

**TOWN OF KILLINGTON
DEVELOPMENT REVIEW BOARD
Meeting of October 29, 2020**

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

START: 6:42 p.m.
END: 9:45 p.m.

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

GUESTS: Bob Beatty, Steve Fenn, Chuck Graziano, Josh Hardy, Steve Nisimblat, Beth Clark*, Larry Clevenger*, Dave Davis*, Karl Erhardt*, Susan Frankle & John Uzzolino*, Andrew Friedman*, Ann Groccia*, Charles Gunderson*, Judy Intraub*, Aaren Macksoud*, Bob Manchester*

*via *Zoom* Video Conferencing

1. OPEN MEETING

Ken Wonsor, Chair opened the meeting at 6:42 p.m.

2. APPROVAL OF AGENDA

Wysocki moved to approve the Agenda as may be amended. Sherman seconded. There being no amendments. Vote on Agenda as presented. All in Favor.

3. APPROVAL OF THE MINUTES

Sherman moved to approve the Minutes of October 8, 2020 as may be amended. Wysocki seconded. There being no changes, vote on approving the minutes as written. All in Favor.

4. CITIZEN INPUT – None.

5. PUBLIC HEARING

Ken Wonsor, Chair, opened the public hearing at 6:47 p.m. for Application #20-052 by Elinko, LLC (Mountain Meadows Lodge) at 285 Thundering Brook Road for site plan review of physical changes to the Lodge building (addition to the back, hot tub deck off the back, expansions to terrace on the Kent Pond side, and realignment of the porte cochere on the front) and use changes including opening the restaurant to the public and offering an outside wedding and event venue.

Wonsor outlined the procedure for the hearing and administered the oath to all interested parties providing testimony.

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Applicant's architect, Steve Fenn, walked the Board through the construction documents he prepared for the addition on the west side of the building. The 16x80 foot addition resulted from the need to house the water tanks for the fire suppression system and grew into the need for space for a break room, operational storage and delivery and relocation of the sauna with a shower and bathroom area. The total as-built area of the addition is 1,992 sq. ft., however, the old 400 sq. ft. sauna room was removed resulting in a net 877 sq. ft. added to the building. There was a terrace on the south end of the building which was converted into a delivery space and that terrace was relocated to the north end of the building and built as a 1,992 sq. ft. deck. There is also a proposed 24x22 foot deck (528 sq. ft.) for two hot tubs on the west side which is not yet built and the porte cochere was realigned.

The Commission moved into review of **Section 510 – Site Plan Approval:**

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 1 parcel 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. Approval is being sought for additions already constructed and use changes to open the restaurant to the public and market as a wedding venue.
- H. The property is not located within a PUD.

Criterion #3 – Information that must be contained in a Site Plan Approval application submitted to the Development Review Board:

- A. The application contains the name, address and signature of the applicant.
- B. The application contains the name and address of the land owner of record and is signed by owner's representative.
- 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. The Lodge has a 50 seat restaurant license and 25 lounge-style seats. They plan to offer breakfast and a full-service dinner restaurant and bar to guests but want to reserve the right to offer breakfast and dinner to the public at some point. They also would like to reserve the right to offer lunch, particularly in the winter, to cross country skiers that may cross their land. They hope to have some acoustic evening music on the deck in seasonal weather periods. Applicant is also asking for approval to advertise as a wedding venue for weddings of 20-150 people starting summer 2021 and to offer up to 3 events a year such as a community kayak/sailboat race or ice fishing derby.

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- G. Not applicable. This project is not in a PUD.
- H. Applicant is not requesting any waivers or modifications.
- I. With the exception of the 24x22 foot west side spa deck, the project is complete.
- J. Not applicable. This project is not in a PUD.
- K. Mountain Meadows Lodge is a non-conforming use in the R3 District that otherwise meets the R3 requirements of Section 240.

Criterion #4 – Mix of Commercial and Residential Uses: Applicant is aware that the Lodge is located within a residential district. The goal is to hold low key weddings and respect acoustical privacy to adjacent properties, especially with regard to wedding and event venues.

Criterion #5 – Water, Sewer and Utilities: State Wastewater Permit WW-1-0156 requires annual inspection. Applicant advised that Otter Creek Engineering has recently inspected and passed the system. A letter outlining the Engineer's findings and recommendations was submitted during the hearing this evening.

Criterion #6 – Vehicular and Pedestrian Circulation: Applicant expects to continue similar past uses of the recreational area by guests including swimming and kayaking.

Criterion #7 – Landscaping and Screening: The reconfigured parking area has been landscaped and the existing landscaping is well established. Applicant does not anticipate that additional landscaping or screening beyond what already has been provided is required.

Criterion #8 – Roadways and Parking: Applicant provided Site and Parking Plans dated October 26, 2020. The current parking plan has been greatly expanded, is more orderly and improves the previous parking situation under the former ski touring center.

A. Parking and unloading facilities as proposed will not cause unreasonable highway congestion.

B. Applicant provided 2 parking layouts one showing a total of 44 parking spaces using the 10' parking width per current parking regulations and the other showing a total of 50 parking spaces using a 9' parking width which is at the discretion of the DRB. Calculation of required parking spaces before any reductions is 101 spaces. Applicant outlined 4 options for reducing the number of required spaces, ie shared parking demand for hotel guests using the restaurant; request that the Lounge not be included in the parking requirements; request that the open section of the north terrace not be included in the parking requirements; and keeping the covered portion of the north terrace area in the requirement parking calculation. If approved by the DRB, these reductions would total 60 parking spaces leaving a net of 41 spaces required.

C. Loading and delivery area is on the south side of the building accessible from the main parking lot. Area is screened from neighboring property by existing trees and hill.

D. This property does not have direct frontage on Route 4.

Criterion #9 – Impacts on Town Services and Municipal Facilities: This project does not impact Town Services or Municipal Facilities.

Criterion #10 – Additional Conditions: i) Lighting has been installed in the guest parking area in the landscaped areas and there are no street lights. Exterior lighting on the building is a combination of recessed downlights and decorative fixtures. ii) Multiple attempts to reach out to

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Rick Oberkirch have been made over the past several weeks to see of an Act 250 review is required. Applicant is waiting on his reply. iii) Total impervious area of roofs, decks/terrace, parking areas and drives is .84 acres.

Criterion #11 – Performance Bond Requirement: Private 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 his obligations under this criterion.

On behalf of his team, Owner, Aaren Macksoud, apologized for any oversight or non-application for additional town building permits needed. It was their understanding that all was in good order and that they had a verbal approval from the former planning official. This is not an excuse and they have worked hard to comply with the numerous inspectors in all areas of this challenging renovation. They understand the Board’s regulations and accept any responsibility but ask the Board to understand the challenges of working from overseas on a large 1800’s renovation.

Wonsor opened the floor to questions from the Board. The Board expressed its displeasure with applicant’s building of the deck on the northside of the building without a permit. Although the applicant continues to refer to that space as a terrace, Wonsor noted it is a structurally supported wood deck of approximately 2,000 sq. ft. That, together with the proposed hot tub deck of 528 sq. ft., the rear addition of 16x80 ft and the 32 ft roof overlay, does not constitute “minor additions”. The Board also commented on the advertising of the restaurant on the new sign which was erected without a permit and that it was advertising an unpermitted use. With regard to having the restaurant open to the public, Mr. Macksoud noted that when they were looking at the property prior to purchase, the former owner showed them the information regarding the weddings held at the lodge and the lunches served to cross country skiers in the restaurant. If they were already serving lunches to non-guests, one could assume the dining facilities were already open to the public. Regarding the sign, the previous sign already advertised weddings and events. They are not looking to change the use but looking to do it better. The Board asked about applicant’s plans to mitigate noise, noting the Lodge is located in a residential area and there have been complaints from residents in the neighboring Telemark Village development. Mr. Macksoud advised that he is not aware of such complaints and that the adjacent neighbors, Miller and Werle are supportive of the project, including weddings.

There being no further questions or comments from the Board, Wonsor opened the floor to comments from other interested parties. Steve Nisimblat, with his wife Jennifer Iannantuoni are the owners of the Greenbrier Inn. He offered words of support for Mountain Meadows Lodge noting that he and his in-laws have had a long standing relationship with the former owners and there have always been weddings and events held at the Lodge. Many times the overflow of guests would stay at the Greenbrier. Guests were transported back and forth via a shuttle. He is thrilled that Aaren and Paulina have invested in Killington and welcomed them.

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Chuck Graziano, who owns a home 300 yards up the road from the Lodge, advised he is thrilled with the renovations made to the Lodge but he has some concerns. He is concerned about noise from weddings and events. He has complained in the past regarding noise generated from the weddings at the Lodge. He also expressed concern over increase in traffic and the speed of vehicles along Thundering Brook Road. Kent Pond has become increasingly popular with the tourists and having a wedding at the Lodge will have a further impact on traffic and safety on the road.

Bob Manchester, an owner at Telemark Village, expressed concern over what they see as a serious expansion of what had gone on at Mountain Meadows over the years. During the last 2 years of operation under the former owner, there was increasing issues with noise from weddings at Mountain Meadows Lodge. He noted that the Lodge has an easement over Telemark Village property to the dock on Kent Pond and Telemark is concerned about liability of guests crossing their property to the deck. These same concerns were echoed by Larry Clevenger, also an owner at Telemark Village.

Susan Frankle, another owner at Telemark Village, asked what Mountain Meadows would be doing to protect Telemark Village's property that is subject to the easement, asked whether they considered using the public launch area further down Thundering Brook Road and what size the Kayaking/Sailboat events are anticipated to be.

Mr. Macksoud responded to these concerns and questions, indicating that this is the first time he is hearing about a noise issue. They are looking to be good neighbors and are not looking to be the next party place in Killington. Their goal is to have smaller weddings but they do not want to set a limit. They want to do their best to maintain a serene environment for their guests. They have not considered using the public launch access further down the road as they do not own that property and they have an easement in place to the pond. They envisioned the kayaking/sailboat events as low key, fun community events for locals and families. They want the Lodge to be part of the community and they were under the impression that it already was.

There being no further questions or comments, Sherman moved to recess the Hearing to November 12, 2020 at 6:30 pm. Wysocki seconded. All in favor.

Wonsor thanked Aaren and all interested parties for their input.

6. OTHER BUSINESS – None.

7. DELIBERATION

The Board entered into deliberation at 9:02 pm and came out at 9:45 pm. The consensus of the Board following deliberation is that the outstanding Notice of Violation against Elinko, LLC should be resolved first, and Bristow was directed to require of the Applicant that (1) Site Plan Review Application #20-052 (the application now under consideration) be amended to seek review of only those portions of the Mountain Meadows Lodge building that were built without a permit and are currently in violation, (2) the hot tub deck, which is not yet built, will not be a part of this amended application and the Applicant will take no action to construct the hot tub deck, and (3) an amended wastewater permit be secured from David Swift, the state's regional engineer, and submitted to the DRB. In reading the October 27, 2020 inspection report of the

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Mountain Meadows Lodge wastewater system by Otter Creek Engineering, the DRB was concerned to note that the septic tanks and grease traps were inaccessible and therefore not inspected. Bristow was further directed to inform the Applicant that the “Recommendations” section of the Otter Creek Engineering report and the monitoring called for in the “Summary” section of that report will be a condition of any approval by the DRB.

Respectfully submitted,

Lucrecia Wonsor
Recording Secretary

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