

**TOWN OF KILLINGTON
DEVELOPMENT REVIEW BOARD
Public Hearing Minutes of August 11, 2022**

PRESENT: Vito Rasenas, Chair*
Jon Wysocki, Vice Chair
Jessica Ralston*
Roger Rivera*
Merisa Sherman

START: 7:23 p.m.
END: 9:48 p.m.

Daryl Arminius, Director of Planning & Zoning*
Jim Haff, Interim Zoning Administrator
Lucrecia Wonsor, Recording Secretary

GUESTS: Deb Dalton; Steve Dispenza; Judy Fiumano*; Nicole Kesselring; Oleg Hyrnko*;
Steve Prentiss; Jim Theodore; Ken Wonsor*

*via *Zoom* Video Conferencing

1. **Open Meeting**

Vito Rasenas, Chair opened the meeting at 7:23 pm and immediately recused himself from the warned hearings due to conflict of interest with both applicants. Jon Wysocki, Vice Chair took over to run the hearings.

2. **SPR-22-020 Gore Investments, LLC**

Jon Wysocki, Vice Chair, opened the Site Plan Review Hearing at 7:24 pm for SPR-22-020 by Gore Investments, LLC for a change of use to the InStone Design property located at 405 Killington Road to allow mixed use for a one-bedroom apartment, a hot tub retail business and temporary storage activities. The proposed project is located within the Business Zoning District.

Applicant, Oleg Hrynko, advised that he purchased the property from InStone in November, 2020. Andrew Gieda (InStone) had applied for and was granted Site Plan Approval on January 12, 2017 (SPR Application #16-036) for a change of use from an office building to a retail business and a one bedroom apartment. Unfortunately, as a result of what is believed to be a miscommunication between the previous owner and town officials, no Zoning Permit and subsequent Certificate of Occupancy was issued. The Site Plan Approval expired on December 14, 2021 and a violation letter issued to Gore Investments to bring the property into compliance. The purpose of SPR-22-020 is to bring the property into compliance but with some additional changes. The Applicant is requesting approval for a one-bedroom apartment, a hot tub retail business on the first floor and small office on the second floor along with the ability to park construction equipment and store construction materials.

Haff reviewed the Findings of Fact for the expired SPR approval (Application #16-036). He pointed out the Criterion that would need to be addressed and/or updated:

i) Criterion 2 “Duration of Site Plan approval” would need to be extended for 5 years;

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- ii) Criterion 5 “Water, Sewer and Utilities”, Applicant is working on transferring one ERU from another property he owns in order to comply with this Criterion;
- iii) Criterion 6 “Adequacy of vehicular and pedestrian circulation” needs to be addressed; and
- iv) Criterion 7 “Adequacy of Landscaping and Screening” needs to be updated. Haff read into the record a letter from adjacent property owner, Judy Fiumano. In her letter, Ms. Fiumano, states that since she purchased the property in October of 2018, it has been the permanent residence for her and her tenants. She acknowledges that 405 Killington Road is within the Business Zoning District, but noted the back side of the property is “very industrial looking and unlike any other site in town”. She specifically mentions the lot contains “gravel and salt piles, excavation debris, a bulldozer, plows, a dump truck, etc.” This makes the view from her back yard “extremely unsightly, especially in the winter”. She also noted that in the past, there was “burning of excavation debris, possibly pressure treated wood/pallets” which lasted a few days. The smoke blows into her home and back yard and is a nuisance to her and her neighbors and “a health hazard”. She is not opposed to the mixed-use property designation but requested that Gore Investments, LLC be mindful of large open burn pits going forward and that it “shield the view of the back and side of the property” from her property with “natural covering that blends into the landscape such as fast-growing evergreens, arborvitaes and hedging.”

The DRB reviewed the Site Plan submitted and addressed questions to the Applicant regarding the screening, burning of debris, parking, access to the one-bedroom apartment, location of construction equipment and storage of materials.

There being no further questions or discussion, Sherman moved to recess the Hearing at 8:07 pm to go into Deliberative Session after the following Hearing of SPR-22-028. Rivera seconded. All in Favor.

3. SPR-22-028 James Theodore

Jon Wysocki, Vice Chair, opened the Site Plan Review Hearing at 8:10 pm for SPR-22-028 by James Theodore for change of use to the property located at 1894 US Route 4 (former Killington Cabinets) from a six employee, commercial operation to a mixed use for a residential four-unit (six-bedroom) apartment building and a commercial self-service storage facility comprising of three storage structures. The proposed project is located within the Commercial Zoning District.

Applicant’s Engineer, Nicole Kesselring, walked the DRB through the Site Plan and proposed project. The former Killington Cabinets was approved and operated as a cabinet showroom and warehouse permitted for six employees. The Applicant is proposing to convert a large portion of the building into four apartments – two-2 bedroom and two-one bedroom – for long-term rental. The balance of the space will be garage and storage space for use by the owner. On the south side of the apartment units, the applicant is proposing to build two 30’x100’ storage units (Phase I) and at a later date (Phase II) a 20’x90’ storage unit which will be bunkered into the hill on the east side. The project is going through all the State permitting and so far has been granted a State Water/Wastewater Permit for the change in use and a VTrans Permit for access and the change in use. The Act250 Permit is expected to be granted shortly, as well as a State General Permit for the disturbance of soils. The current access off Route 4 will be

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used for ingress and egress and will be paved to the property. Traffic circulation will be one-way – entering on the west side and exiting on the east side. Town Zoning requires 5.2 parking spaces to accommodate the four apartments. The applicant is proposing and showing a total of nine parking spaces on the Site Plan (four across the back, including one handicap space, and 5 angled along the east side). The sewer ERUs are already in place and the applicant is not requesting any set back waivers.

Floor was open to comments and questions from the public and the DRB. Stephen Prentiss, owner of the neighboring Killington Motel expressed concern about the five angled parking spaces. He would like to see screening to shield light from parking cars at night shining into motel rooms boarding that side of the property. He also expressed concern over the 24-hour access to the storage units and the possibility of noise disturbing his motel guests. The DRB raised questions about bus access to the property and pedestrian circulation in general, noting that is a busy section of road traveled at high speeds. There were questions regarding lighting as well which the applicant's engineer, addressed.

There being no further questions or discussion, Wysocki moved to recess the hearing to go into Deliberative Session. Rivera seconded. All in Favor.

4. Deliberative Session

Rivera moved to go into Deliberative Session at 8:35 pm to discuss SPR-22-020 and SPR-22-028. Sherman seconded. All in Favor.

The DRB moved out of Deliberative Session at 9:47 pm. No action was taken.

5. Adjourn

Sherman moved to adjourn the meeting at 9:48 pm. Rivera seconded. All in Favor.

The next meeting of the Development Review Board is scheduled for August 25, 2022 at 6:30 pm at the Public Safety Building and via Zoom.

Respectfully submitted,

Lucrecia Wonsor

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Recording Secretary

NOTE: These minutes have not been approved by the Development Review Board and are, therefore, subject to change.