

Selectboard Minutes  
Special Meeting  
4/12/2021

Members Present by Zoom: Christine Werneke, David Sander, Bard Hill, Cody Quattrocci, June Heston

Absent: none

---

Others Present by Zoom: Josh Arneson, Town Manager; Kathy Daub-Stearns, Admin. Assist.; Linda Parent, Town Clerk; Keith Osborne, Planner; Ravi Venkataraman, Planner; the meeting was recorded for MMCTV Channel 15, also present: Gabe Firman, Cara LaBounty

**Called to Order:** 7:00 PM

**Welcome by** Christine who noted that this meeting was a follow up to a previous meeting. Directions for the flow of the meeting included that comments from the Selectboard Members and staff would be heard before questions or comments from the public and that there would be a 2 minute time limit set for comments from the public and then speaker would be muted, this she said had been discussed at the last Selectboard Meeting and that the rules were being implemented to help move through the agendas in a timely manner and keep the topics on point.

**Comments from the public:** None

**I. Additions or Deletions to the agenda:** None

**II. Items for Presentation or Discussion with those present**

**a) Consideration of approval of a liquor license**

Christine reported:

- that this application was being made by the Big Spruce, legally the Richmond Yacht Club

Josh reported:

- that at the last meeting the question was raised: Could the permit be not voted on or disapproved due to the status of a zoning permit.
- that after research the Richmond Yacht Club is owned by Nakatomi Plaza, LLC Gabe Firman stopped Josh saying that for clarification the Richmond Yacht Club is the LLC that owns the Big Spruce and the DBA is the Big Spruce adding that Nakatomi Plaza, LLC is the owner of the building Big Spruce inhabits. Josh thanked Gabe for the clarification.
- that Josh read from the license application: "Upon being satisfied that the conditions precedent to the granting of this license as provided in Title 7 of the Vermont Statutes Annotated, as amended, have been fully met by the applicant the commissioners will endorse their recommendation . . . " , with that information VCLT was contacted for their interpretation, they responded that zoning would have no effect on or bearing on the approval of a liquor permit as it is specifically related to Title 7 and compliance with conditions in Title 7. Josh then reached out to the Liquor Control Board in Montpelier their response was that all of Title 7

- would need to be looked at for violations before approving a liquor license adding that nothing there related to zoning. After hearing from the Liquor Control Board, Josh followed up with Kyle Kapitansky, acting police chief, to ask how we might be notified if there were a violation, Kyle responded that after the local control commission approves the application it goes to the State that does a search for any violations, if there are any violations then the State will not approve the license. Josh noted this creates two sets of checks that each relate back to Title 7.
- that Ravi and Keith were also consulted regarding the status of the building saying there is a permit for the awning and the deck, and the owner has submitted an application for a permit for a fence, to fence in the outdoor seating. Josh said this did not have any bearing on the approval or disapproval of the liquor license.

Discussion included:

- that Linda spoke with Martin Prevost from Liquor Control Enforcement who informed her that the only way the Town could deny a renewal was if it were proven that an establishment were serving minors or overserving patrons and even if his zoning permit says he needs to have a fence, a rope that cordoned off the seating area was sufficient. Linda said if there were a problem with a liquor establishment, she would get a letter about it and immediately bring it to Josh and the Selectboard adding that in the past she has only seen one and that was for serving minors.
- that Keith had nothing to add since his office has no purview over liquor licenses
- that Ravi also had nothing to add

Christine asked the Selectboard Members if they had any questions about what had been presented regarding jurisdiction and approval of liquor licenses. There were none.

Christine went on to say that this had been a helpful process, that last week there were questions that could not be answered and that she had spoken with Gabe Firman about it. Christine said that there were going to be changes to the agenda going forward with items requiring decisions placed at the top of the agenda and that persons who may be required to provide information to the Selectboard would be present to speak to those decisions saying that the changes would not guarantee something like this would not happen but would help prevent it from happening again.

Christine then opened the discussion to the public; there was none.

Bard moved to approve the outdoor consumption permit for Richmond Yacht Club, LLC, David seconded. Roll call vote: David, Bard, June, Cody, and Christine voted affirmatively. Motion passed.

Discussion continued:

- that June asked how neighbors have a say in what is happening because some neighbors are concerned with having an outside area, she was confused by the process and asked if there was a 15 day appeals process, Keith responded that in this case there would be a 15 day delay adding that in zoning it is difficult because the public is relied upon to help since he and Ravi cannot be everywhere.

- that June asked if it should be in the zoning regulations that we are looking at everything, particularly in the village, so that we are not down the road and then have neighbors complaining; Keith responded that it is the responsibility of the landowner to do that, and most people play by the rules. Ravi said that by statute a property owner has to place the zoning permit somewhere visible on the property and on that placard is listed the appellant's rights to appeal a permit within the 15 days and he advises owners to keep the placard up during construction, so all neighbors are aware that construction is going on. He said that process is the way neighbors are notified for straightforward permits like fences, accessory structures, small scale modifications, one to one modifications, and for anything larger than that in the village, at least along Bridge Street, there is a design review for compatibility standards that requires DRB review. If a DRB review is required, then the property owner supplies addressed envelopes that are used to provide at least two (2) weeks notice of any DRB meeting. June responded that if there is not a permit required for outdoor seating then that process does not happen, she said that we are here tonight because we thought there was supposed to be something happening that did not happen about permitting that area for outside seating, she asked not that we know what to do for liquor licenses, how do we move forward making sure we are paying attention to all the pieces, like outdoor seating. Christine responded that possibly working with Ravi outside and then bring something back to a meeting as an agenda item so some of the elements could be looked at to understand better. She felt COVID has driven some of this as outdoor seating has become more important for food establishments to have customers feel comfortable. She thought it would be good to have a discussion to understand the scope, jurisdiction and make the residents feels that we have reviewed that. She then acknowledged the point that enforcement is a job unto itself and it is fair to leverage the participants in town to ask those questions and have us answer them.

Josh will send the document out by Docusign after the meeting.

The issue raised by June will be discussed at a future Selectboard Meeting.

### **III. Adjourn**

Bard moved to adjourn; David seconded. Roll call vote: David, June, Cody, Bard and Christine voted affirmatively. Motion passed.

The meeting ended at 7:22.