

**Stowe Selectboard, Liquor Commission & Water/Sewer Commission Meeting
Monday April 11, 2022**

Present:

Selectboard Members: William Adams, Nick Donza, Jo Sabel Courtney, Lisa Hagerty, Paco Aumand
In Person attendees: Rachael Moore, Barry Matthews, Rebecca Chase, Paul Sakash, Sara Opel, Emily Rosenbaum, Wendyll Behrend
There were 22 participants on Zoom.

Call to Order

Chair Adams called the meeting to order at 5:00pm.

Approve the Agenda

On a motion by Ms. Lisa Hagerty, seconded by Ms. Jo Sabel Courtney, the Board moved approve the agenda as presented with the modified start time for business to 5:35pm.

Executive Session

On a motion by Ms. Hagerty, seconded by Ms. Courtney, the Board went into Executive Session at 5:02pm to discuss personnel.

The Board came out of Executive Session at 5:30pm.

On a motion by Ms. Courtney, seconded by Ms. Hagerty, the Board appointed Barry Matthews and Robyn Anderson to the Conservation Commission to fill terms that will expire April 30, 2025.

Consent Agenda

1. Stowe Local Emergency Management Plan
2. Selectboard Minutes 3/28/22
3. Special Event Applications
4. Liquor Consent Items
5. September Meeting Schedule
6. Energy Committee Charge Amendments
7. Selectboard iPads

On a motion by Ms. Hagerty, seconded by Ms. Courtney, the Board approved the Consent Agenda as presented, with the addition of one 2022 Liquor License Annual Renewal in the Liquor Consent Items.

Zoning Amendments

Ms. Mila Lonetto, Planning Commission Chair, along with Ms. Sarah McShane, Planning & Zoning Director, returned to the Board with revisions to the proposed Zoning Amendments based on feedback from the Selectboard when they met together in February and March. Ms. McShane went through the changes, noting they were within three main sections. The outdoor lighting section has been rewritten to remove the requirement that all outdoor light fixtures contain the Dark Sky Seal of Approval. The proposed amendments set forth specific outdoor lighting standards. Outdoor light fixtures that contain the Dark Sky Seal of Approval are considered to have met the requirements.

The second area where changes were made was relating to Tiny Homes, and the density bonus that is allowed when making Tiny Homes for long term rentals of 12 months or more OR receive a condition of approval through the DRB for year-round housing. Tiny Homes are defined in the proposed Zoning Regulations as homes with livable space of 600 sq ft or less with a foundation. The idea behind the density bonus was to encourage long term rentals. Property owners could still have a tiny home without the restrictions but would not get the density bonus. Chair Adams questioned if it would be better if

limited to 30-day rentals to allow for month-to-month rentals or seasonal/travelling workers. It was noted that the Planning Commission will be focusing mainly on housing for the next 12 months and anticipate further changes to the Zoning Regulations to reflect that work but using tiny homes and density bonus as one of the tools to promote housing.

The third change was to eliminate the exemption for temporary tents for outdoor seating with setback requirements. Temporary tents will need to meet setback requirements

The Board also discussed Planned Unit Developments (PUDs) and the change in minimum lot size from 3 acres to 10 acres. Ms. McShane noted there were only 2 PUDs she was aware of in the Town that were less than 10 acres, and that increasing the minimum lot size speaks to the intent of PUDs. She also noted that in Planned Residential Developments (PRD) the minimum lot size remains 3 acres.

With no changes, the Selectboard and Planning Commission felt they were ready to move on to the Public Hearings required to approve the Zoning Amendments. If approved, the Zoning Amendments will go into effect 21 days after the second hearing, scheduled for May 23rd, 2022.

On a motion by Mr. Paco Aumand, seconded by Ms. Hagerty, the Board approved warning public hearings for May 9th and May 23rd, 2022.

Lower Bar Outdoor Consumption Permit

At the Selectboard's request, the Lower Bar Outdoor Consumption Permit was brought up for discussion, as they had requested a change of hours, from 12:00pm to 12:00am to 10:00am to 2:00am. Previously, Robert Foregger and Rebecca Chase, residents at 24 Sunset Street, had brought concerns about noise from the Lower Bar to both the DRB and the Selectboard.

Mr. Charles Safford, Town Manager, explained that the Selectboard did not have the authority to condition the Liquor Permit without an "entertainment or public nuisance" ordinance in place, they could request that the State put conditions on the permit. It was noted that there have been no noise related issues at the Lower Bar that have been reported to the police. It was also discussed that the Selectboard should be fair in treating all establishments that serve alcohol similarly, or at least those with like circumstances, such as being located within the village.

The Selectboard heard from Mr. Craig Derouchie, owner of the Lower Bar. He indicated that while he does not intend to operate his bar until 2:00am, he has requested the Outdoor Consumption Permit until 2:00am so that if patrons get a drink at "last call" at midnight, they can still go outside to smoke or otherwise be outside while finishing their drink, without putting the bar at risk of violation of the OCP. He stated customers usually finish their drinks by 12:30am, but if they choose to go outside to smoke after midnight, they have to leave their drinks unattended, which is a safety concern. He noted that the State typically allows OCP until 2am, so this request is in line with that. He said he has hired additional staff, has controlled noise, and asked people to leave if they are too loud. He asked the Selectboard to allow him to prove himself and his ability to manage his bar.

Mr. Foregger stated that he can hear noise from outside the bar in his living room and asked that there be respect for those residents living in the village, to have a reasonable standard for noise at night. Mr. Foregger asked that the Board limit the Lower Bar OCP to 10:00pm. He stated he is not comfortable with calling the police for noise issues. Mr. Walter Towslee of 205 Maple Street agreed with Mr. Foregger, stating that people walking home from the bar have woken him at night. Ms. Hope Sullivan reported that she also lives on Sunset Street in proximity to the Lower Bar and has no issues with noise, and that she anticipates a certain level of vibrancy and noise living in the village.

The Board acknowledged it needed to balance what they can do to control noise for those living in the village without putting undue restrictions on businesses in the village. It was felt that given the neighbor concerns and the bars proximity to residential homes, that limited the OCP to midnight was reasonable. It was clarified that this does not impact the Lower Bars operating hours, just the hours they can have people outside with alcohol after midnight if the State stipulates in the OCP.

On a motion by Mr. Aumand, seconded by Mr. Nick Donza, the Board approved the 2022 Liquor License Renewal Application for the Lower Bar and recommended to the State Liquor Control Board that their Outside Consumption Permit be limited to midnight.

Proposal for Adopting a Declaration of Inclusivity

Ms. Rachel Moore, on behalf of an ad hoc group of citizens in Stowe, has proposed a Declaration of Inclusivity to be adopted by the Town of Stowe, included on the Town Website and the Town of Stowe Ethics Policy, and distributed to every Stowe Board member and employee. Mr. Brian Leven, also a member of the ad hoc group, spoke to the work he has done as the Stowe Representative to the Lamoille County Planning Commission, particularly addressing Diversity and Inclusivity in regional planning. Mr. Aumand thanked the ad hoc committee, stating that it was an important thing to do in 2022. Ms. Hagerty read the statement aloud, stating “The Town of Stowe welcomes all persons, regardless of race, color, religion, national origin, sex, gender identity or expression, age or ability, and wants everyone to feel safe and welcome in our community. As a town, we formally condemn discrimination in all of its forms, commit to fair and equal treatment of everyone in our community, and will stive to ensure all of our actions, policies and operating procedures reflect this commitment. The Town has and will continue to be a place where individuals can live freely and express their opinions.”

Ms. Hagerty made a motion, seconded by Ms. Courtney, to adopt the proposed Declaration of Inclusivity.

Ms. Jennifer Herrera Condry, asked that the statement include “family status” as well.

The Board agreed to this, and Ms. Hagerty amended her motion to adopt the proposed Declaration of Inclusivity with the addition of “family status” after “gender identity or expression.” The motion and amendment were approved unanimously.

Lamoille Art & Justice Project

Rachel Moore, Executive Director of The Current has requested approval of a mural to be painted on the first 40 to 100 feet of the paved portion of the Stowe Recreation Path. She explained “The Lamoille Art & Justice Project merges public art and storytelling to create connection and community for rural BIPOC Vermonters across generations. Our goals are to bring awareness to the enduring inequalities within our region...” The artwork will be done by Ms. Herrera Condry and Mr. Will Kasso Condry of Juniper Creative Arts, in collaboration with students in The Current art camp. It will also include a community paint day where members of the community are welcome to participate. The focus of the artwork is to be on oral histories that center on the lives of black and brown people in Lamoille County. The entire project will take place over 10 days, during which the group has plans to keep access to the Recreation Path open by working in roped-off segments and using the lawn/grass space to go around them. The total cost for the project is \$25,000, and funding for the project is being secured by The Current, using grants from various organizations. The painting will use acrylic paint and is anticipated to last 1-2 years. It will be designed to fade as part of the art. It was noted that this area of the Recreation Path is in a flood zone and should flooding occur it may damage the artwork. The artists felt this location was important as it is a welcoming space and may draw those who would not otherwise use the Recreation Path to it. It was also noted the mural being painted on the path itself is intended to show it blending in with the natural surroundings.

It was noted that Juniper Creative Arts has done a number of murals across the State, including working with local elementary schools such as Waterville and Hyde Park.

Mr. Safford explained that the Town of Stowe can regulate the location and duration of the art, but it cannot regulate the content or discriminate based on the viewpoint expressed. It was also noted that if the Board were to allow this use, it would then need to be open to any other requests for a similar expressive work. The Town of Stowe does not currently have a policy in place for artwork in public spaces, but it is

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something that has been discussed in the past. Chair Adams asked what other exhibits The Current would have planned for that area as part of their annual Exposed exhibit, and Ms. Moore stated that there would be two other exhibits planned for that area.

On a motion by Mr. Aumand, seconded by Ms. Hagerty, the board supports and authorizes the Lamoille Art & Justice Project. The approval is not only a recognition of the art involved but it is also a symbolic gesture of our effort to welcome everyone to our community. The Board asks that the artists work with the Town Manager on design and specifics of getting the project completed in this site-specific location for a period of not more than two years and with the understanding that the artists will maintain the project for 12 months and the Town, through the Town Manger, reserves the right to remove it should it become worn out or for other viewpoint-neutral reasons.

Manager's Report

There was nothing to report at this time.

On a motion by Ms. Courtney, seconded by Ms. Hagerty, the Board went into Executive Session at 8:49pm to discuss Personnel. They invited Abigail Sweetser into the meeting to manage Zoom participation.

The Board came out of Executive Session at 9:47pm.

There being no further business, Chair Adams adjourned the meeting at 9:48pm.

Minutes respectfully submitted by Abigail Sweetser.