

TOWN OF KILLINGTON PLANNING COMMISSION
Meeting of May 29, 2019

PRESENT: David Rosenblum, Chair
Jennifer Conley, Vice Chair
Walter Linnemayr, Clerk
Chris Karr
Vito Rasenas
Andy Salamon
Vince Wynn

START: 7:31 p.m.
END: 8:40 p.m.

ABSENT: None

GUESTS: Chet Hagenbarth, Town Manager
Jim Haff, Selectman
Preston Bristow, Town Planner

David Rosenblum, Chair opened the meeting at 7:31 p.m.

1. APPROVAL OF AGENDA

Wynn moved the Agenda be accepted. Rasenas seconded. All in favor.

2. APPROVAL OF THE MINUTES

Linnemayr moved that the Minutes of April 14, 2019 be approved. Wynn seconded. All in favor.

3. CITIZEN'S INPUT – None.

4. NEW BUSINESS

a. **Killington Road Master Plan** – Hagenbarth explained that the \$125,000 line item for the Killington Road Master Plan was placed under the Capital Improvement / Highway Paving Plan so that the funds could be carried forward for multiple years beyond FY-2020. However, it is far more than a paving project. Hagenbarth sees this as a multi-year process resulting in a schematic design for complete reconstruction of Killington Road including road grade and geometry, pavement width, sidewalks, crosswalks, bus pull-offs, bike lanes and other infrastructure. The South Burlington-based civil engineering firm VHB will do the design, but Hagenbarth and the Selectboard are looking to the Planning Commission to manage the public information gathering and consensus-building process with residents and the business community. Karr noted that this will be a different and more engaged role for the Planning Commission but one he welcomes. Haff reported that the Selectboard does not want to micro-manage the project and is looking to the Planning Commission to take the lead.

b. **Accessory Dwelling Unit (ADU) bylaw amendment** – Bristow explained that Vermont's equal treatment of housing law allows homeowners to add an accessory dwelling unit within or appurtenant to their dwelling. State law does not define the word "appurtenant" but the VT Department of Housing & Community Development considers "appurtenant" to include detached structures. Killington's zoning bylaw, however, defines "appurtenant" as attached to the primary dwelling. This means that Killington's zoning prohibits guest houses, caretaker houses, parent

TOWN OF KILLINGTON PLANNING COMMISSION

Meeting of May 29, 2019

Page 2

cottages, and garage apartments on the same lot as a primary dwelling. The Planning Commission had decided at their July 11, 2018 meeting that Killington's zoning was too limiting in its definition of "appurtenant" and Bristow agrees. **Motion:** Conley moved that the current definition of "appurtenant" in the Killington Zoning Bylaws be struck and that Section 417 be amended to clarify that ADUs can be located within either the Principal Building or an Accessory Building. Linnemayer seconded. All in favor. Bristow was directed to forward this motion to the Selectboard for their action.

Hagenbarth reported that attorney Kevin Brown will be providing his recommended changes to tighten up certain aspects of the Killington zoning bylaw by June 18. The Planning Commission agreed by consensus to change their next scheduled meeting to Wednesday, June 19, 2019 to review those changes and propose a bylaw adoption timeline.

c. **Housing Vermont affordable housing criteria** – Bristow provided a list of criteria that would have to be met for *Housing Vermont*, a nonprofit affordable housing developer, to undertake an affordable housing project in Killington. One of the criteria Killington lacks is a state-designated downtown, village center, or growth center, but this could be remedied. The more problematic criterion Killington lacks is no municipal water system. Bristow was told that the lack of a municipal water system would be a deal killer.

This led to a discussion of the merits of a municipal water system for Killington. Bristow was directed to locate the 2012 Killington Water System Feasibility Study and to initiate a conversation with SP Lands about sharing a water system prior to the next meeting. Hagenbarth noted that options for laying waterlines and underground power lines within the Killington Road right-of-way should be included in the Killington Road Master Plan.

d. **Permit considerations for Yurt Campground** – This item was tabled as the person requesting this item was unable to be present.

5. OTHER BUSINESS

Haff asked if food trucks were allowed in Killington. Bristow replied that food trucks were prohibited by zoning everywhere except within the "Public Open Space – Killington Section (PD-K)" district.

6. CORRESPONDENCE

a. An email from District Coordinator William Burke that an Act 250 permit will not be issued for the K-1 Base Lodge until the District Commission receives and reviews the following information:

- Wastewater System and Potable Water Supply Permit issued by the ANR-DEC Drinking Water and Groundwater Protection Division.
- A Public Drinking Water Permit Amendment or confirmation that no amendment is required.
- Stormwater Discharge Permit issued by the ANR-DEC Watershed Management Division.
- Construction General Permit issued by the ANR-DEC Watershed Management Division.
- A Riparian Management Plan approved by ANR.
- Comments from VT Fish and Wildlife, and response thereto.
- Mitigation Plan, if any, requested by the Division of Historic Preservation.

TOWN OF KILLINGTON PLANNING COMMISSION

Meeting of May 29, 2019

Page 3

- Construction and Demolition Waste Reduction and Disposal Plan approved by the Agency of Natural Resources Solid Waste Management Program.
- b. A 60-day notice of intent to apply for a Certificate of Public Good from New Cingular Wireless dba AT&T to upgrade an existing tower on land of Craig Mosher (Lombard Rd) to 5G technology.
 - c. A request from Pamal Broadcasting (a radio broadcaster based in Rutland) for conditional use approval of a tower extension on Killington Peak (a hearing before the Killington ZBA is scheduled for July 10).

7. PLANNER'S REPORT

- a. Bristow reported that he issued 7 permits since the April 24 meeting: a residential addition, a deck, a garage, an 85-foot long parking lot pergola at The Garlic, a 5-month event tent at Trailside Inn, a real estate sign, and a two-lot subdivision, as well as the determination that a lease of the Butternut Inn to Castleton University did not require a permit.
- b. Bristow attended a Short-Term Rental Summit in Brattleboro on May 20 where over 300 were in attendance. Killington has the third-highest number of short-term vacation rental units in the state (behind Burlington and Stowe).
- c. According to a report cited in *Forbes* (March 26 edition) Killington was named a "Best Place" (among the top five) in the USA to own a vacation rental.

8. COMMISSIONER'S CONCERNS

Wynn expressed disappointment that no trees were saved in the site clearing for the new public safety building. Hagenbarth responded that the seller was responsible for clearing the site, and state stormwater management requirements made it difficult to save any trees. Haff expressed the option that none of the trees were particularly worth saving, and with disturbance around their root systems any remaining trees would likely have died in a few years.

Linnemayr moved to adjourn the meeting at 8:40 p.m. Conley seconded. All in favor.

The next Planning Commission meeting will be on Wednesday, June 19, 2019.

Respectfully submitted,

Preston Bristow
Town Planner

NOTE: These minutes have not been approved by the Planning Commission and are subject to change.