



**TOWN OF STOWE  
PLANNING COMMISSION  
Meeting Minutes  
October 2, 2023**

The Town of Stowe Planning Commission held a meeting on **Monday October 2, 2023**, starting at 5:30 p.m. The meeting was held at the Stowe Town Office with remote participation available via Zoom. The meeting began at 5:30 pm.

Members present included Mila Lonetto, Bob Davison, Chuck Ebel, Jill Anne, Heather Snyder, Brian Hamor, and John Muldoon. Also present was Sarah McShane (staff), Christopher Muroch, Hannah Sterns, Meghan Rodier, Billy Adams, and 'VHHB Ipad'.

The meeting was called to order by Chair M.Lonetto at 5:30 pm.

**Adjustments to the Agenda & Public Comments on Non-Agenda Items**

Chair Lonetto asked to move LCPC's request for support of a consortium MPG application to the beginning of the agenda. Members agreed.

**Review Prior Meeting Minutes [09/18/2023]**

On a motion by B.Davison, seconded by B.Hamor, the meeting minutes from the prior meeting were approved as submitted. The motion passed unanimously.

**LCPC- MPG Grant Application**

Staff introduced LCPC's Regional Planner Meghan Rodier and provided a brief overview of the proposed grant application. M.Rodier provided an overview of the proposed project which would include Hyde Park, Stowe, and Cambridge. She reported the grant funds would be used to provide technical assistance for municipal plan updates. Each community would have different focus areas. In Stowe, the focus would be to update the housing element of the municipal plan and other areas where necessary (energy, mapping, etc.) The consortium application seeks \$45,000 in funding with each municipality providing a \$1,500 match. M.Lonetto made a motion to support the MPG consortium grant application for municipal bylaw updates. The motion was seconded by C.Ebel and passed unanimously.

**Proposed Zoning Amendments- Public Hearing Follow- Up**

The Commission discussed public comments received during the public hearing and decided what amendments, if any, to incorporate. Staff provided a list of the public comments for the Commission to review and discuss. A summary of the discussion follows:

During the hearing the Commission heard comments from Valerie LaMonda requesting the Commission reconsider allowing small indoor cannabis cultivation operations in the RR2 district. B.Davison and J.Muldoon both suggested to keep the existing language but study the issue further for possible future updates. M.Lonetto suggested that it is easier to loosen the regulations up than to tighten them. B.Hamor supported the change. On a motion by C.Ebel, seconded by B.Davison, the Commission voted 3-1 to keep the language as currently drafted with B.Hamor voting in opposition.

The Commission discussed the request to allow Tier 2 cannabis manufacturing in additional zoning districts. Christopher Muroch and Hannah Sterns were both present to answer questions. Members discussed the definition of light industry and the zoning districts which light industry is allowed. Members discussed the differences between manufacturing Tiers 1-3. The tiers are distinguished by the form of extraction methods; all manufacturing is completed indoors. C.Muroch and H.Sterns

reported they primarily make gummy bears from already processed products. Members discussed nuisances and potential odor. H.Sterns described the safety and security measures required. B.Davison was concerned about where the facilities could be located. Members asked questions and tried to better understand the parameters of a Tier 2 manufacturing license compared to Tier 3. B.Hamor explained that Tier 1 and 2 do not involve any hazards or flammable materials. Tier 3 manufacturing involves explosives and ethanol. C.Ebel reported that the Commission previously discussed the issue at great length and suggested the Commission take small steps. M.Lonetto explained the Commission has learned new information since the original discussions. B.Hamor motioned to separate the Tiers and allow Tier 1 & 2 manufacturing in all the same districts as light industry and Tier 3 manufacturing in WBCSD, as currently allowed. The motion passed 4-1, with C.Ebel voting in opposition.

Staff explained that recent changes in state law now regulate outdoor cannabis cultivation in the same manner as farming/agriculture. As such, municipalities can no longer regulate outdoor cannabis cultivation through municipal zoning since agriculture is exempt under statute. The Commission agreed with the recommendation to eliminate the references to outdoor cultivation since it is no longer an activity that can be regulated through zoning.

The Commission discussed the ADU provisions related to the 15-year amortized provision, owner occupancy, and habitable floor area. Staff explained that the Town Attorney's Office conducted a legal review of the proposed amendments and advised that accessory dwelling units that were lawfully created and in existence prior to the adoption of the zoning amendments but that do not conform with current regulations would be treated as non-conforming uses and regulated as such. She reported that he also noted that the amendment limiting the dwelling unit floor area to 2500 sf was not consistent with Act 47 or statute. Members discussed the owner occupancy or rented requirement and agreed to a twelve-month rental term for all new ADUs or single-family dwellings. Billy Adams inquired about the permit process for determining owner-occupancy. Staff explained that it would be a zoning standard and if found not to be compliant, the violation would be treated in the same manner as other enforcement actions. J.Muldoon noted a potential error regarding the 30% floor area; staff agreed and will make the correction. Following discussion, the Commission agreed by consensus with the twelve-month provision and the discussed corrections.

Members discussed the comment to consider raising the AMI for rental housing. Staff discussed this comment with the Town Attorney's Office and noted that state statute (24 VSA §4303) defines the term. By increasing the AMI to 120% it would allow the developer to increase rent and therefore would be more restrictive (to renters). She noted that municipalities can differ from state statute when it is more permissive, however in this case the purpose of the statutory definition is to provide affordable housing; if AMI is increased, housing would be less affordable for the renter and therefore more restrictive than the statutory definition. The Commission agreed by consensus to use the statutory definition.

Members discussed the comment to reconsider the calculation of density to exclude slopes greater than 15% and other undevelopable lands in areas served by water and sewer infrastructure. Staff explained that as currently written, this requirement would only apply to properties that are within both 'Areas Served by Municipal Water & Sewer Infrastructure' and an RR district. She provided two examples of properties that this would affect and the associated density calculations. By consensus, the Commission agreed to keep the language as currently drafted.

Members discussed the revised definition of 'Lot Area'. Staff reported that upon review by the Town Attorney's Office, he recommended the Commission keep the existing definition of 'Lot Area' which excludes the land beneath the right-of-way; this is consistent with recent case law. By consensus, the

Commission agreed to not to advance the requested amendment to the definition of 'Lot Area' and keep the existing definition.

Members discussed considering allowing drive-through facilities for pharmacies. The regulations currently define the term pharmacy as follows: *A retail business with a floor area of less than 5,000 sf substantially devoted to the sale of pharmaceutical items, supplies, and equipment, including the preparation and dispensing of prescription drugs. Said business shall be licensed by the State of Vermont.* Pharmacies are currently allowed in the following zoning districts: MRV, MRC, VC, LCV, & MC. B.Davison and C.Ebel both shared concerns with allowing such a change and noted their opposition to the request. Other members disagreed and felt a drive-through could be appropriately located in connection with a pharmacy. Members discussed the public comments received, health and safety concerns, and products that could be transferred through a drive-up window. Following discussion, members agreed that two Commission members were opposed (C.Ebel & B.Davison), however a majority (B.Hamor, M.Lonetto, J.Anne) were in support. The Commission agreed to advance to the Selectboard.

Staff and M.Lonetto explained the request to add technical review requirements prior to submitting conditional use or site plan application. The DRB Rules of Procedure currently require advance technical review with DPW for more complex projects, however this requirement is not codified within the regulations. By consensus the Commission agreed to incorporate the technical review application requirement as suggested by staff.

Staff explained that the Town Attorney recommended minor miscellaneous changes to the language to improve clarity and function. She noted the suggested improvements do not change the material effect of the rules however would aid in the administration. By consensus, the Commission agreed to accept the recommended language improvements.

Members then discussed the question of how many dwellings (i.e., single-family dwellings, duplexes, multi-family dwellings, or combination thereof) should be allowed on a single parcel and the appropriate form of review. Staff explained that historically the development of more than one (or in some cases two) residential buildings on a single parcel would require either subdivision or planned development approval however the regulations do not contain specific language as such. She explained that only requiring conditional use review is not the best tool for regulating site design and development/building patterns. Members discussed the current PRD requirements that require a minimum of three acres, open space, and double setbacks. She suggested the Commission consider eliminating the minimum lot area required in commercial zoning districts and to discuss whether to eliminate the open space requirement in the village center/downtown and designated growth areas. Members discussed how open space could serve different purposes and functions in different settings. Members discussed and decided by consensus to eliminate the minimum required area for PRDs in certain commercial zoning districts but keep the requirement of open space.

Following discussion of all the applicable public comments, B.Davison made a motion to advance the discussed recommended zoning amendments to the Selectboard. B.Hamor seconded. The motion passed unanimously. Staff will incorporate the discussed amendments and advance to the Selectboard.

### **Updates/Correspondence/Other Business**

J.Anne, B.Hamor, H. Snyder agreed to assist staff in the review and preparation of the RFQ for a community engagement consultant.

M.Lonetto reported that she has prepared comments on housing and short-term rentals that she would like to share with the Commission. The Commission agreed to hold a brief meeting on October 16<sup>th</sup> to

discuss short-term rentals and any possible recommendations the Commission would like to share with the Selectboard.

The meeting adjourned at approximately 7:30 PM.

Respectfully submitted,

Sarah McShane, Planning & Zoning Director