

Agenda Summary
November 12, 2019

Agenda Item No 6-C
Other Business – Manager’s Report

Opioid Litigation: Enclosed is a letter from the Vermont Office of the Attorney General indicating Vermont cities and towns will be enrolled in the suit regarding opioid litigation unless they opt out by 11/22/19. It states, in part, “The judge in the MDL authorized the creation of a Negotiation Class as a means for all cities and towns across the country to participate in the fruits of any settlement activity arising out of this court...you can participate in the potential fruits of a settlement without having to file a lawsuit, hire attorneys, and most important incur additional attorneys fees and cost...” Unless otherwise instructed, staff will not opt out on behalf of the municipality.

Holiday Decorations: Stowe Vibrancy and the Town have historically installed holiday decorations on Main Street. SV lit trees and the ornamental lamps. The town paid for the lights and trees that went on the telephone poles. The trees have recently been replaced and we have increased the number of ornamental lamps for appropriate light diffusion with the anticipated removal of the overhead utility poles and cobra head lights. SV is asking the Town to take this responsibility over. They have also indicated that they will not be able to provide the seasonal banners for the additional lamp posts going forward. Unless otherwise instructed, staff work on a plan for holiday decorations and assume responsibility for the seasonal banners going forward.

Stormwater: Public Works time has been devoted to the recovery of the Halloween storm. It doesn’t appear that we are going to be able to get the information and presentation together to discuss the requirements and cost of the municipal general highway permit for the Selectboard’s 11/25/19 meeting. Unless Otherwise instructed staff will postpone until a future meeting and notify our legislative delegation.

Halloween Storm: Public Works will debrief the Selectboard on the extent of the infrastructure damage.

Downtown Construction: Public Works will debrief the Selectboard on the status of the Class 1 Sidewalk & Main Street Overhead Utility Project.

Town Plan Impact:

Fiscal Impact: N/A

Recommendation: No action is necessary. This time is set aside to ask questions of a general nature and for the public to be heard on any issue not on the regular agenda that doesn’t require Selectboard action and is of a non-personnel nature.

Enclosed for Your Information

Development Review Board Minutes 10/15/19

Planning Commission Minutes 10/21/19

Historic Preservation Minutes 10/23/19

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November 1, 2019

VIA E-MAIL

Vermont League of Cities and Towns
Attn: Vermont Mayors, Town Managers and Selectboard Members
89 Main Street, Ste. 4
Montpelier, VT 05602

Re: Opioid Litigation

Dear Vermont Mayors, Town Managers and Selectboard Members:

I am writing to address recent questions arising from a notice inviting Vermont cities and towns to join a Negotiation Class involving opioid related litigation. We believe Vermont cities and towns should seriously consider joining the Negotiation Class because it provides a way to participate in recent efforts to settle on-going litigation against the manufacturers, distributors, and large pharmacies that created the opioid epidemic. The Negotiation Class provides the opportunity to participate without having to file a lawsuit, hire attorneys, and incur additional attorneys' fees. Vermont cities and towns will be automatically enrolled in the Negotiation Class, unless they opt out by November 22, 2019. Answers to frequently asked questions related to the Negotiation Class can be found at <https://www.opioidsnegotiationclass.info/Home/FAQ>.

Many of you are dealing with the enormous fallout from the opioid epidemic. The harm to our communities has been staggering. The opioid crisis has caused a devastating loss of life in Vermont. Families have been torn apart, and many lives left in ruin. We have expended precious, limited resources to care for victims and the aftermath of addiction. This includes medical treatment, mental health care, family services, first responders such as police and rescue, and so many others.

It has been my number one priority as Attorney General to hold accountable those who have caused the opioid epidemic. We have sued opioid manufacturer Purdue Pharma, its owners the Sackler family, and the pharmaceutical distributors to bring those responsible for this epidemic to justice. I anticipate more lawsuits will follow. It is our intention that recoveries

from these lawsuits will be utilized to address the opioid crisis across Vermont. And, I know many of Vermont's cities and towns would also like to take part in these efforts.

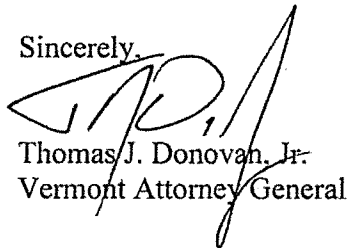
Many of you have been asked to take part in the Negotiation Class as part of the multi-district litigation or "MDL" in the United States District Court for the Northern District of Ohio. This MDL has gathered thousands of cases brought by other cities and towns across the country. The MDL essentially is the federal court's way of consolidating all these cases before a single court to efficiently address all these claims. The judge in the MDL authorized the creation of a Negotiation Class as a means for all cities and towns across the country to participate in the fruits of any settlement activity arising out of this court. You can participate without having to file your own case or hire your own attorneys.

To see the how monies might be divided across the country, and in your particular community, you can go to www.OpioidsNegotiationClass.info. You will automatically be included in this Negotiation Class unless you provide notice of your decision to "opt-out" by November 22, 2019.

It is my recommendation that Vermont cities and towns seriously consider participating in this Negotiation Class. As stated above, you can participate in the potential fruits of a settlement without having to file a lawsuit, hire attorneys, and most important incur additional attorneys' fees and costs.

I respect that each municipality will consider their individual needs and determine the best path for their community. Regardless how you may choose, the Vermont Attorney General's Office will continue to seek justice for the entire State of Vermont and hold those accountable who created and profited from the opioid crisis.

Sincerely,



Thomas J. Donovan, Jr.
Vermont Attorney General

1 Development Review Board—Town of Stowe **DRAFT**
2 Memorial Hall October 15, 2019
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4 The regular meeting of the Stowe Development Review Board was held Tuesday, October 15, 2019
5 starting at 5:00 P.M. Members present: Paco Aumand, Drew Clymer, John Beecy, Ed Frey (alternates)
6 Peter Roberts and Andrew Volansky. Absent : Tom Hand. Also present Sarah McShane, Zoning
7 Administrator.

8 **5:00 P.M.**

9 **Project #: 5955 (Continued from 5/7; 7/16; 8/20**

10 **Owner: Talsko, Alex and Moeller, Paul**

11 **Tax Parcel #: 11-122.000**

12 **Location: 0 Lower Sanborn Road**

13 **Project: Final Subdivision Review of 2 –lot Subdivision of a 8.2 Acre Parcel. Review Prior**

14 **Condition of Approval**

15 **Zoning: UMR.**

16 **WITHDRAWN PER the applicant by e-mail to Zoning Officer**

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18 **5:05**

19 **Project #: 6112**

20 **Owner: Cataldo, Peter**

21 **Tax Parcel # 14-021.050 (Lot 5)**

22 **Location: Notchbrook Road (Lot 5)**

23 **Project: RHOD Review for Minor Clearing and Site Drainage Improvements**

24 **Zone: RR5/RHOD**

25 Present was John Grenier who stated there will be 100' of drainage ditch along area which has not been
26 cleared where the septic system is. Ms. McShane testified that the development will not be seen from
27 anywhere saying it is at the very top of Notchbrook. Drew stated he had been to the site. There is no
28 other clearing proposed except for the drainage. With little more discussion, Chris moved to instruct the
29 Zoning Administrator to draft Findings of Fact and Conclusion of Law re: Project # 6112 with staff notes
30 and **CONDITIONS** provided by staff. Paco seconded the motion. Paco, Andrew, Ed, Chris, John and Drew
31 voted in favor. Peter abstained.

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33 **5:15**

34 **Project #: 6114**

35 **Owners: Alexander, Gary & Lois**

36 **Tax Parcel #:7-165..040**

37 **Location: 609 Taber Hill Road**

38 **Project: RHOD Review for Exterior Alterations to Existing Single-Family Dwelling; Replace and**
39 **Relocate Windows; Replace Roofing; Site Improvements**

40 **Zone: RR 5**

41 Present were Michael Perpall of Cushman Design Group on behalf of the owners and Milford Cushman.
42 Mr. Beecy stated for the record the applicant is his neighbor but felt he could participate after reviewing
43 the application without bias. Board was agreeable. Project is mainly renovations to the existing dwelling
44 and will square off diagonal corner of kitchen adding five square foot area; replacing all windows and

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2 doors including reconfiguration and some will be added; replace roof with metal roof with snow guards;
3 extend front porch entry; remove west facing second floor balcony; install 6 wall mounted shade roofs
4 above first floor windows; rebuild deck; rebuild pool area arbor and patio; construct 2 new pergolas
5 12'x12/10' high; remove one chimney. There will be specific tree trimming. Mr. Cushman described the
6 site/cross section and testified it as a minor. Around the perimeter but within the setback line is zero
7 cut; sloping site with only the very top of the roof can be seen. There will be no unbroken canopy stated
8 Mr. Cushman. RHOD Review: Mr. Perpall described the project in detail, i.e. what is being constructed,
9 what is being redone and added to. He described the colors as green trim with a dark grey metal roof.
10 West elevation is facing the west. Larger sliding doors to be installed. Paco asked the basis is for more
11 cutting and Mr. Cushman replied to open up the ground around the area with a view of the mountain.
12 The west will be 50% removal of trees. Chris asked at what point is this type of work considered
13 forestry? Sarah responded. Mr. Cushman stated in this case a forester could be a consultant but not
14 need to determine the cutting. Peter asked who determines healthy trees and Mr. Cushman said he did
15 not feel a logger was needed to tell them. **Sec. 9.5 Drew read each standard tape 1 side 2 5:35:** and no
16 changed to driveway; standard 3: Peter asked for the record about reflective glass and the answer was it
17 will not be reflective glass but a standard glass window. **standard 11 Lighting:** additional lights to be step
18 lights and wall mounted next to doors no higher than the top of the doors; along deck post mounted
19 lights with any light being installed is less than 10' above grade stated Mr. Cushman. Mr. Perpall stated
20 the interior lighting will not be much different than presently exists. With little more discussion, Paco
21 moved to instruct the Zoning Administrator to draft Findings of Fact and Conclusion of Law with the
22 finding that 9.24 (3)c are met therefore this application is a minor with the following **CONDITIONS**
23 **attached:** Chris seconded the motion. With discussion, Sarah suggested someone go to the site and
24 determine what is presently there and the 50% that is proposed to be removed. Mr. Cushman accepted
25 as a condition that a registered forester testify what is presently there and the clearing and put on plan
26 # w4 & w5. Chris accepted as an amendment with all in favor.

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28 **Project #: 6113**
29 **Owners: Abbott, Richard Clark**
30 **Tax Parcel #: 15-042.810**
31 **Location: 178 Thomas Pasture Lane**
32 **Project: Construct Detached Barn/Garage in the RHOD**
33 **Zones: RR5/RHOD**

34 Drew was asked to go to the Selectboard meeting for interviews so Paco chaired the meeting.
35 Present were Milford Cushman, Cushman Design and David Koschak who described the project as a
36 detached barn/garage with the proposed height of 20'2". Materials to match the existing house. Visible
37 partially from Rte 108 and from different locations stated Mr. Cushman. Will not see roof in summer.
38 Ms. McShane has been next door to the site but not on the site. Chris asked Mr. Cushman how he
39 determines an application to be a minor or major and he explained in detail from different vantage
40 points (too lengthy to put in the minutes). Mr. Cushman felt this a minor and stated it's about
41 stewardship with long term management. 9.4(3)c states the DRB responsibility of determining a major
42 or minor stated Paco. **tape 2 side 1** Paco as Chair went through each standard in Sec. 9 with no
43 comment from members. No additional lighting proposed. Peter asked Ms McShane is an engineer
44 certifies the floor standards and she said she goes out, has the drawing with a bench mark of 1497' and

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2 she can determine. Chris moved to instruct the Zoning Administrator to draft Findings of Fact and
3 Conclusion of Law re: Project 6113 with the **CONDITIONS attached**. Andrew seconded the motion with
4 all in favor.

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6 **Project #: 6117**

7 **Owners: Hotel Sportiva Stowe LLC c/Edwin Bitter**

8 **Tax Parcel #: 7-021.000**

9 **Location: 876 Mountain Road**

10 **Project: Site Plan Revisions Including Modifications to Access , Parking & Landscaping**

11 **Zone: HT/FHD**

12 **Present was** Ed Bitter (formerly Town & Country) explained the proposal to reconfigure the access –
13 making a one-way to the rear lot behind the building. This will create an island as one enters and re-
14 locate 5 parking spaces in the island. Peter questioned how one could be backing out while one is
15 enters? Mr. Bitter said one would be around the corner so would be safe. Peter felt it could be another
16 unsafe issue. Mr. Frey asked how much space there is to someone to back out. DREW RETURNED.
17 **REVIEW of Standards** took place # 7 Density should be 72?. Dimensional Requirements are met; Sec. 3.7
18 (2)(A) Conditional Use. David Kresock from Stowe Electric submitted requirements dated 8/28/19; (on
19 file) Comments for Harry Shepard, Town Engineer (on file). Paco asked if SP100 (VTRANS who said the
20 end entrance needs to be closed) is new and deals with the Fire Chief who allows the 2nd entrance to
21 remain open, as well as the and Public Works Director? He asked if it is in conflict with what the Fire
22 Chief wants. Chris stated he felt the Board should listen to the Fire Chief. Ms McShane said the DRB
23 has no jurisdiction on the Rte 108 lot, it is state statue. The Board discussed this in detail with many
24 concerns and comments from members. Paco felt the solution could all needs except for Harry taking
25 into consideration what VTRANS said. Drew said he was about safety, not what VTRANS wants. Ms.
26 McShane said she needs to look at the permit to see what VTRANS approved and it is not up to the DRB
27 if the access is closed. Chris said he would not sign off if the Fire Chief wants the access open. Paco said
28 life safety should be primary but if there is a statute that supports VTRANS, we have to go with that.
29 Drew continued with each criteria. Access Management: Mr. Frey asked if the right angle could be
30 modified? Mr. Bitter said it is within the state r.o.w and has jurisdiction, they generally want the angle
31 to be perpendicular. Peter said the Board can consider the application as submitted and approve or not.
32 Paco read from the Zoning Bylaws Sec. 15.4 re: parking and asked if these changes meets the criteria
33 and how one mark spaces in a gravel lot? Mr. Bitter answered that is based on the dimensions with the
34 number of parking spaces. People park in the rear and on the grass which has always taken place for
35 many years and some of the surface has been improved, stated Mr. Bitter. **Tape 2 side 2 7:00** It was
36 agreed number of spaces meets the criteria. **3.7(20(B)(7) Landscaping & Screening**. Additional
37 landscaping to take place on the island. Paco felt there needed to be a landscaping plan with a
38 schedule. No additional lighting proposed. After little more discussion, Chris moved to instruct the
39 Zoning Administrator to draft Findings of Fact and Conclusion of Law re: Project #: 6117 with the
40 **CONDITIONS** proposed and attached and the condition of a landscaping plan: Paco seconded the
41 motion with all members voting in favor.

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43 Minutes of September 17, 2019: Andrew moved to approve, seconded by Chris with all in favor.

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2 There being no further business to come before the Board, the meeting adjourned at 7:20 P.M.

3 Respectfully submitted, Barbara Allaire

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Stowe Historic Preservation Commission

Town of Stowe

October 23, 2019

A meeting of the Stowe Historic Preservation Commission (SHPC) was held on Wednesday October 23, 2019 in the Memorial Room starting at approximately 5:15 pm.

Members Present:, Barbara Baraw, George Bambara, Sam Scofield, Gordon Dixon

Members Absent: McKee MacDonald

Staff Present: Tom Jackman

Others Present: Matt & Mara Karlin, Mila Lonetto, Heath Eiden, Brice Simon and Cassandra Anello

The meeting was called to order at 5:15 PM.

Project #: 6137
Owner: 1976 Mountain Road LLC
Tax Parcel #: 06-071.000
Location: 1976 Mountain Road
Project: Demolish Existing Historic Building (Rocky River Lodge)
Zoning: MRV

Ms. Lonetto was in attendance to present her application to demolish the historic Rocky River Lodge. Mr. Scofield commented that the criteria under which Ms. Lonetto was seeking demolition approval is no longer under the purview of the SHPC and will go directly to the DRB, so there was nothing to review, but that she will need to return to the SHPC when she plans to replace the building. Ms. Lonetto thanked the Commission and left.

Project #: 6138
Owner: Matthew L Karlin & Mara P Karlin
Tax Parcel #: 07-079.000
Location: 1186 Pucker St
Project: Install Privacy Fence Along South Side of Property
Zoning: RR2

Mr. Karlin presented two options for a privacy fence to provide screening from Mr. Eiden's property, a stockade fence and a "shadow" fence. He stated a preference for the shadow fence and the SHPC concurred. Mr. Simon spoke on behalf of Mr. Eiden and asked the SHPC to hold off on making a decision until a plan for the entire property is presented. Commission members had no issues with the fence, but decided to hold off on making a decision until after convening a site visit at the next meeting on 11/13.

Project #: 6149
Owner: Cassandra Anello
Tax Parcel #7A-150.000
Location: 32 Park St
Project: Install Split-rail Fence
Zoning: VC-10/SHOD

Ms. Anello presented plans for a 2-rail, split-rail fence made of black locust along the front of the property. Mr. Dixon motioned to approve the fence as presented. The motion was seconded by Mr. Bambara and passed unanimously.

Historic Buildings Outside the SHOD

Mr. Jackman presented a map of historic buildings along Mountain Rd. along with pictures of each building. He also handed out descriptions of the zoning districts as well as the additional conditional use criteria associated with the individual districts, highlighting criteria that involves buildings. The Commission will review the descriptions and conditional use criteria for opportunities to add additional building design criteria.

No changes or edits were made to the 10/9 meeting minutes.

The meeting adjourned at approximately 6:40 PM.

Respectfully submitted,
Tom Jackman, Director of Planning

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**PLANNING COMMISSION
TOWN OF STOWE
Monday, October 21, 2019
Minutes**

10 The Stowe Planning Commission held a regular meeting at the Akeley Memorial Building on October 21,
11 2019 starting at 5:30 p.m.

12 **Members Present:**

13 Chuck Ebel
14 Chuck Baraw
15 Bob Davison
16 Brian Hamor, Vice Chair

17 **Members Absent:**

18 Mila Lonetto, Chair
19 Neil Percy
20 Arnold Ziegel

21 **Others present:** Eric Gershman and Tom Jackman, Director of Planning.

22 **Minutes**

23 The minutes of the October 7 meeting were approved on a motion by Mr. Ebel, seconded by Mr. Davison.

24 **MRV Boundary Extension Request**

25 Mr. Gershman, owner of the Gables Inn property, was in attendance to request that the boundary of the
26 Mountain Road Village zoning district be expanded to include his property, which is located at the edge
27 of the Highway Tourist district. He has a permit to demolish the building and is planning to construct a
28 new building which will contain a restaurant and lodging rooms. The Inn and adjacent building currently
29 contain 18 lodging units. He property consists of 2 lots totaling 2.4 acres. Currently he could have a
30 maximum of 20 units. If in the MRV he could have 29 lodging units. He would like to be in the MRV to
31 be able to have as many units as possible. Mr. Gershman acknowledged that a change in a zoning district
32 boundary should have a community benefit. The restaurant would be managed by someone with well-
33 established restaurant experience.

34 Mr. Hamor, who chaired the meeting in Ms. Lonetto's absence, told Mr. Gershman that in fairness to him,
35 the Commission won't make a decision until they have all members present and that they would review
36 the request within the context of reviewing all the zoning districts.

37 Mr. Baraw commented the there is a natural boundary to the MRV formed by the river. Mr. Davison
38 stated that the MRV is supposed to be confined. There was concern expressed by several members that
granting this request to one property owner could lead to others making the same request and that would
impact the integrity of the MRV as a locally-designated growth center.

The meeting was adjourned at 6:40. The next meeting will be on November 4. In place of the November
18 meeting, there will be a community forum on broadband access hosted by Heid Scheuremann.

Respectfully submitted, Tom Jackman, Director of Planning