

**TOWN OF KILLINGTON  
DEVELOPMENT REVIEW BOARD  
Meeting of January 20, 2022**

**PRESENT:** Ken Wonsor, Chair  
Vito Rasenas, Vice Chair\*  
Jessica Ralston\*  
Roger Rivera\*  
Jon Wysocki\*

**START:** 6:32 p.m.  
**END:** 10:20 p.m.

Chuck Claffey, Interim Zoning Administrator  
Lucrecia Wonsor, Recording Secretary

**GUESTS:** Tom Fallon\*; Jeff Findeisen\*; Dan George\*; Jim Haff\*; Craig Hendel\*;  
Brian Lane-Karnes\*; Nina Kleaveland\*; Diantha Korzan\*; David McComb\*;  
Lauren McMichael\*; Wesley Michael\*; Whit Montgomery\*; Daniel Ney\*;  
Ryan\*; Holly S\*; Jonathan Sacks\*; Zachery Scheinberg\*; Talor Stewart\*

\*via *Zoom* Video Conferencing

1. **Open Meeting**

Ken Wonsor, Chair opened the meeting at 6:32 pm.

2. **Approval of Agenda**

Rasenas moved to approve the Agenda as may be amended. Rivera seconded. Wonsor amended the Agenda by adding “McGovern Notice of Violation Decision” as item #6, vote on Agenda as amended. 4 in Favor (Wysocki not present for this vote).

3. **Approval of Minutes: January 6, 2022**

Rasenas moved to approve the Minutes of January 6, 2022 as may be amended. Rivera seconded. There being no amendments, vote on minutes as written. 4 in Favor (Wysocki not present for this vote).

4. **Citizen Input** – None.

5. **Renewal of Phase I of the Killington Village Master Plan #21-070 Findings of Fact**

The Findings of Fact were distributed to the DRB for review. Rasenas moved to authorize Ken Wonsor, Chair to sign the Findings of Fact as written. Rivera seconded. 4 in Favor (Wysocki not present for this vote).

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**6. McGovern Notice of Violation Decision**

The Decision was distributed to the DRB for review. Wonsor noted that an additional minor change may be made after consultation with Attorney Kevin Brown. If the change is acceptable, the amended Decision would be distributed to the DRB for final review prior to signature.

Rivera moved to authorize Ken Wonsor, Chair to sign the Decision after the DRB's final review. Ralston seconded. 4 in Favor; 1 Abstained (Rasenas). NOTE: This vote was taken later in the meeting when Wysocki was present. He arrived at 6:45 p.m. during the Fitzsimons Appeal Hearing.

**7. Fitzsimons Appeal**

Ken Wonsor, Chair opened the Public Hearing at 6:40 p.m. of Michael and Irene Fitzsimons' appeal of the Zoning Administrator's denial of their permit application #21-069 to add a garage with living space above, to their home located at 60 Brookside Drive.

Zoning Administrator, Chuck Claffey, advised that the property is an existing non-conforming lot of approximately .95 acres in an R-3 (3 acre) Zoning District. The Zoning Bylaws limit coverage on individual parcels in R-3 to 5% of the total area of the lot (2,069 sq. ft.). The proposed addition would increase coverage from 1,865 sq. ft to 3,405 sq. ft. putting the project over the allowed 5% coverage in an R-3 District.

Rasenas noted that there were other items to consider in addition to coverage. Wonsor agreed and noted that in addition to exceeding coverage, the addition contains 2 bedrooms, a bathroom, living room, kitchen and dining area with a separate entrance which would be considered an Accessory Dwelling Unit. Based on Article IV, Section 417 of the Bylaws, this addition exceeds the number of bedrooms and square footage allowed for an Accessory Dwelling Unit. Rasenas also asked whether this parcel was grandfathered since it was created prior to the Zoning Bylaws being adopted. Claffey responded that the grandfathering only applies to the building of the original structure, any additions would have to comply with R-3 District rules.

Jeff Findeisen and Talor Stewart were present representing the Appellant. Mr. Stewart advised that there is no intent to create an accessory dwelling unit. This addition is simply overflow space for a multi-generational family. There is no change to total bedroom count for the dwelling since two of the bedrooms in the main house are being combined to create a home office and are being relocated to the proposed living space over the garage addition. He noted that allowable coverage on 1 acre parcels is 10%. Applying the 10% coverage rule to this parcel would not be unreasonable given that it was created prior to Zoning. Jeff Findeisen added that over the years the previous Zoning Administrator interpreted the 5% coverage rule differently for these types of lots in this District and he provided Claffey with several examples of properties where this was the case.

Wonsor advised that the DRB is responsible for interpreting and enforcing the Zoning Bylaws as written and all due respect to the previous Zoning Administrator, the current Board and Zoning Administrator see it differently.

After some further discussion, Rivera asked that the DRB go into Deliberative Session for discussion prior to making a decision. The DRB went into Deliberative Session after item 8 on the agenda "Lanyard Hotel PUD..." After deliberation, Rasenas moved that the Zoning Administrator's denial of permit application #21-069 be upheld. Wysocki seconded. All in Favor.

**8. Lanyard Hotel PUD and Site Plan Review Application #21-058**

Ken Wonsor, Chair reopened the public hearing on Application #21-058 by Lanyard, A Shared Stay Inc. Applicant's engineer, Brian Lane-Karnas of DeWolfe Engineering Associates submitted a letter to Claffey and the DRB addressing comments made at the December 9<sup>th</sup> meeting and by email on December 16, 2021. Wonsor reviewed each item: i) Ability to serve letter from Fire Chief, Gary Roth. This letter dated January 13, 2022 was received and listed a number of requirements and recommendations. Mr. Lane-Karnas advised that all the requirements have been met along with a majority of the recommendations. The Fire Chief recommended paving the fire lanes, however, the applicant will not be paving the fire lanes at this time and explained the reason for not doing so. ii) Ability to serve letter from Police Chief, Whit Montgomery. His January 11, 2022 letter listed several recommendations and requirements. Applicant is happy to maintain Nanak Way to the best of its ability noting that they do not own Nanak Way. Similarly, with regard to Chief Montgomery's request that Nanak Way be paved, the ability to do that is outside of the Applicant's capability since they do not own the road, however, they will maintain the gravel in good condition. iii) Ability to serve letter from Alpine Pipeline indicating that the Applicant will need to purchase an additional 33 ERUs. iv) Applicant advised that the Public Water System Source Permit was submitted to the VT Department of Environmental Conservation on December 13, 2021. The Applicant's Hydrogeologist has reviewed the project and source testing data and calculations with the State's hydrogeologist, Scott Stewart. Mr. Stewart requested an additional calculation which the Applicant provided to him but did not express any other concerns. The Applicant is willing to submit the Source Permit to the Town when it is issued as a condition of approval. Rivera raised concern regarding the age of the water study used which the Applicant's hydrologist addressed. v) Fire suppression – Applicant advised that the proposed hotel will have sprinklers that will be supplied from independent and dedicated water storage tanks on the site rather than the existing fire pond as previously planned. vi) Act 250 – A draft Act 250 permit has been issued and it is currently in the public comment period. Applicant noted that the District Commission is requiring submission of municipal approval of the project before the Act 250 permit will be issued. Applicant is willing to submit the Act 250 permit to the Town when it is issued as a condition of approval. vii) Sign Lighting – The sign lighting has been revised from internal illumination to external shielded fixtures mounted above the signs and provided drawings and lighting fixture cut sheets to the Zoning Administrator.

Rasenas moved to go into Deliberative Session at 7:59 p.m. to discuss the Fitzsimons Appeal and Lanyard PUD & Site Plan application. Wysocki seconded. All in Favor.

The DRB moved out of Deliberative Session at 9:21 p.m.

i) The decision regarding the Fitzsimons appeal is recorded under item #7 above.

ii) Regarding Lanyard – Approval of Master PUD and Site Plan application #21-058 would be conditional to the following:

- Letter from Fire Chief, Gary Roth dated January 13, 2022.
- Letter from Police Chief, Whit Montgomery dated January 11, 2022.
- Provide DRB with copy of Water Source Permit when received.
- Request for deferred parking is denied. Applicant would need to provide 124 parking spaces.

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- The Nanak Way Right-of-Way is to be paved and a Maintenance Agreement submitted to the DRB for review and recorded in the Killington Land Records.
- The construction of a clearly defined and designated pedestrian walkway, separate from vehicular traffic, from the Hotel to the Killington Road. Said walkway is to be maintained year-round.

In response to the DRB's conditions, Applicant indicated that they are not sure how they can comply with paving the right-of-way and building a pedestrian walkway when they do not own the property from their boundary line to the Killington Road. As to the denial of the deferred parking, Applicant advised that they have enough parking if they restrict use of the restaurant to hotel guests only and do not open it to the public. Because of the Hotel's location off the road, they are not sure opening the restaurant to the public will be successful but they would like to try. Should parking become an issue, Applicant would build out the deferred spaces. After some further discussion, Applicant requested a 10 minute recess so that they can speak privately among themselves.

Motion was made and seconded to go into Deliberative Session at 9:50 p.m. The DRB came out of Deliberative Session at 10:05 p.m.

Speaking on behalf of the Applicant, Nina Kleaveland, advised they understand the adjacent Hillside Inn is in the process of being sold. They will reach out to the buyer to see what can be done regarding paving, a pedestrian walkway and a maintenance agreement and get back to the DRB in the next few days. Regarding the parking, part of the Lanyard brand is to open up to the local community but in doing so and requiring 124 spaces would eliminate all the outdoor space which they feel is important to the guest experience. As mentioned earlier, they would prefer to have the deferred parking and if parking does become an issue, build out the remainder of the spaces. Being a business that lives and dies by guests reviews, should parking be an issue, having a parking issue would negatively impact reviews and the success of the business and they would have to address it.

Wonsor advised that, due to the lateness of the hour and since there are a couple of open items that would prevent a decision being made this evening, the DRB would like to get the list of conditions to the Applicant on Monday so that the Applicant can respond in writing as to how they plan to address each condition by the end of the week. The DRB will then reconvene on February 3, 2022 and address these items only.

Hearing was recessed to February 3, 2022.

9. **Review of DRB Rules of Procedure** - TABLED
10. **Review of Short Term Rental Section 407 for Recommending Changes to the Planning Commission** - TABLED
11. **Review Short Term Rental website Information, Registration, Complaints VT Dept Of Health and Fire Safety Considerations for Short Term Rental Operators** - TABLED
12. **Other Business**

Goodro Lumber has requested a permit to construct a 12x50 unheated material storage unit on the south side of the building. There is currently a platform and trailer in which they store excess material at this location. They want to remove the trailer and build a storage unit on piers.

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Wonsor asked whether the DRB wants to review this under Site Plan Review or grant approval to Claffey to approve this administratively.

After some discussion, Rasenas moved that Claffey approve this administratively. Wysocki seconded. 3 in Favor; 1 Opposed (Rivera). The motion Carried.

13. **Adjourn**

Rasenas moved to adjourn the meeting at 10:20 p.m. Wysocki seconded. All in Favor.

The next meeting of the Development Review Board is scheduled for February 3, 2022 at 6:30 pm at the Sherburne Memorial Library 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.