

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
November 4, 2021**

MEMBERS PRESENT: John Alden, Chair; Phil Batalion; Diane Clemens; Patrick Scheld, Steven Shaw. (Andrew Boutin was absent)

ADMINISTRATION: Robin Pierce, Community Development Director; Regina Mahony, Chittenden County Regional Planning Commission.

OTHERS PRESENT: Nick Meyer and Warren Spinner, Essex Junction Tree Advisory Committee

- AGENDA:**
1. Call to Order/Audience for Visitors
 2. Additions/Amendments to the Agenda
 3. Minutes – October 7, 2021
 4. Work Session – Continue updates for Land Development Code
 - a. Tree Advisory Committee comments on Chapter 7
 - b. Draft sign standard amendments for content neutrality
 6. Other Planning Commission Items
 - a. CCRPC presentation and discussion on West Central VT Comprehensive Economic Development Strategy
 7. Adjournment

1. CALL TO ORDER/AUDIENCE FOR VISITORS

John Alden called the meeting to order at 6:24 PM.

2. ADDITIONS/AMENDMENTS TO THE AGENDA

None at this time.

3. MINUTES

October 7, 2021-

The Planning Commission reviewed the minutes from October 7, 2021.

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

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

4. WORK SESSION: CONTINUE UPDATES FOR LAND DEVELOPMENT CODE

A. Tree Advisory Committee comments on Chapter 7

Nick Meyer and Warren Spinner from the Essex Junction Tree Advisory Committee walked through their suggestions for changes to the Land Development Code (LDC). Mr. Meyer began by saying that the language in the existing code is good, but improvements are needed for the Downtown District and corridors. He said that they would like better oversight during the installation process, better planning requirements, and increased accountability for developers to replant, should any plantings fail. He suggested that the Planning Commission utilizes the Tree Committee and the Tree Warden in an advisory capacity to review landscape projects and provide suggestions.

Mr. Alden asked if the TAC has a master plan in place for desired landscaping. Mr. Spinner replied that the TAC has a management plan, and that it emphasizes the importance of diversity in the landscaping process.

Mr. Spinner spoke about specific suggestions for Section 719 (Landscaping and Tree Planting Requirements of the Village of Essex Junction LDC). He suggested language in A around creating an inviting pedestrian streetscape, language in B to specify who would develop a tree protection plan (a consulting arborist or landscape architect), and language in B noting that the Village would be compensated for trees or shrubs that are removed from the Village right-of-way, with either cash or with replacement trees of equal size. Mr. Scheld noted that this could be a one-for-one replacement plan. Mr. Meyer said that both size and diameter are important. Mr. Scheld suggested that the language be clarified to state that replacement trees be equal to or larger than the removed trees.

Mr. Spinner discussed suggestions for subsection C around street trees. He noted that Act 171 changes what trees are called in municipalities (they are now called “shade trees”, which are any trees in the municipality’s care/public right-of-way), and that the TAC suggested replacing “street trees” with “shade trees” throughout the LDC. He suggested language clarifying when the 40’ along frontage planting requirement may not apply, that tree protection plans should be submitted during construction if there are existing mature trees along the right-of-way, and that any disturbance of existing landscape must be replaced.

Mr. Spinner outlined proposed changes for subsection D, which suggested strengthening the requirements for proposed landscaping when there is new development. Mr. Alden suggested adding language that the landscaping plan should be reviewed by the TAC. Mr. Spinner also recommended adding language in the section to ensure that landscaping requirements would include softscaping (like plants) in addition to hardscaping (like benches).

Mr. Spinner discussed proposed changes to Section 4 (General Requirements). He began in the installation subsection. He suggested striking language in the “Installation” subsection and replacing it with more detailed materials and specification language, referencing standards around nursery stock and planting and transplanting standards. Ms. Clemens suggested including language stating that Village staff will be present for observation during installation. Mr. Spinner then suggested an addition to the maintenance section that would state that for trees greater than 5 inches of caliper, the replacement value would be assessed by the Village Tree Warden if the tree cannot be replaced. Mr. Battalion asked if every town has a Tree Warden. Mr. Spinner replied that every community has one, and that it would typically be the town manager or superintendent of public works. He also suggested stronger language around failure to maintain plants in the first year, perhaps to incentivize replanting rather than just issuing a code violation. Ms. Clemens suggested adding a requirement to have a maintenance plan, so that developers are more proactive around tree maintenance.

Mr. Spinner then discussed suggested edits in Section 5 (Design Standards). He suggested adding a new subsection that would include language saying that the Village may require additional design to enhance and sustain tree growth.

Mr. Spinner suggested strengthening the language in Section 7 to compel the Planning Commission to consult with the TAC for proposed development plans. Mr. Alden agreed that it would be good to include the TAC and Tree Warden moving forward.

Mr. Spinner finally suggested changes to Section 8 under the Approved Plant Material subsection, which included modifying the requirement for the selection of species such that they would no longer need be native to the Champlain Valley and Vermont but would need to be hardy enough to tolerate the climate. He additionally suggested referencing the Vermont Tree Selection Guide in the subsection that provides example species.

B. Draft Sign Standard Amendments for Content Neutrality

Mr. Pierce said that the Village Trustees have requested that the Planning Commission discuss retail cannabis overlays and buffer zones. He noted that retail buffer zones would be a minimum of 500 feet from schools. He said that the Village would need to choose to opt in to have retail cannabis within the municipality. He said that there is no deadline by which the Village would need to hold that vote. He said that if the Village opts in, then retail cannabis would be controlled through zoning.

Ms. Clemens noted that there are numerous schools in the Village. She said that depending on what that district looked like, it would exclude the downtown and Pearl Street commercial areas because the entire area is within 500 feet of a school. Mr. Alden said he would like to see a graphic version of the statutory requirements and how they would apply to the Village.

5. OTHER PLANNING COMMISSION ITEMS

A. CCRPC presentation and discussion on West Central VT Comprehensive Economic Development Strategy.

Ms. Mahony said that the CCRPC is working on the next iteration of its Comprehensive Economic Development Strategy (CEDS). She said that the CEDS is not a required document, but that the region needs to have one in place in order to access federal economic development funding. She said that it is an action-plan, strategy-focused document. She noted that the west central Vermont area covered by the plan includes Addison, Chittenden, Central Vermont, and Rutland counties (90 municipalities). She said that collectively the region could become an economic development district, which would allow it to access more regular planning funds. She noted that northwest Vermont is already in an economic development district with the Northeast Kingdom. She noted that the CEDS is being written by the Regional Development Corporations (RDCs), the Regional Planning Commissions (RPCs), and the State's Agency of Commerce and Community Development (ACCD). She said that there is specific language to engage the BIPOC community within the plan, including assisting BIPOC entrepreneurs with accessing capital, for example. She said that a draft of the plan will be available in the spring of 2022 and that they hope to adopt a final CEDS in the summer of 2022. She said that it would be then incorporated into the ECOS plan.

6. ADJOURNMENT

MOTION by Steven Shaw, SECOND by Diane Clemens, to adjourn the meeting. VOTING: unanimous (5-0); motion carried.

The meeting was adjourned at 8:14 PM.

RScty: AACoonrad