

TOWN OF KILLINGTON PLANNING COMMISSION

Minutes from the Meeting of January 3, 2024

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

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

START: 7:01 p.m.
END: 9:15 p.m.

GUEST ATTENDEES: Andrew Gieda
Young Namkung
Andy Mirman
Everett W. Young
Mary Ellen Keenan Haff
Cathy Quaglia
Mariella Roma
Jamie Segarra
Dana Brearley*
Patrick Cushing*
Lucrecia Wonsor*
Peggy Neisner*
Katy Savage*
Debbie Leblond*
Jim Lewis*
Curt Peterson*
Whit Montgomery*
Brett Williamson*
(Dean's iPhone) – did not identify himself/herself*

*Participants attending via *Zoom* video conferencing

1. Open Meeting

Jennifer Iannantuoni, Chair opened the meeting at 7:01 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. Bowers seconded. There being no amendments, the Motion passed unanimously.

3. **Approval of Minutes**

The Chair requested a Motion to approve the draft minutes of November 29, 2023, as may be amended. Wynn made a Motion to approve the minutes. Bowers seconded. Davis Lewis reported that Wynn has identified one typo and she identified two minor changes. Motion passed unanimously subject to the revisions.

4. **Citizen Input**

The Chair asked if any members of the public wanted to comment on anything other than the subject of the public hearing (cannabis regulations). No one had any comments.

5. **Public Hearing on Proposed Zoning Bylaw Amendments for Cannabis Establishments**

At 7:07 pm, the Chair asked for a **Motion** to open the public hearing on proposed zoning bylaw amendments that specifically relate to cannabis establishments. Wynn made the **Motion**, Bower seconded All in favor. The Chair indicated that the Planning Commission has been working on preparing zoning bylaw amendments for cannabis establishments. She indicated that for retail establishments, the town must vote to allow them in town. This is on the ballot in March. She further stated that the discussion this evening is not on whether one wants or doesn't want cannabis retail establishments in town. The discussion should focus solely on the zoning regulations which will identify appropriate locations and a process for obtaining permits. The State through the Cannabis Control Commission is responsible for licensing establishments. The Chair then set the ground rules on how she will run the hearing. Lisa Davis Lewis, Killington Town Planner, gave a brief overview of the proposed regulations. She reviewed the definitions section of the bylaw and informed the public that the State has determined that outdoor cultivation of cannabis is considered agriculture and is regulated as agriculture and not as a cannabis establishment. She indicated that cannabis establishments (other than retail) are currently permitted which is why its important that the town adopt regulations which identify the appropriate location for the various types of cannabis establishments. The Cannabis regulations are found in Section 302 of the zoning bylaws. The Planning Commission determined that all cannabis establishments will require a conditional use permit which in Killington is granted by the Development Review Board. In Killington the Planning Commission is responsible for preparing the zoning bylaws whereas the zoning administrator and the DRB are responsible for implementing the regulations. In terms of retail establishments, the Planning Commission is recommending that retail establishments should be located within the Killington Basin Commercial District which is the area along Killington Road from Schoolhouse Route to the resort property just south of the Lookout Bar & Grill. The Planning Commission is also proposing that manufacturing, wholesalers, laboratories, indoor cultivation, and integrated establishments be located within this zoning district and that manufacturers, wholesalers, and laboratories can also be located within the Valley District (Route 4 flats). Additional regulations related to retail establishments include that they cannot be located within 500 feet of a school or a licensed childcare facility or 250 feet from a public park. Cannabis retail establishments cannot exceed a sales floor area of 3,000 sf. and that retail cannabis cannot be located within 500 feet of each other. As part of the review process, applicants

will be required to submit an odor control plan and a security plan. Finally, Davis Lewis informed the public that these regulations are only drafts. After the public hearing is closed, the Planning Commission will have the opportunity to make revisions. The revised draft then gets forwarded to the Selectboard who is required to hold a public hearing before they can adopt the regulations. If the Selectboard makes major revisions to the draft regulations, they get sent back to the Planning Commission which must then hold another hearing. The Chair thanked Davis Lewis and asked if any members of the Commission had questions. Salamon asked if the regulations permit a retail establishment on the ground floor with residential above. Davis Lewis indicated that there was nothing in the regulations to preclude this. Salamon asked about the restriction on home-based business. Davis Lewis explained that this would preclude someone who has a residence in the Killington Basin Commercial District or the Valley District who may want to use their residence to manufacture cannabis for commercial purposes without converting the building from a residence to a commercial business. The Chair opened the hearing to comments from the public.

Everett Young explained that he is concerned about odors emanating from consumption in public places and that this needs to be addressed. He stated that it's already pervasive at the resort. He also stated that he is concerned about retail establishments that haven't been licensed operating in the town. He stated that in New York City, there are non-licensed establishments operating on every corner. He is wondering who is responsible for enforcing the regulations. The Chair thanked him for his comments and stated that the town is very focused on enforcing its zoning regulations.

Cathy Quaglia stated that she is also concerned about odor control. She wants to know how we are going prevent the public consumption of cannabis. The Chair indicated that the town cannot control what happens on resort property which is private property. It is up to the police to enforce the outdoor consumption of cannabis on public property. Ms. Quaglia asked why the town created new commercial districts – the Route 4 Commercial District and the Killington Basin Commercial District. Davis Lewis explained that these are not new districts; they already existed but were never shown on the zoning map. The zoning map has been updated to reflect the 2 districts. Ms. Quaglia then questioned why retail establishments will not be permitted in the Route 4 Commercial District. The Chair indicated that the PC discussed this at length and determined that they did not think that cannabis establishments should be located as that is the gateway to the town. Ms. Quaglia indicated that she thinks Route 4 is a more appropriate location for retail establishments.

The Zoning Administrator (Jim Haff) recommended that the PC remove the 500 feet restriction between cannabis establishments and that the home occupation restriction be limited to retail. He also stated that it is not his job to enforce the public consumption of cannabis. The State does not allow public consumption, but it is up to the police to enforce this.

Young Namkung asked for clarification on the proposed restriction on home-based businesses.

Andrew Geida suggested that we show on a map the distances from schools and day care facilities. He also supports allowing cannabis establishments along Route 4 and not along Killington Road.

Dana Brearly informed the PC that his family owns the largest cannabis manufacturing and retail establishments in Maine and that he is available as resource to the town. He is supportive of allowing retail establishments along Route 4. He also stated that if the town does allow legal operations, it discourages black market operators.

Debbie LeBlond indicated that she would prefer retail establishments along Route 4 instead of the Killington Basin section. She also stated that she would like to see retail establishments allowed in the Valley District. She said she does not support allowing a retail establishment on the ground floor with residential above.

Everett Young asked whether CBD was a cannabis product. Davis Lewis indicated that these cannabis regulations only pertain to cannabis establishments defined in the Definition Section of the Bylaw and they do not apply to CBD or hemp products. He asked about labeling requirements. Davis Lewis explained that this is covered by the State licensing requirements. Haff explained that customers are required to show identification before entering a cannabis establishment and that cannabis can only be sold at a licensed facility.

Quaglia asked for a clarification of a home-based occupation and what happens if someone wants to convert a residence in the Commercial District to a cannabis establishment. The Chair explained that they would need to obtain a change of use and a permit from the DRB and that is not considered a home-based business which requires someone to reside on the property.

Patrick Cushing asked about signage and lighting. Davis Lewis explained that signage is set forth in the regulations and that lighting would be regulated by the lighting regulations in the zoning bylaws. He indicated support for eliminating the 500 feet restriction between establishments.

The Chair asked if anyone else wanted to comment. Hearing none, Wynn made a **Motion** to close the public hearing on the proposed bylaw amendments, Salamon seconded. All in favor. Haff asked when the PC would forward the regulations to the Selectboard. Wynn suggested that the PC take some time to discuss potential changes to the regulations. Cathy Quaglia requested clarification of the process. The Chair explained that after the PC discusses and approves the bylaw amendments, it gets forwarded to the Selectboard. If the Selectboard is satisfied with the draft regulations, they authorize the Town Manager to warn the hearing. Once the hearing is closed, they will vote on the amendments.

The PC held a brief discussion on the proposed amendments. The Chair indicated that she is inclined to allow retail establishments only in the Killington Basin section. The other members seem to agree that it's better to allow establishments within a limited district. The Town Manager said that if the PC would allow retail establishments along Route 4 it would encourage more transient traffic along Route 4. The Chair recommended that we eliminate the 500 feet restriction between stores to be less restrictive. Rob Hecker recommended that we allow indoor cultivation in the Valley District. There was consensus on these changes. Davis Lewis told the Commission that in the future the Commission can always change the zoning bylaw to allow establishments in other districts, but it makes sense to start out being more restrictive. The PC thought that this approach made sense. Davis Lewis suggested that she will make the following changes to the bylaw – adding indoor cultivation to the Valley district, eliminating the 500 feet distance requirement between retailers, and modifying the prohibition on home-

based business to solely retail. The Chair suggested that the PC discuss and potentially vote on the bylaw at their next meeting.

6. **Proposed Zoning Changes – Great Gulf / S100**

Davis Lewis explained that Great Gulf will be making a presentation and then the PC can discuss their requested zoning changes. She also informed the PC that the Town has retained Jeremy Farkas to help us on the zoning changes for both Great Gulf and S100. Davis Lewis explained that some of their proposed changes are commonsense and should not require a lot of discussion but some of the proposed changes to setbacks and building height will require much discussion. Davis Lewis stated in addition to incorporating Great Gulf's changes and the changes required to meet S100, she will go through the updated bylaws with Vince Wynn to incorporate some of his recommended changes. Wynn did identify another map change that is needed. The zoning bylaw refers to two Public Open Space Districts with different permitted uses, and this needs to be reflected on the Zoning Map. Another change that we are going to make to the regulations is to include language that would allow the DRB to retain consultants at the applicant's expense. We are including this in the fee schedule, but we need some language in the bylaw.

7. **Updates and Reports**

- **TA Grant** – A public meeting was held on December 5, 2023. There was a good turnout. The alternatives that had the most support were for a connection between Gifford Woods and the Sherburne trailhead, additional parking in Gifford Woods, and a crosswalk along Route 4 to improve the connections from both the new Town Hall and the Welcome Center to the trails. The Committee is meeting on January 10, 2024, to review the alternatives and select a preferred alternative.
- **Village Center Designation** – Davis Lewis informed the PC that the State denied our application because we need historic structures within the district. However, the legislature is in the process of updating the requirements and Devon Neary of RRPC suggested we hold tight for the moment. Davis Lewis suggested that this is unfortunate, but we can still hold a conversation with VTrans as to the Town taking over that section of Route 4.
- **Killington Forward** – Great Gulf will be presenting to the PC next week. Casella is moving forward with construction on Phase 1 of the water system.
- **Municipal Planning Grant** – The application was again denied by the State. Davis Lewis reviewed the projects that were funded through this grant, and she feels that this is not a project that is a priority for the State. The Chair believes that this study needs to be done and that the PC has the funding for this study. The Town Manager indicated that the Selectboard is holding a joint meeting with the Recreation Commission on Monday January 8, 2024. Davis Lewis indicated that she cannot attend this meeting, but it would be helpful if a PC member could attend. The Chair indicated that she would ask Vince Wynn if he could attend. (Wynn departed the meeting early). The Chair asked Davis Lewis to review the SE Group proposal and report back to the PC.

- **VOREC-** Davis Lewis explained that Emily Hudson (Recreation Director) took the lead and applied for VOREC grant. The grant funds would be used to fund a crossing over the stream which would enable a safe Route 100 crossing.

8. **Commissioner's Concerns** –None

9. **Executive Session** – None

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

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

Respectfully submitted,

Lisa Davis Lewis
Town Planner