

**Stowe Selectboard, Liquor Commission & Water/Sewer Commission Meeting
Wednesday November 8, 2023**

Present:

Selectboard Members: Lisa Hagerty, William Adams, Nick Donza, Jo Sabel Courtney, Paco Aumand
In Person attendees: Mila Lonetto, Tom Hand, Mary Skelton, Lynn Altadonna, Diann Percy, Shapleigh Smith, Lun Goldsmith, Francesca Hildreth, Brian Hamor, Karen Ross, Jill Boardman, Heather Snyder, Kathleen Buchan, Elizabeth Gadbois, Susan Fisher, Lynn Lafleur, Pat N. Schno, Walter Frame, Jed Lipsky, Willie Noyes, Deb Longe, Larry Lackey
There were 56 participants on Zoom.

Call to Order

Ms. Lisa Hagerty called the meeting to order at 5:00pm.

Approve the Agenda

On a motion by Ms. Jo Sabel Courtney, seconded by Mr. William Adams, the Board approved the Agenda, pulling Consent Agenda Items A-1 to B-1-a and Consent Agenda A-4 to B-1-b, and adding Traditional Christmas in Stowe Special Event Application to the Consent Agenda.

Mr. Adams made a motion, seconded by Mr. Paco Aumand, to limit the Business discussion to a maximum of three hours, with one hour for each item on the Business Agenda, and to include a 10 minute recess after item B-2. After three hours, a motion would be required to continue to table discussions. The motion passed unanimously.

Executive Session

On a motion by Mr. Adams, seconded by Ms. Courtney, the Board went into Executive Session at 5:04pm to discuss Personnel.

On a motion by Mr. Adams, seconded by Ms. Courtney, the Board came out of Executive Session at 5:37pm.

Consent Agenda

1. PULLED
2. Informational Kiosks – Catamount Trail trailhead on Nebraska Valley Road & Old County Road Parking Lot
3. Sexual Harassment Policy Update
4. PULLED
5. Liquor Consent Agenda
6. Traditional Christmas in Stowe Special Event Application

On a motion by Mr. Adams, seconded by Ms. Courtney, the Board approved the Consent Agenda as amended.

Minutes of 10/25/23 Selectboard Meeting

Mr. Adams requested this item be pulled from the Consent Agenda for discussion. He noted that he felt the discussion on the proposed Zoning Amendments may not have captured everything discussed. He asked what was legally required for the minutes, which Town Manager Mr. Charles Safford explained that minutes are legally required to document who attended the meeting, all motions and outcomes of those motions, and a general sense of the meeting. The Board discussed recordings of all Selectboard

meetings are available to the public for review if they would like more substantive information that was included in the minutes.

Water/Sewer Allocation : 100 Cottage Club Road

Mr. Adams requested that this item be pulled from the Consent Agenda for discussion. He noted that the Allocation was to include the addition of food not prepared on-site at the Alchemist Brewery, and questioned if this included more employees than the currently allocated 15 employees. Public Works Director Mr. Harry Shepard indicated that the proposed allocation was based on the information provided by the applicant which only included the stated use, and that the approval of the allocation -is based on the ability to serve.

On a motion by Mr. Adams, seconded by Ms. Courtney, the Board approved the Minutes of 10/25/23 and the Water/Sewer Allocation for 100 Cottage Club Road.

Memorial Park Master Plan

Mr. Safford opened the discussion on the Memorial Park Master Plan, explaining that in November of 2021 the Recreation Commission presented their priorities as a committee, which included the construction of new recreation center, tennis courts /pickleball courts, site circulation, and improved drainage for the ball fields. At Town Meeting 2022, the Voters approved a Capital Project to -update the Master Plan for Memorial Park to assess how those priorities could be met in the existing footprint. The Town contracted with Black River Design, who worked with the Recreation Commission and Public Works Department to prepare the Memorial Park Master Plan to be presented to the Selectboard tonight. Mr. Safford noted that it is important to look at large projects such as this in phases, and to remember that the Master Plan is not a final design but rather a guidance document should the Town advance to the next phase of permitting and preliminary design. He noted that obtaining permitting from the State would be a key factor if and how the Town were to move forward with this project, and that it would also help to refine the cost of implementation and construction before advancing the final project to Voters. He did note however that some permits do expire and that the Town's ability and interest in advancing the proposed project would need to be taken into consideration when advancing to the permitting phase. Mr. Shepard then presented the Memorial Park Master Plan, noting that Jim Drummond of Black River Design and Tom Hand, landscape architect working with Black River Design, were present to assist with any questions. -

Mr. Shepard noted that the proposed updates to the Master Plan would improve site circulation by reducing the pedestrian crossings on roadways, and reconfiguring of the parking lot at the Arena, Elementary School and adding additional parking near the existing Parks Department garage. He also noted that the Plan will maintain the existing three ballfields, although he noted that currently two of the lower ballfields are considered wetlands, and that the ability to maintain those fields is challenging and will require fill to raise the fields. He did note that the fields could be multipurpose use, with room for 2 soccer fields when not being used for baseball. The Plan also recommends moving the racquet sports to the Town-owned property located behind the Arena and accessed by the road to the Parks Garage, which was referred to as the "Eastern Site." Utilizing the Eastern Site would require making the area more publicly accessible and would include a covered open-sided structure near the courts. There is also room for future expansion of recreation offerings on this site. Additionally, the plan includes two separate playgrounds that would allow for one dedicated to school use and one smaller playground for younger children that could be publicly accessible during school hours. He also explained that the Plan includes an optional extended driveway through current Ampersand-owned property to allow for a second access/egress to the Memorial Park area from Depot Street should permitting require it.

Mr. Shepard presented a proposed new Recreation Center, which would be located in the same general area as the existing Gale Recreation Center. The structure would be less than 5,000 square feet and would

include a small covered porch for additional shelter space. This would include general multipurpose space and could house the Stowe Recreation Summer Camp program, as well as other programming throughout the year.

The Board discussed the idea of relocating the existing Parks Garage so that it is not located near the recreation area, however Mr. Shepard said that while this was considered, the removal of the existing garage and construction of a new garage somewhere else in Town would have added to the scope of the project, and that it would be difficult to find an alternative location that would be central to the activities of the Parks Department for materials access.

The Board discussed the next steps for the Master Plan, noting that there are a number of other Capital Projects for Voter consideration in 2024. The Board also discussed overall long-term debt, noting that there will be more capacity as some existing debt is paid off in FY'30. The Board discussed the need to consider costs for the next phases of the project, which Mr. Safford indicated would be developed for the permitting and preliminary design phase. After Phase 2 the Town would be better positioned to provide a cost estimate for actual construction. The Board also asked staff to assess the feasibility of phasing in the project rather than doing it all at once.

No action was taken at this time. Town Staff will continue to develop Phase 2 cost estimates to be considered by the Selectboard as part of the FY'25 Capital Budget along with other capital projects.

Proposed Zoning Amendments Work Session #2

Planning and Zoning Director Ms. Sarah McShane presented to the Board the Planning Commission's Proposed Zoning Amendments as a continuation of the discussion at the 10/25/23 meeting. She noted that at the previous meeting amendments related to Act 47 were presented, and that this meeting would focus on the inclusion of Interim Zoning Regulations related to Cannabis and the proposed amendments based on the work the Planning Commission has done through the Bylaw Modernization Grant, which focused on reducing barriers to affordable housing in designated growth centers.

Ms. McShane noted that there is a proposed new section in the Zoning Bylaws related to Cannabis Establishments. This section would replace the currently effective Interim Zoning Regulations. She noted that the proposed section is in alignment with the current Interim Zoning Regulations, with some exceptions based on public input and State Regulation changes. She noted that the current Interim Zoning Regulations prohibited Outdoor Cultivation in most Zoning Districts, however the State Legislature has now regulated Outdoor Cannabis Cultivation as a form of agriculture, which cannot be regulated under Zoning. Indoor Cannabis Cultivation remains the same as the Interim Zoning Regulations. She also noted that the proposed new section distinguishes Manufacturing into Tiers 1 & 2 as defined by the State as being allowed as a conditional use in all Zoning Districts that currently allow light industry. She also noted that the Planning Commission had received requests from the public to allow Retail Cannabis Establishments in the VC10 Zoning District, if Retail Cannabis is approved in the Town by the Voters. Ms. Mila Lonetto, chair of the Planning Commission, spoke briefly to the Bylaw Modernization Grant, which was approved in 2022 to include working with a planning consultant to meet the housing goal of "to ensure availability of housing for all Stowe residents and non-resident property owners that is of high quality design, energy efficient and compactable with the character of the community." She noted that the Planning Commission held a series of public hearings to take input from the community, and that the general consensus was that the community is in favor of increasing housing if it is affordable but is not looking for more luxury housing or housing to be used as Short-Term Rentals. She explained that with this in mind, the Planning Commission limited density bonuses to only those developing perpetually affordable housing projects. She also noted that the Planning Commission was sensitive to encouraging density in growth zones while managing the effects of sprawl, traffic and development in other residential areas. With this in mind the focus of the grant was specific to the Designated Downtown and

Lower Village Center. She noted there is some overlap with the State Act 47 mandated Zoning changes which were discussed at the previous meeting.

Ms. McShane then went through the proposed amendments related to the Bylaw Modernization Grant, noting that the current Zoning does offer an affordable housing density bonus but that it has never been utilized. To encourage more usage of this density bonus, the Planning Commission proposed updating the definition of Affordable Housing to match State Statute definitions. The definition of Accessory Dwelling Units (ADUs) was also updated to match State Statute, and to increase ADU maximum size to 2,500 square feet. Additionally, all newly constructed ADUs would require that either the ADU or the main dwelling unit be used for Long-Term Housing.

The Planning Commission also recommended changes to the Dimension Requirements Table for specific Zoning Districts to make minor adjustments to the lot width requirements to allow for smaller lot infill development, elimination of the maximum building coverage requirement and adjustments to the building height restrictions to match Act 47 requirements of an additional floor if affordable housing, while trying to restrict the height of buildings on Main Street that could overpower the existing historical structures. The proposed amendments also would require that if a building exceeded 35' in height on Main Street the developer would be required to include 50% of the parking be subsurface. The Planning Commission also recommended amending the parking requirements by reducing them to 1 parking space per unit in all zoning districts for residential use buildings.

The Board thanked the Planning Commission and Ms. McShane for the information provided in the two work sessions but noted that they felt an additional third work session was required to fully understand and assess the proposed changes. The next work session was tentatively scheduled for the November 29th meeting. Mr. Safford noted that if any specific questions or requests for additional information could be sent in advance of the work session it would be helpful in preparing.

No action was taken at this time.

Selectboard Short Term Rentals Discussion

Chair Hagerty opened the discussion by noting that over the last several months, the Selectboard has heard from many different perspectives relating to the concept of Short-Term Rentals (STRs) and possibly registry/ordinance. This has included presentations from a STR registry provider, fire and safety officials, Vermont STR Alliance, local realtors, and other municipalities with ordinances/registries. This time has been set aside for the Selectboard to discuss what they have learned from these discussions and establish common ground on what they would like to do moving forward.

Mr. Nick Donza stated that he is in favor of a STR ordinance that would require a STR registry, with fees to cover the cost of a third-party registry provider. He would like to require that a contact person in the area be identified but said he was unsure of any further restrictions on STRs at this time.

Ms. Courtney stated that she was in favor of a STR ordinance that would require a STR registry. She stated that the community wants action on this and to allow the Selectboard to get a better understanding of what currently existing while preserving the community. She expressed concerns about long term residents being forced out in favor of STRs and felt that a registry was an important first step.

Ms. Hagerty stated that she was in favor of a STR ordinance that would require a STR registry. She noted that while no one wants to take away income opportunities from people who live in Town, she would like to have a registry to better understand the impacts of STRs on the availability of housing in the community and gather more data. She stated she would like to see the fees for the registry cover the cost of program, and for it to include Fire Safety Education to assure STR owners are aware of the State requirements. She noted that the Vermont STR Alliance was in favor of a registry to elevate the STR experience in Stowe and to provide education to STR owners. She noted that an ordinance can be adjusted by future Selectboards once they have a better understanding of the impacts of STRs, but that at a bare minimum a registry would provide more data in making those decisions. She also noted that she

would like to look at septic requirements and number of occupants allowed in STRs based on water/sewer capacity.

Mr. Adams stated that the current Stowe Zoning Regulations explicitly allow for STR, which is unlike other Towns that utilize a registry, and felt that requiring a registry for something that is permitted use did not make sense. He stated that the Board should look carefully at what it is trying to accomplish by creating a registry. Mr. Adams stated that he was in favor of a STR ordinance that conformed to the existing Zoning Bylaws and formally adopts the State requirements for STRs but did not support a registry or penalties. Mr. Adams proposed that the Town conduct a housing growth study to get data on housing and suggested the creation of a housing committee or task force to address housing in Stowe. He stated that he did not support an ordinance specifically for STRs that would address parking, noise, trash or other nuisances as those issues should be addressed town-wide and not limited only to STRs. He also suggested addressing the need for a contact person for STRs though the existing Fire Alarm Ordinance. Mr. Aumand stated that he was focused on the concerns related to life safety and the issues raised by the Fire Department, however he felt it is a State responsibility to inspect and regulate safety. He also stated that he is concerned about housing in Stowe in general, but that the Town needs a plan for housing outside of STR regulation, as that is not a solution to the housing issues. Mr. Aumand indicated that if the Selectboard and community felt that a registry was a good way to manage STRs he could support that if the focus was on the collection of data and not on fines or police power. He echoed Mr. Adams comments regarding the regulation of nuisances being a town-wide issue and not specific to STRs. Mr. Aumand stated that he also supported moving forward with a housing study as proposed by Mr. Adams. Ms. Hagerty noted that a STR registry and a housing study were not mutually exclusive and both could be explored and/or advanced. Mr. Aumand asked that the Town Manager get the RFP for the Fairfax housing study that was recently conducted to review.

The Selectboard then opened up the meeting for public comment. The Planning Commission requested that their letter submitted to the Selectboard with recommendations for a STR ordinance be made publicly available. Representative Jed Lipsky spoke to concerns that a STR ordinance would threaten homesteaders who depend on STR revenue to stay in the community. There were multiple statements related to concerns of loss of community with loss of homesteads in Stowe, and in support of a registry to collect data. Other suggests included considering deed restrictions and utilizing Town-owned property for affordable housing.

Mr. Donza made a motion, seconded by Ms. Courtney, to instruct the Town Manager to work with the Town Attorney to draft a Short Term Rental Ordinance limited to a registry and bring it back to the Selectboard for further discussion. The motion passed 4-1, with Mr. Adams opposing. Mr. Adams stated that he was not in favor of a registry component to an ordinance.

Manager's Report

Mr. Safford provided the Board a copy of the Lamoille FiberNet Communications Union District Annual Report.

Mr. Safford provided the Board with an Act 250 Permit for 134 North Hill Lane.

Mr. Safford updated the Board that the Assistant Town Manager position has been accepted by William Fricke, who has a Masters Degree in Public Administration and has been working with the ICMA since 2017. He reported that Mr. Fricke is energetic about municipal government and will starting in mid-December.

Executive Session

Selectboard Meeting 11/8/23

On a motion by Mr. Donza, seconded by Ms. Courtney, the Board went into Executive Session at 9:28pm to discuss Personnel and Legal matters.

The Board came out of Executive Session at 10:10pm.

On a motion by Mr. Donza, seconded by Ms. Courtney, the Board appointed Phillip Branton to fill a vacant seat on the Conservation Commission, and Seth Soloway to fill the seat on the Arts & Culture Council reserved for Spruce Peak Performing Arts.

There being no further business, Chair Hagerty adjourned the meeting at 10:11pm.

Minutes respectfully submitted by Abigail Bourgeois.

*Note: The video recording of the meeting is available on the town's website www.townofstowe.org