

TOWN OF KILLINGTON PLANNING COMMISSION

Minutes from the Meeting of January 10, 2024

Public meeting held at the Public Safety Building and remotely via Zoom teleconference

PRESENT: Jennifer Iannantuoni, Chair
Vince Wynn
Andy Salamon
Ricky Bowers
Lisa Davis Lewis, Town Planner
Michael Ramsey, Town Manager*
Jim Haff, Interim Zoning Administrator

START: 7:00 p.m.
END: 9:15 p.m.

GUEST ATTENDEES: Cathy Quaglia
Jeff Temple
Tom Karlhuber
Curt Peterson*
Jay Wong
Katy Schofield
Michael Sneyd
Peter Smiar*
Jeremy Farkas*
Safdie Architects (representatives)*
Wen Wen*
Keith Nelson*

*Participants attending via *Zoom* video conferencing

1. **Open Meeting**
Jennifer Iannantuoni, Chair opened the meeting at 7:00 p.m.
2. **Approval of Agenda**
The Chair requested a Motion to approve the meeting agenda as may be amended. Wynn made a motion to approve the agenda. Salamon second. There being no amendments, the Motion passed unanimously.
3. **Approval of Minutes** – None
4. **Citizen Input**
The Chair asked if any members of the public wanted to comment. She indicated that since the discussion on cannabis was not a public hearing. any comments on the proposed cannabis regulations should be made at this point.

Cathy Quaglia spoke at length on the proposed bylaw amendments. She indicated that she did a lot of research including reviewing past articles in the Mountain Times, reviewing PC minutes from recent meetings and reviewing the Town Plan. She believes that

cannabis establishments should be permitted in all the commercial districts. She believes that this is discriminatory to property owners that own property in other zoning districts. She also stated that she is unclear as to why the Town is updating the zoning map to split the commercial district into 2 zoning districts. Davis Lewis explained that we are not creating any new zoning districts but that the map has been updated to reflect the 2 zoning districts that are already referred to in the zoning bylaw. Currently the zoning bylaw allows nightclubs in the Killington Basin section and not the Route 4 Section but these districts are not currently shown on the zoning map. Ms. Quaglia indicated that she does not think locating retail cannabis establishments in the same district as nightclubs is a good idea. She stated that Fire on the Mountain and Luce Farms already sells cannabis paraphernalia and CBD products and does not understand why cannabis establishments would not be allowed on Route 4. The Chair explained that the PC spent many months reviewing the regulations and have determined that the Killington Basin Section is the most appropriate location for retail establishments. The Chair thanked Ms. Quaglia for her research and for her comments and indicated that the PC would take them under advisement. The Chair further stated that the PC believes that for now we should allow cannabis establishments in a limited area but would be open to reconsidering in the future. The Zoning Administrator indicated that both Fire on the Mountain and Luce Farm sell CBD products and paraphernalia, but they cannot sell cannabis. He agreed with the Chair that it makes sense to start small and see how it plays out. He said the PC can always revisit this issue. Ms. Quaglia stated that she thinks it makes sense to spread out cannabis establishments and not concentrate them in one district. The Chair again thanked her for her comments and her research and stated that the PC thinks it makes sense to limit retail cannabis establishments to one district but following the vote, we can see how many licenses have been issued and how they are functioning and at point, the PC can reevaluate.

5. **Proposed Zoning Bylaw Amendments for Cannabis Establishments**

The Chair moved to discussing the proposed zoning amendments for cannabis establishments. Davis Lewis walked the PC through the changes that she made to the bylaw. She updated the use table to show the cannabis establishments. In Section 302, she added Indoor Cultivation as a Conditional Use in the Valley Zoning District; amended the prohibition on cannabis establishments as a home occupation to only retail establishments and deleted the 500 feet separation distance between retail establishments. The Chair indicated that she was comfortable with these changes and asked if any of the PC members had any questions. Salamon asked whether the Selectboard will have any interaction with the CCC. Haff explained that the CCC would contact him after a license had been issued. Salamon then asked whether the Resort's No Smoking policy extends to the parking lots. Jeff Temple stated that he was not sure, but he would get back to the PC. Bowers asked about whether there is any clarification between cannabis and hemp products in the bylaw. Davis Lewis explained that cannabis was defined in the Definitions Section, and it does not include hemp or CBD products. With that, the Chair asked for a **MOTION** to forward Draft Zoning Bylaw Amendments for Cannabis Establishments dated January 4, 2024 to the Selectboard for review and approval. Salamon made the motion, Wynn seconded the motion. All in favor.

6. **Proposed Zoning Changes – Great Gulf**

Katy Schofield, the President of Great Gulf's Low-Rise division introduced the team and the project. Also with her are Micheal Sneyd, Jay Wong and Tom Karlhuber from Trux Collins, their local architect. Joining via zoon are Keith Nelson from Trux Architects, Wen Wen from Safdie Architects, other team members from Sadie Architects, representatives from PWP Landscape Architects and Peter Smiar from Vhb. Great Gulf retained Safdie and PWP to update the Master Plan and as they worked on the design, they realized revisions to the zoning bylaw are necessary to accommodate the project.

The screen was then shared with Wen Wen who presented the plans for the Village. Wen Wen identified the changes to the plan and the elements from the approved plan which were retained. She explained that Great Gulf's goal is to create a world-class village with activities for all age groups. She presented a site plan that showed the key elements of the Village. Wen Wen presented some building schematics to show the height of the proposed buildings. Most of the buildings in this phase have been designed with retail space facing Main Street with 4 stories of residential above for a total height of 70 feet. The retail space has been designed to be taller than the residential floors. One building has been designed with a 2-story duplex unit above the 4 stories of residential for a total height of 100 feet. This building will serve as a visual landmark. The ski lodge has been designed with an average height of 65 feet with the roof at 98 feet at its highest point. Wen Wen provided an example of a lock out unit. She also presented a visual impact study that compares the visual impacts of the approved Master Plan to the revised Master plan. This study was done from 2 vantage points – from the 2nd story of a unit in Mountain Green and from The Mountain Inn.

Tom Karlhuber presented the matrix that provided details on the requested zoning changes. Davis Lewis informed the Commission that Jeremy Farkas, who is representing the Town on the zoning is joining the meeting via zoom. Great Gulf requested changes to the definition of building height as well as grade plane. Davis Lewis indicated that these changes are acceptable. Haff informed the PC that he met with the Fire Chief who has no issues with the proposed height changes. The Great Gulf team also met with the Fire Chief who indicated that the building plans are acceptable to him. There was a lengthy discussion on the definition of Independently Occupied Unit. Davis Lewis stated that the PC would be open to reducing the minimum lot area from 5,000 sq. ft to 4,000 sq. ft. which would allow them to build lockout units that can be sold in the future. The Chair asked if they would provide additional parking upfront. Great Gulf responded in the affirmative. Andy Salomon asked about enforcing the regulations regarding occupancy. Davis Lewis stated that if anyone rents their unit, they would be required to participate in the Short-Term Rental Program. Haff explained that these are public buildings, and the Department of Fire Safety will have access to them. He also stated that through the Short-Term Rental Program, he now has a complete inventory of all the condo units in town. It will be a lot easier to obtain this information for new construction. After a lengthy discussion on parking, water, sewer and Act 250, Farkas indicated if a lockout unit can be sold as a separate unit then it needs to be counted as a separate unit upfront for zoning purposes. If the intention is to only rent a lockout unit, then it could be

counted as one unit. In terms of setbacks, Great Gulf is seeking to eliminate setbacks between separate PUDs. Davis Lewis indicated that while it makes sense to eliminate the setback in this case, there may be other instances where it may not make sense. A decision was made to eliminate the setbacks between adjacent PUD's within the Ski Village and Ski Village II district. Farkas will draft this language. Davis Lewis explained that in the Ski Village and Ski Village II, the current front yard setback is 25 feet, and the side and rear yard setbacks are 50 feet. She explained that the PC recently changed setbacks in the commercial district to 15 feet for front and side yards and 25 feet for rear yard setbacks and that these setbacks seem appropriate for the Ski Village. Davis Lewis explained that one issue with this project is that it is difficult to determine which is the front, side, and rear yards. Therefore, Great Gulf is proposing to eliminate front, side and rear setback requirements and only have a 5 feet setback from public roads. Davis Lewis asked Farkas to weigh in on this. Farkas stated that this is more of a planning than a legal decision. The Town Manager stated that setbacks from public roads need to be big enough so that the Town can effectively plow the road. Peter Smiar indicated the lots are irregularly shaped with resources that need to be protected and the zero setbacks provide maximum flexibility. Farkas indicated since this project is within a PUD and there are no setbacks within the PUD, he doesn't fully understand Great Gulf's concern. Davis Lewis explained that they are concerned about setbacks from the edge of the PUD. Great Gulf is presently showing the smallest setback from East Mountain Road as 10.8 feet. Haff indicated that there may be some flexibility with the width of the Town ROW which would allow them to meet a 15-foot setback. Katy Schofeld stated that even if they could meet a 15-foot setback along East Mountain Road, they would need zoning relief as they continue to develop along Killington Road south of Vale Road. The PC expressed concerns about eliminating side and rear setbacks since the edges of their property abuts other adjacent property owners. Great Gulf asked whether we would consider eliminating setbacks from the Resort property. Haff explained that he is not concerned about setbacks from Resort property or public lands but is concerned about setbacks from private property. In terms of setbacks from public roads, the Chair indicated that she would be comfortable with a 10-foot setback. Haff said it is dependent on the width of the public ROW which is still being worked out. The Chair stated that we would discuss this at the next meeting after the width of the ROW has been agreed upon. In terms of their proposed definition of height, Farkas had a few comments. He did not like their proposed wording which uses phases since phase is not a zoning term. Sneyd proposed changing the word to allow one taller building for every 190 units. Farkas stated that this would be acceptable if it also includes some spatial separation. In terms of the ski lodge, he understands that the entire building is not 120 feet high but there are elements which are taller so perhaps we should say that some percentage can exceed the height restriction. Davis Lewis asked Jeff Temple if he knew the height of the new K1 base lodge just to give some perspective. Temple said that he did not recall. Davis Lewis explained that Great Gulf is proposing 3 different buildings which all exceed the current height requirement. The typical building would have a maximum height of 70 feet not to exceed 6 stories; one building would have a maximum height of 100 feet not to exceed 8 stories and the ski lodge would have a maximum height of 120 feet. The Chair asked Great Gulf to come back with a recommendation as to the percentage of the ski lodge that would exceed the allowable 68 feet. Haff reminded the PC that the Bear Mountain Lodge

will likely be reconstructed, and the height regulations would apply to that lodge as well. Wynn expressed the importance of protecting the viewshed. He is also concerned about lighting and protecting the night sky. Sneyd said the roof is not an all glass roof and will not emanate light. Regarding the separation between the 2 larger buildings, the Chair stated that it makes sense to come up with language that would ensure appropriate separation between the taller buildings. Davis Lewis stated that she did not like the proposed change to allow parking spaces of 8.5 ft. x 18 ft. and parking aisles of 20 feet in width without the discretion of the DRB. Haff stated that he would like to get the input from the Fire Chief. The Chair asked if there would be electric charging stations and whether they would be included within the smaller parking spaces. Haff indicated that he did not think the Fire Chief would allow them. The Chair thanked Great Gulf and their team for their presentation and said we would get back to them. Wynn complimented them on their presentation. The Chair said that we will be discussing this over the next few weeks and that we are mindful of the Act 250 process.

7. **Updates and Reports**

- **TA Grant** – The project team met in the am. The VTrans project manager made comments that will require VHB to make updates to the report. The team will meet again after VHB updates the report, which will take a few weeks.
- **Killington Forward** - No additional updates
- **Recreation Plan Update** - Wynn attended the Recreation Commission meeting and it sounded as though they want to move forward with design work. Davis Lewis indicated that she spoke with Emily Hudson who confirmed that they want to move forward with the design work but not with the needs analysis. The Chair asked if the SE Group is the right group to do this work. Davis Lewis indicated that she was unsure of their engineering capabilities but that she and Emily Hudson would reach out to them. The Town Manager indicated that he was at that meeting, and it seemed to go from a master plan to more of a feasibility study and design plans. The Chair would like to know the feasibility of reconstruction the pool in the same location. She stated that PC has the funds to do engineering work, but we need to know who the right firm is to do this work.

8. **Commissioner's Concerns** –None

9. **Executive Session** – None

10. **Next Meeting** – The next PC Meeting will be on January 31, 2024 @ 7:00 PM at the Public Safety Building, on February 7, 2024, and again on n February 21, 2024.

11. **Adjourn** – Salamon at 9:15 pm. Bowers seconded. All in favor.

Respectfully submitted,

Lisa Davis Lewis
Town Planner