

1 CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
2 PLANNING ADVISORY COMMITTEE (PAC) - MINUTES
3

4 DATE: Thursday, September 13, 2023
5 TIME: 2:30 p.m. to 4:00 p.m.
6 PLACE: Virtual Meeting via Zoom with link as published on the agenda
7

<u>Members Present:</u> Cathyann LaRose, Colchester Alex Weinhagen, Hinesburg Zachary Maia, Colchester Eric Vorwald, Winooski Paul Conner, South Burlington Linda Blasch, Jericho Charles Dillard, Burlington Katherine Sonnick, Essex Town Matt Boulanger, Williston Larry Lewack, Charlotte Chris Yuen, Essex Junction Melinda Scott, Williston Cymone Bedford, Milton	<u>Staff:</u> Sarah Muskin, Planner Melanie Needle, Senior Planner Taylor Newton, Planning Program Manager Darren Schibler, Senior Planner Dan Albrecht, Senior Planner <u>Guests</u> Amanda Froeschle
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8 **1. Welcome and Introductions**

9 P. Conner called the meeting to order at 2:32 p.m.

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11 **2. Approval of August 17, 2023 Minutes**

12 *E. Vorwald made a motion to approve the prior meeting's minutes. Seconded by P. Conner. No further*
13 *discussion. The motion passed unanimously.*

14
15 **153. Draft 2024 Jericho Town Plan**

16 Staff Summary: D. Schibler summarized the formal review of the 2024 Jericho's Town Plan. The Town has
17 completed a substantial rewrite and developed an ambitious and encouraging plan that supports compact
18 development- through investing in villages, infrastructure planning, and capital planning. The plan has lots of
19 community support. D. Schibler states technical corrections are included in the memo. Though overall the plan is
20 in accordance with statute, there are a few necessary changes:

- 21 1) Previously, there was a statement about earth resource extraction- the policy, or a comparable policy,
22 needs to be added back.
- 23 2) Future Land Use Map: there is a significant expansion of village neighborhoods area. CCRPC is
24 supportive of the principle, the areas are inconsistent with the ECOS Future Land Use Map, so the town
25 needs to address how this change will support the goals in the regional plan and must address the
26 compatibility criteria in 24 V.S.A. § 4302(f)(2)(A) –(D).
- 27 3) The Residential Infill map appears to include areas now mapped as Village Neighborhoods on the Future
28 Land Use map. This discrepancy needs to be clarified to ensure that CCRPC understands the Town's
29 intent.

30
31 A. Weinhagen asked for a page number where the extraction resources are discussed in the plan. D. Schibler
32 responded it is in volume 2, but will get back about specific page numbers. A. Weinhagen clarified that it is
33 important to have this policy be thoughtful and specific because it is required. He added people the industry will
34 look for these policies.

35
36 E. Vorwald asked about the comment about the Future Land Use Map and suggested that the ECOS plan
37 incorporate these changes instead of Jericho needing to change. D. Schibler responded that the Future Land Use
38 map will be updated, but Jericho just needs to add some context through the statutory test to make sure the plans
39 support each other.

1 T. Newton stated that the ECOS future land use map is based on municipal zoning. He clarified that when ECOS
 2 and municipal plans are out of sequence, CCRPC needs the municipality to explain why the inconsistency exists
 3 and how, despite the inconsistency, the plans are still compatible. Jericho needs to explain why they are changing
 4 this district. P. Conner summarized that the PAC is being advised that if the Jericho Town Plan explains its
 5 reasoning, and the change is determined to be compatible with the Regional Plan, then the Jericho Town Plan
 6 should be recommended for regional approval. E. Vorwald asked if it is just the map that is the issue. D. Schibler
 7 said that is correct, the map requires additional explanation.

8
 9 A. Weinhagen said he now understands what language is missing and asked to see the area being discussed. D.
 10 Schibler showed the map. L. Blasch explained that the intersection in question is where the Mount Mansfield
 11 Union Highschool is located, which is a major employer and there is a public waterline that goes through this
 12 region towards the southeast. She said that a gas line was also added to this area this summer. Therefore, the
 13 presence of infrastructure, access to village center, and employment opportunities is why increased density is
 14 being pursued. A. Weinhagen asked about other constraints (slopes, wetlands, etc.). L. Blasch said housing
 15 already exists in these areas and that there are some small wetlands, but no large slopes. A. Weinhagen also asked
 16 what areas mapped in yellow stand for. L. Blasch responded that yellow is low-density housing and reminded the
 17 PAC there is no municipal sewer in Jericho. P. Conner suggested that discussion should be added about all areas
 18 that are being changed, not just the highest density.

19
 20 Enhanced Energy Plan: D. Schibler noted there were a few minor comments to address for the enhanced energy
 21 plan, but then noted the required changes:

- 22 1) Table on page 13- does not include the number of fossil fuel vehicles.
- 23 2) A couple of state known and possible constraints have changed, so the accompanying maps need to be
 24 updated.

25
 26 M. Needle commented that the utilities section has constraint language, but that there is a “key take-away box”
 27 with no mention of energy. It would be helpful to include a few bullet points in the key- takeaway box, because
 28 this would be helpful for the Public Utility Commission.

29
 30 *E. Vorwald made a motion to open public hearing at 3:02 pm. P. Conner seconded, and the motion passed*
 31 *unanimously.*

32
 33 There were no public comments on the Jericho Town Plan.

34
 35 *E. Vorwald made a motion to close public hearing at 3:03 pm. P. Conner seconded, and the motion passed*
 36 *unanimously.*

37
 38 T. Newton said CCRPC is recommending that PAC hold off on acting until we see revised language. The Town
 39 Plan will be brought back in November. P. Conner asked if this timeline works for Jericho. L. Blasch said that
 40 lines up with their schedule.

41
 42 **4. S.100 / Act 47 – Overview of Studies and Changes to Municipal Planning & Zoning**

43 T. Newton framed the conversation as discussing some of the thornier issues of S.100 and reviewed the following
 44 topics:

45
 46 Emergency Shelters – T. Newton stated there is now a definition of emergency shelters based on the HUD
 47 definition. There is a distinction between shelters in an emergency (the hotel voucher program) and permanent
 48 shelters for those experiencing homelessness.

49

1 Housing Assistance and Hotels – T. Newton stated the hotel program should be allowed on a legal basis through
 2 this change.

3
 4 Duplexes – T. Newton stated duplexes shall be allowed wherever a single-family unit is allowed and same
 5 dimensional standards apply. The question on everyone's mind is: how does this impact density?
 6

7 C. LaRose believes this provision means that the intention is preserving the housing type (duplexes). She stated
 8 that types should not be conflated with density. She doesn't want this to happen because many regulations talk
 9 about types. The provision is clear that duplexes cannot be prohibited, but has the density discussion been thought
 10 through? She stated lot of capacity questions have not been thought through if this provision does mean density.
 11

12 L. Lewack said he tried to apply all the S.100 changes to Charlotte's bylaws. With this change, one land-use
 13 district now needs to allow duplexes when they were once prohibited and Charlotte's 5 acre lots now need to
 14 allow for the conversion of single unit dwellings to duplexes.
 15

16 P. Conner asked CCRPC staff to refer to the ACCD guidance about this issue. P. Conner believes this guidance
 17 aligns with C. LaRose's interpretation.
 18

19 A. Weinghagen stated it is clear that density and dimensional standards are not the same. T. Newton agreed but
 20 noted that minimum lot size is a dimensional standard, so if you are allowing a minimum lot size for a single unit
 21 dwelling, that you now must also allow the same for a duplex. A. Weinhagen thinks the municipality has the
 22 option to regulate density separately from lot size. There was discussion of how this interpretation applies to the
 23 duplex language in S.100. D. Schibler thinks that the focus of this provision is the regulation of dwelling type /
 24 use, rather than density or lot size.
 25

26 P. Conner pointed out that what we should do and what we are allowed or required to do are not always aligned.
 27 A. Weinhagen asked if our county should take a leadership position state that duplexes should be allowed
 28 regardless of density standards. C. Yuen thinks it's a great idea. P. Conner thinks it is an important discussion and
 29 continued by stating that the concern is with new development, not infill or redevelopment.
 30

31 C. LaRose and E. Vorwald think it is clear that duplexes are now a permitted use, not just conditional use. T.
 32 Newton and A. Weinhagen think the intent was to say allowed (not permitted). T. Newton asked if we should
 33 advocate for statute to define allowed vs. permitted vs. conditional. P. Conner recommended asking a land use
 34 attorney. We will use a polling option next meeting to consider this conversation and see how in/out of alignment
 35 we all are.
 36

37 E. Vorwald and A. Weinhagen discussed ADU's and how they do or do not count as duplexes.
 38

39 Multi-Unit Dwellings – T. Newton continued the discussion and stated that statute now says that in any district
 40 served by water/sewer, multi-unit dwellings shall be a permitted use. P. Conner noted that no density is
 41 referenced. At T. Newton's question, C. Dillard explained that Burlington is currently working on a
 42 Neighborhood Code project that hopes to allow up to 4-unit buildings anywhere in the City. and may even
 43 remove density regulations entirely. E. Vorwald asked if permitted use means it is by-right (whereas duplexes
 44 may be conditional uses outside water and sewer areas). The PAC agreed that this what the statute says, even if it
 45 seems awkward, but P. Conner felt it was implied that duplexes would be allowed by-right outside water and
 46 sewer areas since they cannot be denied based on character of the area under conditional use review anyway. A.
 47 Weinhagen then reiterated that site plan review can still be required for 3-4 unit structures.
 48

1 Accessory Dwelling Units (ADUs) – D. Schibler continued the discussion and said the definition of ADUs have
2 not changed, just moved into definitions section, but the bill clarifies that single unit dwellings with ADU are
3 subject to the same review as single unit dwellings without ADUs.
4

5 A. Weinhagen took over as chair and said we will continue this S.100 discussion next meeting. C. Dillard asked if
6 this could include a concern Burlington has identified about whether fee simple duplexes (i.e., separate ownership
7 of each side of a duplex building) are now prohibited under the language in S.100. He will follow up with
8 CCRPC staff about this afterward.
9

10 **5. Members Items Open Forum**

11 C. Dillard asked if there were any updates on CCRPC TDM study. T. Newton stated he believes procurement is
12 underway, but he will follow up.
13

14 **6. Other Business**

15 1. **Regional Act 250/Section 248 Projects on the Horizon** - Please email Darren information about projects.

16 2. **Zoning Atlas Update.** UVM Complex Systems' team continues to finalize work on Chittenden County
17 communities this fall. Planning staff are invited to provide quality control before a draft atlas is presented,
18 likely at the November PAC meeting.

19 3. **ECOS Plan.** T. Newton explained why ECOS plan adoption is being delayed again: 1) outreach to
20 underrepresented communities 2) FLU studies 3) Regional Housing Targets. The People section has been
21 approved by the Long Range Planning Committee (LRPC) and will be presented to the full CCRPC Board in
22 October for review. Staff is currently finalizing edits to the Place section which will be review by the LRPC
23 in October.

24 4. **Essentials of Land Use Training.** CCRPC is seeking interest from municipalities that would like to host an
25 "Essentials of Land Use" training for municipal board members. Three municipalities have reached out
26 already. The training provides a basic introduction to land use planning and regulation and is particularly
27 aimed at new municipal board members. If interested, please email Taylor and Darren.

28 5. **Updated Regional and Municipal Energy Data and Maps.** CCRPC will municipalize regional energy data
29 and maps in December 2023.

30 6. **FEMA Flood Map and Bylaw Updates.** RPCs will enter into a second contract with VT DEC to support
31 NFIP map and bylaw updates in municipalities in FY24. Please let RPCs staff know if your municipality is
32 interested in assistance. In addition, CCRPC understands that the release of the draft NFIP Work Map for
33 Chittenden County has been delayed until January 2024.

34 7. **Healthy Community, Healthy People: Community Cannabis Policy Toolkit:** A toolkit that prevention
35 professionals and communities working on cannabis related policy improvement can use to help support
36 prevention and public health at a community level is available. [https://pttcnetwork.org/centers/new-
37 england-pttc/2023-rad-fellowship-program-product-healthy-community-healthy-people](https://pttcnetwork.org/centers/new-england-pttc/2023-rad-fellowship-program-product-healthy-community-healthy-people)

38 8. **Brownfields.** D. Albrecht announced that CCRPC received two brownfields grants that can support towns
39 and private developers with environmental assessments for new properties depending on the end uses. Since
40 the early 2000s CCRPC has helped over 30 properties with these assessments.
41

- 1 A. Weinhagen reminded the PAC that the next meeting is November 15th and adjourned the meeting at 3:58pm.
- 2
- 3 Respectfully submitted, Sarah Muskin