

Town of Killington Planning Commission

Minutes from 03/19/2025 Meeting

Meeting held at the Sherburne Memorial Library as well as remotely via Zoom.

Start Time: 7:06pm

End Time: 9:37pm

Attendance:

Jennifer Iannantuoni, Chair

Vince Wynn

Dave McComb

Don Gaunt

Guy Keefe*

Lisa Davis Lewis, Town Planner

William Austin, Assistant Town Planner

Jim Haff, Zoning Administrator

Guest Attendees:

Andrew Gieda

Vito Rasenas

Jill Frankle

Adrien Panek*

Polly Mikula*

Curt Peterson*

(participants joining via zoom*)

1. Open Meeting

The Chair opened the meeting at 7:06pm.

2. Approval of Agenda

The Chair requested a motion to approve the agenda as may be amended. Wynn made a motion. McComb seconded the motion. There being no amendments, the agenda passed unanimously.

3. Approval of Minutes – February 5, 2025

The Chair started off by introducing and welcoming the new Planning Commission member, Donald Gaunt. She provided Gaunt with an overview of the Commission and the current projects they have been working on. Gaunt provided a brief overview of his experience.

The Chair requested a motion to approve the minutes from February 5, 2025, as may be amended. McComb made a motion. Wynn seconded the motion. There being no amendments, the minutes passed unanimously.

4. Citizen's Input

None.

5. Public Hearing on Proposed Subdivision Regulations and Zoning Bylaw Amendments

The Chair began by asking that all attendees identify themselves and reminded the public that all comments should be directed towards the Commission. She indicated that members of the audience will have the opportunity to speak first, followed by people attending via Zoom. The Chair requested a motion to open the public hearing at 7:15pm. Wynn made a motion. McComb seconded the motion. The motion passed unanimously.

Davis Lewis was asked to review the proposed changes to the Zoning Bylaws. Davis Lewis began by stating that the purpose of the proposed bylaw changes are to conform with the Town Plan, to clarify confusing or inconsistent wording, as well as to render the Town as a 10 acre town with respect to Act 250. She explained that by adopting subdivision regulations, the term “Zoning Bylaws” will be replaced by the term “Land Development Regulations”. Davis Lewis began a review of the amendments to the Zoning Bylaws, highlighting the change to Section 120 which addresses the need for a zoning permit in connection with the removal of trees within an area equal or greater to the maximum Lot Coverage percentage applicable to the subject District, or the removal of more than five (5) trees with a caliper width of eight inches (8”) or greater within twenty feet (20’) of any side or rear property boundary in any twelve (12) month period. Gieda remarked that he felt this change created unnecessary regulations. Rasenas agreed and questioned the necessity of this change. The Chair stated she has received many calls and concerns from the public regarding the clear cutting of trees. The purpose of this change is to give the Town more control over the clear cutting of land. Rasenas asked for an example of the lot coverage percentage applicable to the subject zoning district. Davis Lewis provided an example and clarified that this amendment only applies to clear cutting on a lot which does not have any development plans. Haff remarked that he felt the language was unclear and difficult to interpret and that as Zoning Administrator, he is responsible for enforcing the regulation. Davis Lewis stated that she would review the language with Town Counsel. Davis Lewis continued her review of the proposed Zoning Bylaw amendments, highlighting the change to Section 300 – Conditional Uses. Haff asked why the language stating “removal of trees constitutes land development” was added to this section and whether a conditional use permit would be required for removal of trees as stated in the definition. Davis Lewis indicated that she would discuss this with Town Counsel. Davis Lewis continued to review the proposed amendments to the Zoning Bylaws, highlighting the changes to Sections 407, 420, 440, and 615. Haff voiced concern regarding Section 615, subsection (c), which states that a boundary or lot line adjustment will not be eligible for zoning permit if the adjustment alters a previously approved subdivision plat or previous conditions of subdivision approval. He felt this subsection was too broad and suggested adding a specific timeframe when approval can be granted by the Administrative Officer. The Commission agreed that this language should be amended. Davis Lewis remarked that she will review this further with Town Counsel. Haff questioned the purpose behind subsections (d) and (e) of Section 615, which excludes the ZA from issuing a zoning permit for a boundary and lot line adjustment if it results in the creation of roads or driveways with slopes in excess of 20%. Davis Lewis remarked this this requirement is standard among other Towns as constructing roads on steep slopes can be problematic. Gieda felt this requirement was unnecessary. Haff suggested that the Town’s Fire Department should be consulted to determine what road grades are appropriate. Davis Lewis stated that Austin and she would follow up with Town Counsel and the Town’s Fire Chief. Davis Lewis continued reviewing the proposed Zoning Bylaw amendments. She

reviewed Sections 712 and 751. There were no comments on the proposed changes to these sections.

Austin and Davis Lewis presented the proposed amendment to the Town's Zoning Map. Austin highlighted the change which would amend a small portion of land just north of Wardwell Road from the Forest Reserve District to the Valley District. Davis Lewis stated that this change is proposed as there is no reason why this small section was zoned Forest Reserve. She remarked that this amendment is also in conformance with the Town Plan. She indicated that the Planning Commission did a site walk and could not discern any difference between the lands zoned Valley District and those zoned Forest Reserve. There were no comments on the proposed Zoning Map amendment. The Commissioners indicated their support for this map amendment.

Davis Lewis went on to review the proposed Subdivision Regulations. She explained that currently, the Town does not have subdivision regulations and elaborated on the need for subdivision regulations as it relates to Act 250 as well as insuring that the development of land occurs in an orderly and appropriate manner. Davis Lewis began a review of Section 1110, highlighting the distinction between a major and a minor subdivision. Haff asked for clarity on subsection (iii) which states that a minor subdivision must not alter a previously approved subdivision plat. He indicated that one can argue that every lot in town is part of a plat and therefore could be determined to be a major subdivision, regardless of the number of lots being created. Davis Lewis stated that this was not that intention of this subsection and she would work with Town Counsel. Haff questioned the threshold between minor and major subdivisions, and suggested it should be changed so that up to nine (9) lots is classified as a minor and ten (10) lots or greater is classified as a major. He stated that this would conform to the Town being classified as a 10 acre town with respect to Act 250. The Commission stated that this classification was not standard among other Towns and believed the threshold should remain as proposed. Wynn stated that the DRB review is considerably less onerous than an Action 250 review. Davis Lewis continued her review of the proposed subdivision regulations, highlighting Sections 1130, 1140, and 1150. Under Section 1150, Haff questioned the necessity of the subsections pertaining to Fire Protection, Rock Outcrops, and Utility Corridors. Davis Lewis clarified that these standards are only applicable to Major Subdivisions and stated that the purpose of these standards was to ensure roads and other improvements are properly designed and that the creation of lots is done so in a manner which maintains the rural character of the Town. Haff referenced the subsection on Rock Outcrops, and stated that minimizing road slopes of 15% and prohibiting road slopes of 20% or greater should not apply to private roads. Davis Lewis stated that she will review the language with Town Counsel. Austin stated that he would review the question of road slopes with the Town's Fire Chief. Haff questioned the need for Performance Bonds as outlined under Section 1140. Davis Lewis explained that this section was meant to insure that developers do not sell lots prior to the completion of necessary infrastructure, and if they do want to sell lots then they will need to post a bond to insure completion. She further clarified that the section states that the DRB or administrative officer "may" require the applicant post a performance bond. Wynn stated that this section was added with the intent to protect citizens from buying a lot before the necessary improvements are completed or a bond is posted to insure completion. Haff remarked that the language as written was difficult to follow and suggested it be reviewed further. The Commissioners agreed to further review this section with Town Counsel. There were no further comments on the proposed regulations.

After some discussion, the Commissioners agreed to continue the public hearing until April 23, 2025, to allow the public to continue to submit comments on the proposed Subdivision Regulations and Zoning Bylaw Amendments. Wynn made a motion to continue the public hearing until April 23, 2025. McComb seconded the motion. The motion passed unanimously.

6. Updates and Reports

- **Raise Grant** - No Updates.
- **Killington Forward** - No Updates.
- **Recreation Master Plan** – Davis Lewis and Austin stated that the Killington Recreation Commission in conjunction with Vermont Integrated Architecture (VIA), will hold a public meeting on April 1, 2025, at 6:30pm. to solicitate public input on three preferred concept designs of the Johnson Recreation Facilities. This meeting will be held at the Public Safety Building.
- **VOREC** - No Updates.
- **TA Grant** - No Updates.
- **Visual Impact Analysis / Enhanced Energy Plan** - No Updates.

7. Commissioner's Concerns

None.

8. Other Business

None.

9. Executive Session

The Planning Commission entered Executive Session at 9:27pm. The Planning Commission exited Executive Session at 9:36pm. No action was taken.

10. Next Meeting:

April 23, 2025, at 7:00pm.

11. Adjourn

The meeting was adjourned at 9:37pm.

Respectfully submitted,

William Austin

Assistant Town Planner