

**TOWN OF KILLINGTON
DEVELOPMENT REVIEW BOARD
Meeting of April 22, 2021**

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

START: 6:30 p.m.
END: 9:07 p.m.

Preston Bristow, Town Planner & Zoning Administrator
Lucrecia Wonsor, Recording Secretary

GUESTS: Peter Gibbs*; Jim Haff; Chet Hagenbarth; Steve Malone*; Corey Mack*;
Brian Montgomery*; Whit Montgomery*; Jeff Potter; Jon Readnour*; Gary Roth;
Michael Solomano*; Richard Saunders*; Jeff Temple*

*via *Zoom* Video Conferencing

1. **Re-open Public Hearing on Base Camp at Bear Mountain Master Plan (PUD) and Phase I Site Plan Approval**

Ken Wonsor, Chair, re-opened the public hearing recessed from April 15th on Application #21-011 by Killington/Pico Ski Resort Partners, LLC for Master Plan (PUD) approval for the Base Camp at Bear Mountain project of a total of 156 residential units, and specific Site Plan Approval for Phase 1 consisting of 2 multi-family buildings and 9 duplex buildings for a total of 78 residential units. Phase 1 also includes a gate house office and pump station and all related infrastructure. The entire project is located within the Falls Brook/Bear Mountain section of the Ski Village Zoning District.

Developer, Steve Malone, met with Fire Chief, Gary Roth, and Police Chief, Whit Montgomery, to go over the life safety concerns of the project. During discussion with Chief Roth regarding fire protection concerns, Mr. Malone decided to pull the two multi-family buildings from Phase I Site Plan. This would give the project architects time to re-design the multi-family buildings in order to address the fire protections concerns identified by Chief Roth. Once the redesign is complete, a separate application will be submitted for the multi-family buildings. Mr. Malone sent a memorandum amending Application #21-011 to include only 12 duplexes (24 units). Further to Chief Roth's concern as to access to the duplexes, this has been addressed by providing fully sprinkled duplexes and proving 75,000 gallons of water storage for fire protection water flow. This water storage capacity will work with the sprinklers and fire hydrants located throughout the development. The pedestrian safety issue raised by the DRB at the April 15th hearing is being addressed by extending the paved entrance roadway and placing a defined crosswalk from the parking lot to the Bear Mountain Lodge. Both the Fire Chief and Police Chief submitted "ability to serve" letters provided certain conditions were met.

Wonsor opened the floor to questions/comments from the DRB and guests. There were further comments and concerns expressed over the gate. Mr. Malone advised that the gatehouse would be manned during the day and for after-hours access, either a fob or key code could be provided to the Fire, Police, Ambulance and other emergency personnel to gain access. It will

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also have a break away feature should it be needed. Chief Roth felt the benefits of the gate (to prevent non-resident skiers to park on the development's roadways thereby preventing access by emergency vehicles if needed) far outweighed the issues it may cause. There was much discussion regarding the right of way from Bear Mountain Road to the entrance of the Base Camp development. The DRB emphasized the importance that the designated right of way be maintained in a safe and passable manner at all times.

There being no further discussion, the DRB moved into review of Section

Criterion #1 – PUD Regulatory Requirements & Process:

- A. DRB has the authority to review and approve, approve with conditions, or deny this application.
- B. The project complies with Section 240.8 Uses in PUD.
- C. The property consists of two parcels with one owner.
- D. The DRB conducted PUD review this evening.
- E. The hearing has been adequately warned.
- F. Applicant has requested concurrent review of PUD and Site Plan approval.
- G. Applicant is not requesting any modifications to the zoning bylaws.
- H. Applicant is not requesting any conditional uses.
- I. The DRB is holding one hearing.
- J. The applicant proposes to complete the project in 3 phases (subject to market conditions). Phase 1 is anticipated to start in August 2021, Phase 2 in summer of 23 and Phase 3 in summer of 2024. Completion of the project is anticipated to be in summer of 2025.
- K. The DRB shall issue a decision within 45 days of the adjournment of this hearing.
- L. This application is not an amendment.
- M. Applicant has been informed of their obligation to obtain a zoning permit in compliance with Sections 510 and 610 of the Zoning Bylaws.

Criterion #2 – Information that must be contained in a PUD application:

- A. The application contains the name, address, and signature of the applicant.
- B. The application contains the name, address, and signature of the landowner of record.
- C. Notice was given to all adjoining property owners.
- D. Applicant submitted a scale map with the date in was prepared and a true north arrow and showing existing roads, structures, and open space.
- E. A location map showing the relationship of the proposed PUD to adjacent properties was provided as well as a larger map showing the surrounding properties.
- F. Applicant provided both maps and narrative explaining the project.
- G. Applicant has provided maps that meet this criterion.
- H. Applicant is not requesting any waivers.
- I. The project consists of 3 phases,
- J. Applicant has provided the Town copies of all relevant materials.

Criterion #3 – DRB may require additional information: Applicant is aware that the DRB may require from the Applicant additional information to determine compliance with the

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applicable requirements and uses set forth in Section 240 for the Ski Village Zoning District in which the subject land is located.

Criterion #4 – Conformance of PUD with Town Plan and Bylaws: Bristow advised that the PUD Application is in conformance with the Town Plan and Zoning Bylaws.

Criterion #5 – Conditional Uses: There are no conditional uses requested.

Criterion #6 – Crossing of District boundaries: The project does not cross zoning district boundary lines.

Criterion #7 – Minimum Lot Area requirements: This project meets the minimum lot area requirement for a PUD of 5 acres. This PUD Application contains 25 acres.

Criterion #8 – Concentration of Density: Applicant is not requesting any additional density beyond what is allowed for a PUD in the Ski Village District.

Criterion #9 – Location of PUD in more than one Zoning District: This PUD is located entirely within the Ski Village District.

Criterion #10 – Setback Requirements: Applicant is not requesting any decreased in setback requirements.

Criterion #11 – Mixed Uses: Only one, two and multi-family dwellings uses are proposed in this Application.

Criterion #12 – Vehicular and Pedestrian Circulation: The project will have a gated entry with a gatehouse building to control the internal parking for the project. The gatehouse gate will have a two-direction folding breakaway arm with generator backup, key code access to all emergency service providers, and a liability indemnification agreement with the town for any damage or delay in response by emergency service providers. Applicant has agreed to provide a lighted crosswalk with flashing warning signs in front of the 3 Bear Mountain Base Lodge. Applicant provided a traffic assessment by RSG (Resource Systems Group, Inc) which indicates that traffic generated by this project is not expected to result in a safety hazard.

Criterion #13 – Collector Roadway System: The existing roadway along the south side of the main Bear Mountain parking area will be improved to town road standards with a 24' wide travel surface and will be paved before a Certificate of Occupancy is issued for the Phase 1. When ownership of the development is conveyed from Killington/Pico Ski Resort Partners LLC to Ottauquechee Realty Advisors LLC (or successor entity) a right of way providing full legal access from East Mountain Road (TH-15) will be conveyed with it.

Criterion #14 – Water, Wastewater, and Other Utilities: The project will be served by a Community Public Water Supply System and will include a well with three 25,000 gallon water storage tanks and will be connected to the Killington/Pico Ski Resort Partners Wastewater Treatment Facility. The Applicant will receive all State permits for water and wastewater.

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Criterion #15 – Height, Parking, and Signage Requirements:

A. Height – The 4 multi-family buildings (the tallest structures) will not exceed the maximum building height requirement of 47 feet to the highest floor (not more than 5 stories) and the maximum roof peak height of 68 feet in Section 426.

B. Parking – Each of the 18 duplex buildings will have 8 parking spaces for a total of 144 spaces. The four multi-family buildings will have 240 parking spaces which will exceed the requirement of 234 spaces (68 two-bedroom condominiums at 1.6 spaces and 52 three-bedrooms at 2.4 spaces) in Section 432.

C. Signage – Signs will be placed at the Gatehouse and at the entry to the Bear Mountain Parking Lot and on the signpost at the Skyship Base area parking lot, and these signs meet the requirements of Section 440.

Criterion #16 – Unique Natural Features: Falls Brook is identified in the Town Plan as a unique natural feature and is preserved through a 50-foot setback from top of bank.

Criterion #17 – Open Space Requirement:

A. Applicant has designated an Open Green Space area of 4.75 acres which is greater than 5% of the land subject to the PUD.

B. The land is suitable for preservation as Open Space.

C. Ownership of the Open Space will be conveyed to a Homeowners Association.

D. The Homeowners Association bylaws will restrict future building and removal of soil or trees, and other natural features from the Open Green Space area except as is consistent with conservation, recreation, or agricultural uses, or uses accessory to the permitted use.

E. The project does not provide land for municipal purposes.

F. These findings shall be legally enforceable by the Town.

G. Applicant is aware of this requirement.

Criterion #18 – Additional Considerations:

A. All exterior lighting for the residences and open-air common spaces will meet the standards of “Dark Sky Lighting” by the IDA (International Dark-Sky Association).

B. A 50-foot wide riparian buffer adjacent to and along Falls Brook and an unnamed seasonal tributary above Bear Club Trail shall be maintained.

C. The following conditions imposed by Fire Chief Gary Ross of Killington Fire & Rescue:

1. A clear and maintained road from the Bear Mountain parking lot gate to the community entrance road that starts in the parking lot. No parking on this road at any time.

2. The community entry road is to be two full paved lanes from where it starts in front of the Bear Mountain Lodge throughout the Base Camp community.

3. 24hr, 365 day parking ban on the road from the gates of the bear mountain parking lot throughout the Base Camp community, including in front of the units. Parking only in the driveways.

4. Fire hydrants are to be placed as shown on the plans received dated 4/20/21.

5. Fire hydrants are to be fed by a water source with a minimum of 70,000 gallons.

6. All units will be sprinklered, both sides and required to be maintained for the life span of the unit.

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7. No wood burning anything in this community; this includes and is not limited to fireplaces, stoves, pellet stoves and furnaces. This does not change with new construction or sale of the units.

8. Snow removal and road maintenance is to be provided by the community throughout the entire year.

9. It is the responsibility of the builders and future owners to ensure that all roads will allow safe access to all fire department and emergency vehicles year round taking into account vehicle size, turning radius and weight.

10. All community dumpsters will be a minimum distance of 200' from any and all propane storage of any size.

Criterion #19 – Length of PUD Approval: Once this PUD is approved it will not expire.

Criterion #20 – Previous PUD Approvals: Any previous approvals related to the former Devil's Fiddle chairlift have expired.

The DRB moved into review of **Section 510 – Site Plan Approval For Phase 1:**

Criterion #1 – Exemptions from Site Plan Approval Requirement: This project is not exempt from Site Plan Approval.

Criterion #2 – Site Plan Approval Regulatory Requirements & Process:

A. DRB has the authority to review and approve, approve with conditions, or deny this application.

B. The property consists of two parcels with one owner.

C. The DRB conducted Site Plan Review this evening.

D. The hearing has been appropriately warned.

E. The DRB is holding one hearing.

F. The DRB shall issue a decision within 45 days of the adjournment of this hearing.

G. Site Plan Approval is being sought for a period of six years, to be made permanent by obtaining a Zoning Permit and commencing the construction of the improvements approved in the Site Plan Approval.

H. PUD approval is being sought concurrently.

Criterion #3 – Information that must be contained in a Site Plan Approval application:

A. The application contains the name, address, and signature of the applicant.

B. The application contains the name, address, and signature of the landowner of record.

C. Notice was given to all adjoining property owners.

D. Applicant submitted a scale map with the date it was prepared and a true north arrow.

E. A survey showing existing features, contours, structures, utility easements, etc. was provided.

F. A detailed Site Plan has been provided for Phase 1 consisting of 12 duplex buildings. Phase 1 will also include construction of the gatehouse, road improvements, required water and sewer facilities, and related infrastructure.

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G. The Site Plan provided shows the location of the footprints of all residences and accessory structures within the PUD.

H. Applicant is not requesting any waivers or modifications.

I. A construction sequence for Phase 1-3 has been provided.

J. The Site Plan shows the location and size of proposed signs and sufficient detail to demonstrate the interrelationship of the subject property to the PUD and adjoining uses.

K. The entire project is located within the Falls Brook/Bear Mountain section of the Ski Village Zoning District and meets the requirements of that district in Section 240.

Criterion #4 – Mix of Commercial and Residential Uses: The project does not include any commercial uses but typical landscape planting plans for the residential units are provided.

Criterion #5 – Water, Sewer and Utilities: The project will be serviced by a Community Public Water Supply System that will include a well, water storage and distribution system and be connected to the Killington Resort Wastewater Treatment facility.

Criterion #6 – Vehicular and Pedestrian Circulation: The project will have a gated entry with a gatehouse building to control the internal parking for the project. The gatehouse gate will have a two-direction folding breakaway arm with generator backup, key code access to all emergency service providers, and a liability indemnification agreement with the town for any damage or delay in response by emergency service providers. Applicant has agreed to provide a lighted crosswalk with flashing warning signs in front of the Bear Mountain Base Lodge.

Criterion #7 – Landscaping and Screening: Typical landscaping for the duplex townhomes are provided.

Criterion #8 – Roadways and Parking: Phase 1 will include 96 on-site parking spaces. The existing 967 parking spaces at the Bear Mountain Parking Lot will not be affected by the proposed project. The interior roads and parking areas will be paved. Winter snow storage areas are depicted on the site plan. The existing roadway along the south side of the main Bear Mountain parking area will be improved to town road standards with a 24' wide travel surface and will be paved before a Certificate of Occupancy is issued for the Phase 1. When ownership of the development is conveyed from Killington/Pico Ski Resort Partners LLC to Ottauquechee Realty Advisors LLC (or successor entity) a right of way providing full legal access from East Mountain Road (TH-15) will be conveyed with it. Applicant provided a traffic assessment by RSG (Resource Systems Group, Inc) which indicates that traffic generated by this project is not expected to result in a safety hazard.

Criterion #9 – Impacts on Town Services and Municipal Facilities: Applicant provided an analysis of the economic and fiscal impacts by EPR Economic & Policy Resources, Inc. which indicates this project will not significantly impact Town Services or Municipal Facilities. Ability to serve letters have been provided from Killington Fire Chief (with conditions), the Killington Police Chief, Dead River (propane), VTel (cable and internet), Regional Ambulance Service (ambulance), and Casella (waste and recycling).

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Criterion #10 – Additional Conditions:

A. All exterior lighting for the residences and open-air common spaces will meet the standards of “Dark Sky Lighting”.

B. Riparian buffers adjacent to and along Falls Brook and an unnamed seasonal drainage above the Bear Cub Trail are depicted on the site plan.

C. Signs will be located at the Gatehouse and at the entry to the Bear Mountain Parking Lot and on the signpost at the Skyeship Base area parking lot.

D. The following conditions imposed by Fire Chief Gary Ross of Killington Fire & Rescue:

1. A clear and maintained road from the Bear Mountain parking lot gate to the community entrance road that starts in the parking lot. No parking on this road at any time.

2. The community entry road is to be two full paved lanes from where it starts in front of the Bear Mountain Lodge throughout the Base Camp community.

3. 24hr, 365 day parking ban on the road from the gates of the bear mountain parking lot throughout the Base Camp community, including in front of the units. Parking only in the driveways.

4. Fire hydrants are to be placed as shown on the plans I received dated 4/20/21.

5. Fire hydrants are to be fed by a water source with a minimum of 70,000 gallons.

6. All units will be sprinklered, both sides and required to be maintained for the life span of the unit.

7. No wood burning anything in this community; this includes and is not limited to fireplaces, stoves, pellet stoves and furnaces. This does not change with new construction or sale of the units.

8. Snow removal and road maintenance is to be provided by the community throughout the entire year.

9. It is the responsibility of the builders and future owners to ensure that all roads will allow safe access to all fire department and emergency vehicles year round taking into account vehicle size, turning radius and weight.

10. All community dumpsters will be a minimum distance of 200’ from any and all propane storage of any size.

Criterion #11 – Performance Bond Requirement: Public roadways or utility lines are not a part of this project.

Criterion #12 – Setback Waivers: No Setback waivers have been requested.

Criterion #13 – Public Transportation Requirement: This criterion is not applicable.

Criterion #14 – Compliance: Applicant is aware of their obligations under this criterion.

Rasenas moved to recess the hearing to May 6, 2021 at 6:30 pm and go into Deliberative Session. Rivera seconded. All in Favor.

The DRB moved out of Deliberative Session at 9:07 p.m. No action taken.

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2. **Adjourn**

Rasenas moved to adjourn the meeting at 9:07p.m. Wysocki seconded. All in Favor.

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.