

**TOWN OF KILLINGTON
DEVELOPMENT REVIEW BOARD
Meeting of May 18, 2023**

PRESENT: Jon Wysocki, Chair
Jessica Ralston, Vice Chair*
Don Martin
Roger Rivera*
Merisa Sherman*

START: 6:02 p.m.
END: 7:07 p.m.

Jim Haff, Interim Zoning Administrator
Lucrecia Wonsor, Recording Secretary

GUESTS: Kevin Brown, Esq (Langrock, Sperry & Wool)*
Kirsten Erickson (Representing Applicant, KPSRP)
Erin Gilmore, Esq (Ryan, Smith & Carbine)
Ely Kirschner (Ridgetop Owner and President of Ridgetop HOA)*
Steven Oster (Highridge Owner)*

*via *Zoom* Video Conferencing

1. **Open Meeting**

Jon Wysocki, Vice Chair opened the meeting at 6:02 pm.

2. **Approval of Agenda**

Rivera moved to approve the Agenda as may be amended. Ralston seconded. There being no changes, vote on Agenda as presented. All in Favor.

3. **Reorganization of the Board**

a. Wysocki opened the floor for nominations for Chair. Rivera nominated Jon Wysocki. Ralston seconded. There being no further nominations, vote on Jon Wysocki as Chair. All in Favor.

b. Wysocki opened the floor for nominations for Vice Chair. Sherman nominated Jessica Ralston. Rivera seconded. There being no further nominations, vote on Jessica Ralston as Vice Chair. All in Favor.

4. **Executive Session (Legal)**

A motion was made and seconded to go into Executive Session at 6:04 pm to confer with DRB Legal Counsel. All in Favor.

The DRB came out of Executive Session at 6:32 pm. No Action was taken.

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5. Public Hearing

Jon Wysocki, Chair, opened the Public Hearing on Application #23-020 by Killington/Pico Ski Resort Partners for renewal of the existing Highridge/Ridgetop PUD approval as set forth in the Environmental Court's Altered Judgement Order, dated August 8, 2019, Docket No. 60-5-17 VTEC for a term which shall be indefinite.

Kirsten Erickson was present representing the Applicant along with Erin Gilmore, Applicant's Attorney. Attorney Gilmore provided a history of the PUD which started in 1988. The original PUD was located in two Zoning Districts - Ski Village and R1. This extension is for the 37.95 acres which lie solely in the R1 District and contains 26.64 acres in the Highridge PUD and 11.31 acres in the Ridgetop PUD. Throughout the 1990s and the 2000s, there were various permit renewals, each one continuing and affirming the finds and conditions going forward. The application for renewal on March 11, 2011 (Application #11-005) wound up in litigation. It was appealed to the Environmental Court and a sister action was filed in Vermont Superior Court, which was appealed to the Vermont Supreme Court, as to whether or not the applicant (KPSRP) had Development Rights to develop out the remainder of the Highridge PUD. The Supreme Court directed the Superior Court to enter an Order stating that KPSRP does have Development Rights, resolving that issue. The Environmental Court remanded the Permit back to the Town because it felt it had not been properly noticed. The hearing was re-noticed and KPSRP was granted PUD Permit #17-003. That permit was appealed to the Environmental Court. Judge Durkin made his decision on June 6, 2019. The permit was granted for 4 years because those were the rules in effect in 2008 and applied to the permit application in 2011. That 4 year period expires June 5, 2023 and the Applicant is applying to renew the PUD permit to continue the affirmative findings and conditions from the original permit.

Haff advised that he has received many phone calls regarding this application requesting information. Because of the volume of information, he was not able to email it, however, the information was available at the Town Office and he brought the information in 2 large file boxes along with several maps in the event attendees wanted to review the information.

Ely Kirschner, was present via Zoom, as a Ridgetop Owner and President of the Ridgetop Owner Association. Ridgetop does not object to the renewal of this PUD.

Steve Oster, was present via Zoom, as a Highridge Owner. He inquired as to the reason the Town changed its Zoning Regulations to no longer limit PUD approval terms. Haff advised that the Planning Commission writes the Zoning Regulations which are then approved by the Selectboard. None of the current DRB members, including himself, were involved at the time this particular rule was changed. The role of the DRB is strictly to follow and carry out the Zoning Regulations developed by the Planning Commission. Kevin Brown, attorney for the Killington Development Review Board, added that Killington's approach in having term limits was unique and he is not aware of any other town that has this in their regulations. Having term limits can lead to a lot of confusion and make the process messy but whatever the reason, in 2014 the Killington Planning Commission removed that from its regulations and added the language that PUD and Site Plan Review approvals shall be indefinite. Haff added that having a PUD approval does not mean an applicant can start construction. The applicant will still need to apply for and obtain a zoning permit and obtain all required State permits. Attorney Gilmore further added that obtaining this PUD Renewal Permit does not change anything on the land, it simply continues the findings and conditions from the original permit.

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In answer to Mr. Oster's request for clarification, Haff advised that the Applicant is simply renewing the PUD and under current Zoning Regulations, that approval will be for an indefinite period of time as stated in those regulations.

Rivera moved to approve Application #23-020 extending the Highridge/Ridgetop PUD per Judge Durkin's Order under the guides of the current Bylaws which shall be indefinite. Sherman seconded. All in Favor.

Rivera moved to close the hearing at 7:06 pm. Sherman seconded. All in Favor.

6. **Citizen Input** – None.
7. **Commissioner's Input** – None.
8. **Adjourn**

Rivera moved to adjourn the meeting at 7:07 pm. Ralston seconded. All in Favor.

The next regular meeting of the Development Review Board is scheduled for August 17, 2023 at 6:30 pm at the Public Safety Building and via Zoom.

Respectfully submitted,

Lucrecia Wonsor

Lucrecia Wonsor
Recording Secretary

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