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Town of Stowe
Development Review Board
Meeting Minutes – March 15, 2022

4 A regular meeting of the Stowe Development Review Board was held on Tuesday, March 15, 2022,
5 starting at approximately 5:00 pm. The meeting was remotely using the “Zoom” application.
6 Attendees participated in the meeting remotely by joining the meeting online.

7 **Members Present:** Drew Clymer, Chair; Tom Hand; Chris Walton; Leigh Wasserman; Peter
8 Roberts; David Kelly; Michael Diender

9 **Staff Present:** Sarah McShane- Planning & Zoning Director & Layne Darfler- Assistant Planning &
10 Zoning Administrator

11 **Others Present via Zoom:** Ron Mashall, Hannah Stearns, Brice Simon, David Gellis, Andrea Gellis,
12 Cara Ray, Lisa Hocker, Lisa Mashaal, David Sears, Tyler Mumley, John Thurgood, Scott Snyder, Matt
13 Ottmer, “Linda and Robby”

14
15 **Approval of the Agenda** – The public meeting was called to order at 5:01 P.M by Chair Clymer

16
17 **Development Review Public Hearing**
18

19 Project #: 6793
20 Owner: Stowe Motel and Snowdrift Inn
21 Tax Parcel #: 06-052.000
22 Location: 2043 Mountain Road
23 Project: Use of field for farmers market Sundays 10am-3pm from mid-May to mid-October.
24 Zoning: MRV/FHD/FEH
25

26 At 5:02 pm Chair Clymer swore in the applicants and interested parties.

27 Jason Pacioni represented the application and provided a project overview. He reported
28 they are requesting a two-year approval for the farmers market due to success of previous
29 year with limited issues.

30 D. Clymer requested clarification on any issues that were present last year. Mr. Pacioni
31 stated there were some parking and traffic related issues at the beginning of the season, but
32 they were quickly mitigated by signage and parking staff. No complaints from Stowe Police
33 were received. Mr. Pacioni explained they are requesting to relocate the vendor and
34 parking areas to accommodate for better mitigation of any possible issues.

35 D. Kelly stated that post-pandemic traffic flows could be much greater, and he would like to
36 see more prominent parking signage related to no parking on Mountain Road.

37 At 5:10pm the motion was made by Michael Diender to approve the project as presented.
38 The motion was seconded by Leigh Wasserman and passed unanimously.
39

40 At 5:11pm Chris Walton made a motion to enter into deliberative session prior to the
41 review of the following projects. The motion was seconded by Tom Hand and unanimously
42 approved.

43 The Board returned from deliberative session at 5:43pm.

44 Project #: 6788

45 Owner: Marc Chretien

46 Tax Parcel #: 07-004.000

47 Location: 17 Town Farm Lane

48 Project: Request to host 2 food trucks on property.

49 Zoning: HT/FHD

50

51 At 5:46pm Chair Clymer swore in the applicants as well as interested parties; Chair Clymer
52 made note that all parties sworn in would remain sworn in for the related projects.

53

54 Dan Snyder, Mark, Ray, and Brian Leven were present to provide project overview as well
55 as answer questions from the Board. Mr. Snyder provided an overview of the timeline for
56 the food trucks to be operating on the site and their proposed locations.

57

58 There was discussion related to the total number of people on the property at one time. Ron
59 Mashaal voiced concerns about crowds on property and parking issues.

60

61 There was discussion regarding whether trucks would stay on property or would be
62 removed. Mr. Snyder clarified that some trucks would come and go while others may stay
63 for a longer period. There is a food truck owned by Stowe Cider that remains on the
64 property at all times while not being used off-site, but their truck would not be used while
65 the additional food trucks are operating on the property.

66

67 C. Walton requested clarification on generator use and lighting. Mr. Snyder stated the trucks
68 would not be using generators and there would be no additional lighting used on site other
69 than the lights within the trucks themselves.

70

71 At 6:13pm Peter Roberts made a motion to close testimony. The motion was seconded by
72 Michael Diender and approved unanimously.

73

74 Project #: 6789

75 Owner: Marc Chretien

76 Tax Parcel #: 07-004.000

77 Location: 17 Town Farm Lane

78 Project: Add commercial kitchen, 50 seat restaurant, and updated occupancy.

79 Zoning: HT/FHD

80

81 At 6:15pm Chair Clymer swore in additional interested parties.

82 Mr. Snyder provided project overview, he explained they are requesting changing the use of
83 a portion of space to include a 50-seat restaurant with 36 seats on patio, and commercial
84 kitchen.

85

86 There was discussion regarding changing primary use of the property and how the property

87 use remains light manufacturing. Mr. Ray clarified that the wholesale production remains
88 primary use of the property, all other uses are ancillary. Mr. Snyder stated the uses of the
89 rooms change with seasons and occupancy of each room will be different with changing
90 weather and seasons.

91
92 Lisa Mashaal requested clarification on the maximum number of patrons on the property at
93 one time. Mr. Snyder stated 150 people maximum plus the staff.

94
95 Ron Mashaal stated he is concerned with change to restaurant as he believes it will create
96 more issues with parking and patrons using his property.

97
98 Mr. Snyder stated there have been no parking issues during the tenancy of Stowe Cider
99 operations at the property. Mr. Ray stated Stowe Cide previously worked out a parking
100 agreement with the former Rusty Nail, hired parking management and security to mitigate
101 any parking issues.

102
103 There was discussion regarding kitchen hood vents and where those would be installed. T.
104 Hand requested elevation renderings be provided. Zoning Administrator added the
105 applicant should show any potential screening of the hood vents as well. T. Hand added the
106 dumpsters should be shown on the site plan and possibly screened and/or enclosed.

107
108 There was discussion regarding where the kitchen and bar would service. Mr. Snyder stated
109 the patio would be by service only and they are only installing a small commercial kitchen
110 so they would not expect full occupancy of those seats. Maximum occupancy is 150 people
111 plus staff.

112
113 There was discussion regarding traffic impacts. Mr. Snyder stated they expect traffic to level
114 out throughout the day as adding the restaurant service limits their services. Mr. Ray added
115 that they do hire parking management and security for larger events and busier days.

116
117 There was discussion regarding amplified music on the patio. Mr. Leven stated in the 2019
118 permit Stowe Cider was allowed amplified music with no audible amplified music past the
119 property line after 10pm. Mr. Ray stated they have received no complaints from the patio
120 location. Mr. Leven stated the drafted staff recommendations have the conditions stating no
121 music audible past the property line at any time and the hours of operation stopping at
122 9pm, requested they follow the 2019 permit conditions. Zoning Administrator clarified that
123 the DRB must determine appropriate hours of operations and music on outdoor patio as is
124 relates to the proposed change in activity on the patio.

125
126 There was discussion regarding parking agreement. Mr. Snyder stated there are 59 parking
127 spaces the are owned by Stowe Cider outside of the parking agreement; the required
128 parking spaces is 60 so they are requesting a parking wavier.

129
130 There was discussion regarding the number of staff in building at a time. Mr. Ray stated
131 there could be anywhere from 10-26 employees at a time, but the production use and
132 ancillary uses are typically offset from one another so waves of staff are present at separate

133 times.

134

135 Ron Mashaal asked if both businesses (former Rusty Nail and Stowe Cider) both have events
136 at the same time how will they accommodate parking? Mr. Ray stated the Rusty Nail is
137 closed and the business slated to move into that space is not planning on hosting events
138 such as previously held at the former Rusty Nail. M. Ray restated they have parking
139 management and security to aid mitigating parking issues.

140

141 A motion to close testimony was made by Michael Diender at 7:10 pm, the motion was
142 rescinded as Tom Hand requested more information on the kitchen hood vents and
143 dumpster locations and possible enclosures.

144

145 Mr. Ray requested continuance to date and time certain of April 5, 2022.

146

147 At 7:14pm Michael Diender made the motion to continue the review to date and time
148 certain of April 5, 2022. The motion was seconded by Tom Hand and unanimously approved
149 by the Board.

150

151 Project #: 6787

152 Owner: Marc Chretien

153 Tax Parcel #: 07-004.000

154 Location: 17 Town Farm Lane

155 Project: Classify use of rear "Garden" area as Assembly Space.

156 Zoning: HT/FHD

157

158 At 7:23pm Chair Clymer swore in additional interested parties.

159 Mr. Snyder provided a project overview of the request to use the "Garden" space as outdoor
160 assembly. Chair Clymer asked for clarification of the definition of assembly space as there is
161 no definition under the zoning regulations. Mr. Snyder stated the definitions come from
162 State wastewater permitting and allows for standing and gathering.

163

164 Mr. Leven clarified that the request was separated out from the amplified music request to
165 ensure use of the space should the amplified music request be denied.

166

167 There was discussion regarding indoor and outdoor assembly spaces and utilization times.

168 Mr. Snyder stated both gallery and garden would not be used simultaneously. Mr. Ray
169 clarified that the interior assembly space was permitted for amplified music until 10pm.

170 Mr. Level stated the request is to be able to use the "Garden" space for any event,
171 throughout the year, between 8am and 10pm without the use of amplified music. The
172 Applicant confirmed maximum capacity of the site would remain at 150 people plus staff.

173

174 C. Walton requested clarification regarding the stage structure shown on the site plan. Mr.
175 Snyder stated that is an existing patio and would not be changing; he noted it is more of a
176 podium.

177

178 There was discussion regarding whether food and drinks are served through rear pass-
179 through window. Mr. Snyder provided clarification regarding pass-through window; it is

180 no longer being requested as they do not intend to provide service through that window.

181
182 The Board discussed the proposed use of the space. C. Walton requested clarification on
183 year-round use, he asked if the intention was to turn it into a drinking yard. Mr. Ray stated
184 his intention is to provide a secluded peaceful area for patrons to utilize. L. Wasserman
185 requested clarification on appropriate use of the space and times regarding certain events.
186 T. Hand stated concerns with changing from 4 days per week to everyday of the week and
187 appropriateness of certain events at certain hours and the effects on neighboring property.
188 Audible noise at the property line was stated as a concern depending on the events being
189 held.

190
191 The Board discussed the Applicant's proposal that there would be no noise audible beyond
192 the property line. Mr. Ray agreed no noise audible beyond the property line.

193
194 At 7:50pm Chair Clymer made motion to go into deliberative session. The motion was
195 seconded by C. Walton and passed unanimously.

196
197 At 7:56pm the Board came out of deliberative session.

198
199 Chair Clymer asked the applicants if there were any mitigation strategies for noise. Mr. Ray
200 stated they bring on security for larger events.

201
202 The Board discussed outdoor lighting. Mr. Ray stated no new lighting is proposed.

203
204 At 8:02 C. Walton made motion to close testimony. The motion was seconded by T. Hand
205 and approved unanimously. The Board will render a written decision within 45 days.

206
207 Project #: 6790
208 Owner: Marc Chretien
209 Tax Parcel #: 07-004.000
210 Location: 17 Town Farm Lane
211 Project: Request to utilize rear "Garden" area for live music and entertainment events.
212 Zoning: HT/FHD

213
214 At 8:11pm Chair Clymer swore in additional interested parties.

215
216 Mr. Snyder presented the project overview; he reported the request is for approval under
217 the same conditions previously imposed with a change to time. The request includes
218 amplified music until 9pm on Thursdays and Sundays, and amplified music until 10pm on
219 Fridays and Saturdays, for 12 months out of the year.

220
221 Mr. Ray stated during the operations in October they received no complaints from
222 neighbors.

223 T. Hand requested clarification on conditions previously permitted and how those

224 conditions were met. There was discussion regarding previous conditions and if Stowe
225 Cider met those conditions. Mr. Ray stated the functions turned more into ticketed events
226 due to covid and conditions permitted but would like to see the events be more relaxed and
227 diversify functions. T. Hand requested clarification regarding the October events; he asked if
228 they were lower intensity than those events that received complaints prior to October. Mr.
229 Ray stated it was a mix.

230

231 Mr. Simon requested clarification on sound engineer condition. He asked who the sound
232 engineer was. Mr. Ray stated the sound engineers name was Johnny Bets and that they were
233 hiring a new sound engineer as they did not feel that individual was satisfactory.

234

235 The Board and Applicant discussed the condition regarding measuring sound levels during
236 events; the condition stated the measurement was to be taken at a single event during day
237 and evening not at multiple events.

238

239 Lisa Hocker stated music is damaging to her health and music blasted through her home at
240 Village Green. She was extremely concerned about increasing occupancy as well as days
241 allowing amplified music.

242

243 The Board discussed the definition of nightclub and principal use of the property. The
244 Applicant requests to change from 15 days of amplified music to Thursday through Sunday
245 twelve months out of the year. Mr. Ray stated they are amendable to conditions or the
246 previous permit and restated they received no complaints in October.

247

248 Mr. Simon stated there is a cumulative affect of all of the applications regarding Stowe Cider
249 before the Board. The events concurrent with the interior uses of the structure and the food
250 trucks make this much more significant. Mr. Leven clarified the applicants are looking to
251 diversify use, but the maximum occupancy of the property would still be 150 people plus
252 staff.

253

254 Chair Clymer made note that the review of character of the area extends beyond the zoning
255 district as the noise issue extends further.

256

257 Tom Hand requested clarification whether the applicants feel they have success to the point
258 they need to use the "Garden" space year-round. Mr. Ray clarified that they would like the
259 flexibility to host events throughout the year should such events arise outside of the 6-
260 month restriction they were previously seeking. T. Hand asked if they were set on the
261 twelve months a year times they requested or if they would be open to conditions
262 depending on the seasons. Mr. Ray stated they were amendable but would need to find
263 some working ground.

264

265 Matt Ottmer stated four days/week is a disturbance and 80-85 decibels is harmful as per
266 CDC guidelines. There were no issues in October but there may have been other events held.

267

268 David Gellis stated he felt complaint fatigue and the owners stopped being receptive to
269 complaints.

270 Cara Ray stated that Stowe Cider received no complaints in October and if they do not hear
271 from neighbors, they cannot do anything about the issue because they do not know there
272 were any issues.

273
274 Rob Levvy stated there is no reason noise should be leaving the property.

275
276 Scott Snyder stated there is a natural sound tunnel, during this review the owners have not
277 stated how they are going to mitigate the noise issues. He requested mitigation be proposed
278 and enacted.

279
280 Chair Clymer asked the interested parties online to raise their hands if there were issues
281 with the noise in the month of October 2021. Lisa Hocker, Dave Gellis, Andrea Gellis, and
282 Scott Snyder raised hands. Eric Smith stated he had no issue during October but
283 acknowledged they may have been away.

284
285 Chair Clymer went through each individual condition and asked Mr. Ray if all were upheld.
286 Mr. Ray stated that all conditioned were adhered to.

287
288 Chair Clymer requested the applicants explain proposed mitigation strategies and what is
289 new this year. Mr. Ray stated the volume of sound would be lowered, they would be
290 purchasing and hanging a sound dampening curtain for the side of the structure, installing a
291 drum cage to dampen drum noise, replacing sound engineer, they may reposition the stage
292 to point towards Route 108. Chair Clymer stated that Mr. Ray was providing possibilities
293 not actual changes and that the Board has to make certain there will not be a repeat of last
294 year. Chair Clymer clarified that the events in October may not have been a realistic
295 overview of the events to come. Mr. Ray stated they are amendable to the 85 decibels level
296 at property line and will have sound checks on-site.

297
298 Chair Clymer clarified the standard regarding undue noise and that it must not affect
299 reasonable use of outdoor space in neighboring properties. Chair Clymer asked the
300 applicants if they reached out to any of the interested parties. Mr. Ray stated they did reach
301 out to all of the interested parties who wrote in. Lisa Hocker stated she was not contacted
302 by the applicants.

303
304 Tom Hand stated there was a lot of weight put on the 85-decibel limit at the property line,
305 but it has been discovered that the sound at the property level is much different then up on
306 the hill. Chair Clymer added that the seasons will also affect the noise levels in the
307 surrounding neighborhoods. Mr. Ray stated that 85 decibels was what they had to go off of
308 and they are proposing sound checks.

309
310 David Gellis stated the applicants should be the party in charge of making sure the residents
311 are not impacted. He asked why the Applicant did not reach out and why should it be the
312 responsibility of the neighbors to continuously complain and reach out. He re-stated
313 complaint fatigue and that residents do not want to track down the owners of Stowe Cider.

314
315 Mr. Simon stated that the application request is much less restrictive than what was

316 previously approved. He encouraged Board members to continue conditions with additional
317 sound testing.

318
319 Tom Hand asked George Petit to provide his opinion. G. Petit stated both parties are trying
320 to find compromise; 85 decibels can be arbitrary because low frequencies travel different
321 than high frequencies. He suggested having a sound man on-site is necessary and the person
322 before was not qualified for the job. The music needs to be well managed, if all mitigation
323 elements addressed these issues could go away. He believes Stowe Cider should be given
324 the chance to get things right.

325
326 Scott Snyder added he would like to see more mitigation measures taken.

327
328 Lisa Mashaal stated Stowe Cider is changing and their vision may not be suitable for that
329 location.

330
331 Mr. Leven stated 85 decibels is an objectionable standard, reasonable enjoyment is not
332 objectionable. Stowe Cider needs feedback in order to figure out the best solutions and
333 mitigations.

334
335 Andrea Gellis stated that asking to give them another chance is not reasonable as this is year
336 three of dealing with this. She reported that year one they dealt with the thumping, year
337 two was the application and appeal, and now year three; they want a reasonable solution.

338
339 Sheri Smith stated if going forward Stowe Cider should put someone else in charge of taking
340 in concerns and complaints. She is also concerned about 365 days a year.

341
342 Eric Smith stated there needs to be recourse should the applicants receive approval, and the
343 same issues begin.

344
345 Chair Clymer stated that the Board needs to be able to have enforceable conditions and
346 everyone needs to work together on it.

347
348 At 9:31 p.m. a motion was made by Chris Walton to enter into deliberative session and close
349 testimony. The motion was seconded by Tom Hand and passed unanimously. The Board
350 will render a written decision within 45 days.

351
352
353 **Other Business:**

354
355 Meeting adjourned at 09:58pm

356
357 Respectfully Submitted,
358 Layne Darfler
359 Assistant Planning & Zoning Administrator