He added that it may be easier to enact the proposal through an ordinance rather than write it into the LDC itself.

C. Format for future public outreach of Overlay District

Mr. Alden said (as a reminder) that the Planning Commission is proposing to expand the design control to a slightly larger area, and asked whether an outreach plan has been developed to communicate about this to the public. Ms. Mahony replied that the CCRPC put together an online map that the Village could use. Mr. Alden said that they could work with the Village staff to get the overlay map on the website. Ms. Hass replied that she has asked the IT department to post the overlay map on the Planning Commission page on the Village website. Mr. Alden asked how they could alert the public further that the map is available for review. Ms. Hass said that she posts information on Planning Commission activities on Front Porch Forum prior to every meeting.

The Planning Commission then discussed having a booth at the Out and About in Essex event as an opportunity to outreach to the community about the proposed overlay district.

5. OTHER PLANNING COMMISSION ITEMS

None at this time.

6. ADJOURNMENT

MOTION by Steven Shaw, SECOND by Patrick Scheld, to adjourn the meeting. VOTING: unanimous (6-0); motion carried.

The meeting was adjourned at 8:47 PM.

RScty: AACoonradt