

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

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

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

OTHERS PRESENT: Katie Ballard, David Hamblin, Hillary Holmes, Allison Levy, Barney Matthews, Nicholas Meyer, Mia Watson,

- AGENDA:**
1. Call to Order/Audience for Visitors
 2. Additions/Amendments to the Agenda
 3. Minutes – November 4, 2021
 4. Public Hearing
 - a. Final Site plan review for a Planned Unit Development to construct six residential units with parking at 41 Maple Street in the R-2 District, by Ronald Bushey, owner.
 5. Work Session:
 - a. Housing Committee presentation on Inclusionary Zoning
 - b. Continue updates for the Land Development Code
 6. Other Planning Commission Items
 7. Adjournment

1. CALL TO ORDER/AUDIENCE FOR VISITORS

John Alden called the meeting to order at 6:00 PM.

2. ADDITIONS/AMENDMENTS TO THE AGENDA

None at this time.

3. MINUTES

November 4, 2021-

The Planning Commission reviewed the minutes from November 4, 2021.

MOTION by Diane Clemens, SECOND by Andrew Boutin, to approve the minutes as presented.

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

4. PUBLIC HEARING

A. Final Site plan review for a Planned Unit Development to construct six residential units with parking at 41 Maple Street in the R-2 District, by Ronald Bushey, owner.

David Burke provided an overview of the project. He noted that access is directly off Maple Street. He said the proposal is to have an access drive of 20 feet (originally 18 feet but increased to 20 based on staff review). He said that the project would connect to municipal water and sewer and that the water within the project is in an easement and also include a hydrant. He said that the buildings would be

approximately 30 by 30 feet. He said that the base density is 5.4 units and that one of the units would be perpetually affordable (which would yield a density bonus). He said that they will not request waivers for setbacks or lot coverage. He said that they are seeking acknowledgement of the density bonuses. He said each unit could have space for a decent-sized garden area behind them. He said that they could also put in a picnic area. He said that there are areas where runoff can go to (a depression area in Lot 1). He said that the project was reviewed by the Village Engineer.

Mr. Boutin asked about having an electric vehicle (EV) charging station at the development. Mr. Burke replied that a charging station for six units is a big ask, but said he could provide the conduit should the HOA decide that they want to install a charging station.

Mr. Burke reviewed the staff comments related to landscaping. He said that the intent behind the landscaping was not to limit it to two species but that evergreens should definitely be included. He said that they are not asking for a waiver for conventional setback requirements. He said that plantings will be made between the units as screening and in the front of the development. He said they are open to input on landscaping.

Mr. Burke noted that they will add a bike rack to the parking lot near the handicapped space. Ms. Clemens asked who would be using the bike rack. Mr. Burke said that it would be available for both residents and visitors. Mr. Scheld asked if there would be bike storage in the parking lot. Mr. Burke said there is no planned separate structure and added that though the units are small, there are spaces to store bicycles within them (like basements).

Mr. Burke then discussed staff comments related to parking. He noted that the property has 12 spaces (2 spaces per unit), and that they will have an average of 1.5 cars per unit. He said that they are not concerned about adequacy of parking, but they are seeking a waiver of the required 1 extra space.

Mr. Burke reviewed additional details. He said that water would have an easement as previously discussed and sewer would be private and maintained by the HOA. He noted that there is no requirement for a master plan with this project and that the purpose of the residential 2 district is high-density single-family homes. He said that this project meets the goals of the zoning district. He noted a 20% bonus for doing an affordable unit. He said that for lot size coverage, they are already below 40%, which is standard.

He talked about setbacks and how the project meet the requirements. He noted that the minimum side yard setback is 8 feet, which they meet. He noted that the rear yard setback is 40 feet.

He spoke about buffers. He noted that there is not an incompatible land use here; it's all single-family structures facing single-family structures. He said that the landscaping that is being proposed is ample for buffer/screening purposes. Ms. Clemens asked why there is no screening for the parking lot, to mitigate potential headlight disturbance into the units. Mr. Burke agreed that that would be a good place for some landscaping.

Then he referenced PUD regulations, which encourage a higher level of design and amenity. He noted that subsection b(5)(c) requires up to 15% to be developed with passive or active amenities. He said that each unit could do an individual garden at its back without impacting the unit behind it. He said that

section 908 on recreational open space also mentions the up to 15% requirement. He said that the project is 67% open space as defined in the regulations.

Mr. Burke said that the project meets PUD requirements. He said that the project is innovative, has an affordable unit, and has a parking area rather than a parking lot. He said that he doesn't believe the Planning Commission needs to require lighting, and that it would be a detriment to abutting homes. He said that they didn't feel as though lighting were appropriate. Ms. Clemens pushed back on this, saying that lighting should be installed that extends from the sidewalk to residents' units, in order to allow residents to get from their cars to their units safely. Mr. Burke said he has no issues with pedestrian lighting. He said there will be lights on each of the houses, and that there should be ample lighting to navigate the sidewalk. He said that if the board is interested in pedestrian-level lighting, would be appropriate to have Bollard lights. Mr. Batalion agreed, saying that it doesn't need to be pole lighting, but that the parking area and walkways should be illuminated.

Mr. Scheld asked about who would be maintaining the property. Mr. Burke replied that there will be an HOA that will maintain the properties.

Mr. Burke spoke about grading and drainage, noting that the state trigger is 1 acre of impervious, the Village trigger is ½ acre, and that the project has about 1/3 of an acre. He said that they don't have calculations, and there is no HydroCAD model in this place. Mr. Boutin asked if there would be a storm drain for the parking area. Mr. Burke replied that there is a 2-foot depressional area that would collect water in a heavy rainstorm.

Mr. Scheld asked if there are projected construction costs, and Mr. Burke replied that he projected that costs are around \$900,000. He said that they know they need more landscaping, and that 2% (\$18,000) would be dedicated to it. Mr. Alden said that the Planning Commission is trying to ensure that this project meets the PUD requirements. He said it would be good to have the help of a landscape architect to help integrate plantings into the area. Mr. Burke said that they could commit to a landscape architect. Ms. Clemens noted that the Tree Advisory Committee wants to observe plantings. Mr. Alden agreed, that more than just having staff ensure that landscaping is going in, it is helpful for the TAC to be there to ensure that the installation of landscape will succeed. Mr. Burke said he would like to rely on licensed landscape architects, not people who are not licensed.

Mr. Scheld asked how this meets the definition of a PUD, since there are no subdivisions. Mr. Pierce replied that the houses are relatively small, and are separate pedestrian residential with a separate parking area, which is how this project is set apart from other developments and stands out to him. Mr. Alden said it is an opportunity to provide something different than what is usually proposed and built.

Mr. Scheld asked about access and universal design. Mr. Burke replied that they are having standard sized-sidewalks, and that the homes are not completely ADA compliant. There is an accessible parking space, but no accessible houses.

Mr. Batalion said that this type of development, small, single-family houses that are perpetually affordable, is exciting and is what is needed in the Village. He said this is a unique development that is needed in the community.

David Hamblin said they haven't discussed the land behind the property. Mr. Burke replied that it is just grass, and that there won't be any structures. Mr. Hamblin said he'd like to see natural, native plants instead of grass. Mr. Alden asked what is happening in the open space. He said that he would like to understand if it's a forest open space or a meadow open space. Mr. Hamblin asked what kind of finish would be on the outside of the homes. Mr. Alden replied that he doesn't know, but that it is not a required specification at this time. Mr. Hamblin recommended Norway spruces for landscaping. He also suggested installing lighting no taller than 6 feet, and added that Bollard lights are much better than taller posts. He said that in terms of parking, they're going to need 2 spots each. He suggested putting in 5 houses instead of 6.

Hillary Holmes said that there is a street light at the end of Kings Court, so it's pretty well-lit. She spoke in favor of Bollard lighting. She said that in terms of bike storage, she would be in support of communal bike storage like a shed, if there is no convenient storage space. She spoke in support of affordable housing and developments like this.

Katie Ballard said that the Housing Commission is committed to ensure that all affordable housing units are built in such a way that they are as high quality as the market-rate housing.

Mr. Alden closed public portion of the meeting.

Mr. Boutin expressed concern about the houses being so small. Mr. Alden said that this development offers the possibility of starter homes for single families, which are currently in short supply. He said that the common areas could be explored for additional amenities and space for the development.

Mr. Scheld said he is very supportive of the perpetual affordability aspect. He asked whether the Planning Commission could do anything about the affordability about the other 5 units. Mr. Burke replied that they would be market rate.

MOTION by Diane Clemens, SECOND by Phil Batalion, to approve the Final Site Plan for a Planned Unit Development to construct six residential units with parking at 41 Maple Street in the R-2 District by Ronald Bushey, owner, as amended, noting that the Planning Commission has reviewed this proposal and found that the design meets the requirements of the PUD in that it has a creative approach, provides amenities and quality of design as evidenced by the amended layouts, amount and quality of landscaping, has interconnected common space and will support a variety of housing massing, and shall contain an affordable housing unit; and to grant the waiver for the extra parking space as requested, and with the following conditions:

- 1. All Staff comments in this Staff Report shall be addressed and satisfied prior to any Zoning Permit issuance.**
- 2. Stormwater management will be provided entirely on-site. The Village Engineer will review the final plans for Code compliance.**
- 3. All work shall comply with the Village of Essex Junction LDC.**
- 4. The applicant shall complete (to Staff's satisfaction) and sign a Sewer Capacity Voluntary Permit Revocation form prior to the Village releasing a Letter of Capacity to the State of Vermont prior to Site Plan approval.**
- 5. Each house shall have a sprinkler system in the kitchen and furnace room.**

6. All water and sewer utilities for the property shall be private.
7. The submission of record drawings for site utilities to the Village of Essex Junction shall occur upon completion of construction, in both AutoCAD and PDF format. This information shall also be provided in shapefile format in Vermont State Plane Meters, NAD83.
8. A Landscape Plan shall be developed to meet Staff approval, and the Village LDC prior to issuance of a CO.
9. Any additional useable space for bedrooms that is added to the houses will require a revised water/sewer capacity approval letter from the Agency of Natural Resources.
10. Village will grant a waiver of one parking space.
11. Applicant shall provide Homeowners documentation for review and approval by the Village attorney and staff prior to the occupation of any house on this property.
12. Applicant shall install a conduit for electric car charging station prior to issuance of a CO that can be utilized in the future
13. Applicant shall ensure that no mechanical work on vehicles shall be conducted on the property and that the HOA shall enforce this requirement.
14. Applicant shall install Bollard lights no more than 4 feet tall along the walkway
15. Applicant shall install Bollard lights on the south side of the parking lot
16. Applicant shall provide a landscaping plan by a Vermont-registered landscape architect for staff approval.
17. Screening and shading details shall be included on the landscaping plan by the Vermont-registered landscape architect.
18. Applicant shall provide bicycle racks and shall consider enclosed bicycle storage
19. Applicant shall stripe the access driveway to indicate where pedestrians should walk
20. Applicant shall have a 3x3 foot landing for each egress and steps as needed for each new house on the property.
21. Each house will not have the same-colored siding. Earth tones are preferred.
22. One house shall be perpetually affordable as per the Village Land Development Code (LDC).

The motion passed 5-0.

5. WORK SESSION

A. Housing Committee presentation on Inclusionary Zoning

Mia Watson, from the Village Housing Committee, walked through the definition of inclusionary zoning (IZ), which incentivizes private developers to sell or rent a certain percentage of the units in a new housing project below market rate. She noted that local municipalities don't have many levers to influence this, but IZ has been one of the most effective local policies to develop more affordable housing. She noted that IZ can be voluntary, but 80% of programs are mandatory for all projects above a certain threshold. She noted the municipalities in Chittenden County that have mandatory IZ in some part of their municipality.

She said that density bonuses are the most common developer incentive to offset costs, but 30% of IZ policies have no incentives and are just mandatory.

She asked whether IZ could work in Essex. She noted that it must be situated in an area where there is good natural development, otherwise would risk chilling development. She noted that Essex has more

combined units of development than Burlington between 2016-2020. She said that Essex has had the largest population growth in Vermont over the last several years. She said that developers will want to continue building in Essex, and asked how the Village can ensure that at least some of the homes are affordable.

She outlined an anticipated policy for Essex. She said that it would tentatively include mandatory IZ for all new projects above a certain size, it must be perpetually affordable, it applies to both new rental and new homes for sale (they could set different income thresholds for rentals and houses), and that the ordinance applied throughout the Town and Village. She said that they will likely include an incentive so that they don't discourage development.

She spoke briefly about income targeting. She said that the targets couldn't be set below 50% of area median income (AMI), and proposed a range of 50-100% AMI for rentals and 80%-120% AMI for house sales. She noted that this is asking developers to go moderately below market income, as they do not want the proposal to make projects economically unfeasible.

She noted IZ features that are still to be determined, such as how many units are the threshold for IZ to apply in a development, what percentage of units must be inclusionary, potentially narrowing income targeting limits, whether the Village would want to allow developers to make a payment in lieu of complying with IZ, what incentives can be offered to developers to offset the cost of IZ, and how will the Village incorporate IZ into existing zoning and manage compliance. Mr. Alden said that it would be preferable to be able to offer incentives for IZ to developers. He said that existing LDC could be strengthened to promote that. Ms. Watson said that it will need to be a collaborative process, as any changes would need to be incorporated into zoning. She suggested hiring a consultant to help bring it in line with existing zoning.

Mr. Alden noted that the anticipated income targeting isn't necessarily tied to the costs of developing and building housing, since the cost is pegged to income, not the market or cost. Ms. Mahony noted that all of the IZ units at Cambrian Rise on North Avenue in Burlington are managed by a partnership between Champlain Housing Trust and Cathedral Square and the developers. She noted that the affordable housing units are in their own separate buildings, which isn't necessary inclusionary. Ms. Watson replied that the Cambrian Rise buildings are actually mixed income.

Ms. Watson then outlined a proposed inclusionary zoning implementation process. She outlined steps related to researching IZ case studies and literature, working with staff and Planning Commissions, and holding roundtables with local developers. Then she proposed creating an IZ plan, presenting it to the Town Selectboard and Village Trustees, and holding community forums to obtain public feedback. She said that after that, the Village and Town would draft an ordinance and ensure that it complies with existing zoning regulations, review the ordinance with the Selectboard and Trustees, and ultimately adopt it.

Mr. Alden said that both the Planning Commissions are actively considering IZ as an option. Ms. Mahony asked when the developer forum is occurring. Ms. Watson replied that they are aiming to do it in the first quarter of 2022.

B. Continue updates for the Land Development Code

No discussion at this time.

6. OTHER PLANNING COMMISSION ITEMS

Mr. Pierce briefly discussed retail cannabis, noting that there was a public forum that took place several weeks ago. He noted that the Cannabis Control Board is driving the process. He said that municipalities can vote to opt in for retail. He noted that there is a petition going around to get it on the ballot for Town Meeting Day. He said that because the Village is still part of the Town, if that passes, there could be retail cannabis in the Village. He said he isn't sure how effective a local cannabis control board would be. He said State attorneys have advised that zoning is the most effective way to regulate. He said that they are able to make either 500 feet or 1,000 feet buffer zones around schools where retail cannot be located. Ms. Mahony displayed a map of a mockup of the buffer zones around the schools in the municipality. The Planning Commission discussed where retailers could potentially be located. Ms. Mahony noted that there cannot be home occupation retailers, since they would need to have licenses in addition to adhering to local zoning.

MOTION by John Alden, SECOND by Diane Clemens, to endorse the buffer zone map and accept the thousand-foot buffer zone as recommended for retail cannabis. The motion passed 5-0.

7. ADJOURNMENT

MOTION by Patrick Scheld, SECOND by Andrew Boutin, to adjourn the meeting. VOTING: unanimous (5-0); motion carried.

The meeting was adjourned at 9:20 PM.

RScty: AACoonradt