

BOARD OF SELECTMEN

Friday February 18, 2022 – 6:00 PM

Hybrid Meeting

PRESENT: Neal Pilson, Chair, Roger Manzolini, Selectman; Alan Hanson, Selectman; Danielle Fillio, Town Administrator; Beth Goodman, Town Counsel; Christian Hanson, Balderdash; Peter Miller;

Neal opened the meeting and mentioned the Public Hearing on the Balderdash Special Permit Amendment. He provided some background on the issue: In 2020 the Board issued a Special Permit to Balderdash Cellars for 2021 that included a provision for annual review. Before that review took place in 2021, a lawsuit was commenced alleging that the Special Permit that the Board issued was arbitrary, capricious and beyond the power of the Board of Selectmen. Therefore, the review of the Special Permit was deferred until this time as the lawsuit has been settled and an agreement signed by the plaintiffs and Balderdash, but not yet by the Selectboard.

The purpose of this Public Hearing is to review the proposed amended Special Permit to incorporate certain provisions listed in the settlement agreement. Neal made it clear that the agreement signed by the plaintiffs and Balderdash contains no obligation for the Board to sign. The plaintiffs and Balderdash have reached an agreement subject to the Town of Richmond agreeing to the terms set forth.

Neal moved to open the Public Hearing to discuss the application by Balderdash for the incorporation of the provisions in the settlement agreement and the Boards review of last year's performance and the terms of the Special Permit going forward. The motion was seconded by Roger and adopted by unanimous roll-call vote: Pilson, aye; Manzolini, aye, Hanson, aye.

The Board reviewed the Draft Permit with proposed changes incorporated from the settlement agreement. The key points that were added and read aloud as follows:

1. No live exterior amplified music shall be permitted on Thursdays. Was added to Paragraph three.
2. A new paragraph to read: The sound curtain now used in conjunction with amplified musical events, as required by this Special Permit, shall be positioned so that it extends from the ground, and with no gaps between panels or sections thereof.
3. A new paragraph to read: The noise generated by Farm Functions shall not exceed a level of 60 dB(A) at the Property line (meaning the outer boundaries of the Property, as close as reasonably possible to the Richmond Shores Development, and not the interior dividing line between 79 State Road and 81 State Road). This noise restriction is in addition to the condition in Paragraph 3 of this Special Permit, that "exterior amplified music anywhere on the premises shall not be louder than 89 dB(A) as measured no more than 3 feet in front of the speakers and amplifier of the amplified music." The Applicant will measure regularly and in accordance with the permit. The term "noise" as used in this paragraph means continuous or repetitive noise, rather than isolated incidents of noise.

Neal then asked Christian to certify that the provisions as worded in the draft are those agreed to in the settlement, which he did.

Neal then asked whether the Board had any additional restrictions or provisions they would like to have added to the revised Special Permit. Roger had no additions and felt it would be in the best interest of the Town to sign the agreement, add the provisions to the Special Permit and allow Balderdash to get on with its work. Alan also had no further comment or addition.

Public Comment:

Christian questioned some specific wording in Paragraph 3, which was clarified to his satisfaction. He then asked if this would be an appropriate time to ask for the potential one-year extension of the permit.

The Town Counsel advised the Board that they could, if they chose, change the life of the Permit at this time, since it was being amended in other ways. The Board chose to make the term of the Permit three years from this date.

Peter Miller had some comments on the wording of Paragraph 3, but discussion resulted in everyone agreeing to the agreement as signed.

Roger moved to close the Public Hearing. Neal seconded and the motion was adopted by unanimous roll call vote: Hanson, aye, Pilson, aye, Manzolini, aye.

Roger moved to approve the Special Permit as drafted and discussed with the settlement agreement provisions included and to approve the Settlement Agreement signed by Balderdash and the plaintiffs. Neal seconded the motion.

Discussion: Roger wanted to make it perfectly clear that the two-week notification as required was by means of the google document. The motion was carried by unanimous vote: Pilson, aye, Manzolini, aye, Hanson, aye.

In response to a question from the public, Roger clarified that what the Board had just agreed to was to sign the Settlement Agreement signed by Balderdash and the plaintiffs and to include provisions of that Agreement into the Balderdash Special Permit.

That successfully brought the issue to a conclusion.

Roger moved to close the Public Hearing. Neal seconded and the motion was adopted by unanimous roll call vote: Hanson, aye, Pilson, aye, Manzolini, aye.

Before adjournment, Alan wanted to alert the public that this is going to be an especially muddy spring once all the ice and snow begin to melt. He asked that people please try to keep that in mind.

There being no further business before the Board, a motion was made to adjourn. The motion was seconded and carried by unanimous vote.

The meeting was adjourned at 7:00 PM

Signed:

Neal Pilson, Chair