

**Stowe Selectboard, Liquor Commission & Water/Sewer Commission Meeting  
Tuesday September 6, 2022**

Present:

Selectboard Members: William Adams, Lisa Hagerty, Jo Sabel Courtney, Nick Donza, Paco Aumand

In Person attendees: Paul Sakash, Reid Krakawer, Taylor Bennet, Donald Jones, Elizabeth Busheuff,  
Larry Lackey, Patti Clark

There were 10 participant on Zoom

**Call to Order**

Chair Billy Adams called the meeting to order at 5:01pm.

**Approve the Agenda**

On a motion by Ms. Jo Sabel Courtney, seconded by Mr. Nick Donza, the Board approved the agenda as presented.

**Public Comment**

Chair Adams acknowledged that there were two people in attendance to give testimony about an issue that would be discussed further in executive session. Chair Adams gave them each -time to speak about their concerns. Ms. Taylor Bennet of 524 Bryan Road, spoke to concerns that a proposed settlement on a Zoning violation did not go far enough. She indicated that the current map does not show all of the issue, that there was no part of the settlement that required restoring the neighbor's property, that the mitigation did not go far enough to conceal the bench road, the lack of a formal definition for the "recreation trail" and for not having a third party sign off on the final landscaping. Mr. Reid Krakower of 579 Bryan Road echoed many of those same concerns, also noting that the bench road is a temporary road for mining/excavation and per Vermont Statute 16.47, he feels should be required to be reclaimed.

**Executive Session**

On a motion by Ms. Hagerty, seconded by Mr. Nick Donza, the Board went into Executive Session to discuss pending litigation and receive attorney-client communications at 5:16pm. They invited Mr. Joe McLean and Sarah McShane to join them.

The Board came out of Executive Session at 6:01pm.

**Consent Agenda**

1. 8/22/22 Selectboard Minutes
2. Anti-Displacement and Relocation Plan
3. Halloween Road Closures – Maple Street, Sunset, Pleasant and School Street
4. Hotel Sportiva Sewer Abatement
5. Water Allocation – 470 Sinclair Drive
6. Water/Sewer Allocation – 126 Francis Lane
6. Liquor Consent Items

On a motion by Ms. Hagerty, seconded by Mr. Donza, the Board approved the Consent Agenda as presented.

**Motor Vehicle Ordinance Amendment Public Hearing: Tour Bus Parking**

Chair Adams opened the Public Hearing at 6:03pm.

Police Chief Donald Hull had originally proposed an amendment to the Motor Vehicle Ordinance designating space on Depot Street for tour bus drop off/pick up. However, after discussions with some

bus drivers, Chief Hull revised his recommendation as they have indicated that they have to keep the busses available in case any of the riders need to get back on, as well as the number of spaces that the drop off space would take on Depot Street. Chief Hull indicated he had spoken with Ken Biederman of the Green Mountain Inn and that they have agreed to utilize a -section of their dirt parking lot for tour bus parking seasonally. Signage will be posted, and this area will be communicated with Stowe Area Association, so they can communicate it to the bussing companies.

There being no further comments, Chair Adams closed the Public Hearing.

On a motion by Ms. Hagerty, seconded by Ms. Courtney, the Board tabled this Motor Vehicle Ordinance Amendment indefinitely.

### **Interim Zoning Public Hearing - Cannabis**

In December 2021, the Selectboard discussed the retail sale of cannabis and whether the Town should opt-in to allow retail cannabis sales. At that time, the Selectboard decided not to voluntarily advance the issue to the voters, but rather wait until a petition was received. They also asked the Planning Commission to further study cannabis establishments, gather public input and develop any necessary zoning amendments. The Planning Commission has held various public meetings to discuss this topic, and - to develop the proposed interim zoning bylaws which has been reviewed by the Town Attorney. It was noted that while the voters of the Town have to vote to opt in to retail cannabis, the State Cannabis Control Board can issue licenses for wholesale, cultivation, manufacturing and testing of cannabis in any town, regardless of opt-in status. The Planning Commission has developed interim zoning to help direct where these types of establishments might be appropriate by zoning. It was noted that the Commission had looked at all current zoning districts to try to determine where cannabis might be the best fit and define where and how it will be allowed through zoning. Ms. Mila Lonetto, Planning Commission Chair, noted that the commission opted to be as conservative as possible without knowing exactly what future cannabis demands will be, knowing that the regulations could be adapted going forward as the Town gets more experience in this area.

It was noted that Cannabis Cultivator Tiers 4,5 &6 are not zoned for anywhere in the Town as they require a square footage that exceeds the amount in current zoning. Tier 1, 2&3 cultivation, both indoor and outdoor, is allowed in RR-3, RR-5, UMR, and WBCSD. Manufacturing and wholesale are allowed in WBCSD, and retail is currently designated in MRV. The Board discussed the decision to include a location for retail cannabis even though it was currently not allowed, but the Planning Commission felt it was appropriate to put it in place if and when the Town votes to opt in or the State legislature changes their current policy for opting in. The Board discussed other areas where retail cannabis might be suitable, such as LVC and UMR. The Board also discussed the interim zoning bylaws which state that no cannabis retailer shall be located within 500 feet of a childcare facility, public or private school, church synagogue or other house of religious worship, or a municipal park or recreational facility, or within 500 feet of any other cannabis establishment. It was asked if the Planning Commission had mapped out how many possible establishments might be able to exist within those parameters in the MRV, but they indicated they had not done that calculation.

After much discussion, the Board felt that further discussion and a second public hearing was warranted before making a decision. Ms. McShane did note that any application received before these zoning regulations are put into place will be assessed by the DRB based on the bylaws in effect at the time of the application, which currently do not address cannabis establishments.

On a motion by Mr. Donza, seconded by Ms. Hagerty, the Board tabled this discussion to a future meeting.

### **Local Cannabis Control Commission**

With the passage of Act 164 and Act 62, the State of Vermont has legalized the production, processing and testing of recreational cannabis projects and established a legal mechanism for municipalities to license the retail sale of cannabis. While the Town of Stowe has not opted in to allow retail cannabis sales, other types of cannabis establishments can be permitted by the Vermont Cannabis Control Board to operate in Stowe. This includes cultivators, wholesalers, manufacturers and testing laboratories. Under 7 V.S.A 863(b), municipalities may establish a local Cannabis Control Commission (CCC) which operates similarly to the local liquor control boards. This CCC can then have some limited authority to issue, suspend or revoke cannabis establishment licenses based solely on compliance with local ordinances and zoning bylaws. The establishment of a CCC allows the Town to know what is coming from the VCCB and allow the Town to have a comment in the issuance of the permits. The CCC would also have the authority to revoke a license based on zoning or other ordinance violations. The CCC would also be able to review licenses on an annual basis, similar to liquor licenses.

On a motion by Paco Aumand, seconded by Ms. Courtney, the Board approved the Resolution creating a local Cannabis Control Commission with the Selectboard serving as the Commission and the Town Clerk as the primary contact for licensing.

### **Local Sales & Use Tax**

Chair Adams opened the discussion to talk about the concept of a sales and use tax in Stowe to provide fiscal capacity to help the municipal general government operational needs. It was noted that the population of Stowe has grown by 21% per the 2020 US Census, and that the increase in Rooms Meals and Alcohol tax receipts indicate that economic activity is increasing dramatically as well. At the same time, the Town is seeing a decline in emergency volunteers, requiring the hiring of more employees to provide surety of service.

The primary source of funding for municipal government in Vermont is the property tax. This tax is a stable and ensured income, however it is also used to support the State Education Fund, diminishing the capacity to use it for municipal purposes. The Town of Stowe is authorized to institute a 1% sales & use local option tax in addition to the 1% rooms, meals and alcohol local option tax that is currently in place. The current local option tax currently generates about \$1M annually, which is used to pay for debt service on the Stowe Arena and the undergrounding of the main street overhead utilities, as funding other capital projects for the Town. It is estimated that a 1% sales & use local option tax would generate between \$700,000 and \$925,000 for the Town, which could be used to provide more capacity in the general fund without having to raise property taxes by a large amount.

It was noted that the State will collect the tax and remit 0.7% to the Town, while retaining 0.3% to be redistributed to other municipalities in the State.

Chair Adams mentioned the recent letter sent to the Governor and other State Legislators asking them to reconsider the current income sensitivity limits for property taxes, as the upcoming Stowe -reappraisal is likely to put many homeowners outside of the current limits for tax relief. He noted that increased property taxes to support the growing demands of the Town could further impact property owners who would not be able to afford to live in the Town anymore. There was a discussion that the money should not be earmarked for a specific purpose but used a general revenue to create fiscal capacity and/or reduce the reliance on the property tax.

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Mr. Paul Sakash questioned the need for a reserve fund for the Town, stating that he did not feel his taxes should go towards future projects rather than current budget demands. Town Manager Mr. Charles Safford explained that having some reserves is recommended best practice by the auditors for cash flow and emergency purposes.

The Board felt this topic needed further discussion, including input from the business community.

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On a motion by Mr. Aumand, seconded by Ms. Courtney, the Board moved to table this discussion to a future meeting.

**Manager's Report**

Mr. Safford noted that the knotweed harvest has been delayed until 2023.

Mr. Safford enclosed a letter from the Lamoille County Planning Commission regarding ridgelines and wind generation power, which was forwarded on to the Stowe Planning Commission for their input.

Mr. Safford noted that there will be Public Utility Commission hearing to receive input concerning Stowe Electric Departments request for a 13% rate increase.

On a motion by Ms. Hagerty, seconded by Ms. Courtney, the Board went into Executive Session to discuss legal matters at 8:40pm.

The Board came out of Executive Session at 8:50pm.

On a motion by Chair Adams, seconded by Ms. Hagerty, the Board authorized the Town Manager to sign the Settlement Agreement on behalf of the Town and for the Town Attorney to file the same with the court.

There being no further business, Chair Adams adjourned the meeting at 8:52pm.

Minutes respectfully submitted by Abigail Sweetser.

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