

TOWN OF KILLINGTON PLANNING COMMISSION
Minutes from the Meeting of June 1, 2022

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

PRESENT:	Jennifer Iannantuoni, Chair	START:	7:04 p.m.
	Vince Wynn*	END:	8:43 p.m.
	Ricky Bowers		
	Andrew Salamon		
	Lisa Davis Lewis, Planning Consultant		
	Daryl Arminius, Planner		

GUEST ATTENDEES: Jim Haff (arrived at 7:08pm)
Curt Peterson*
Ed Bove, Rutland Regional Planning Commission (left at 8:39pm)

*Participants attending via *Zoom* video teleconferencing

1. Open Meeting

Jennifer Iannantuoni, Chair opened the meeting at 7:04 p.m.

2. Approval of Agenda

Jennifer Iannantuoni requested a motion to approve the meeting agenda as may be amended. Vince Wynn motioned to approve the agenda with no amendments and Ricky Bowers seconded. Motion passed unanimously.

3. Approval of Minutes

Jennifer requested a motion to approve the minutes from the May 18, 2022 meeting as may be amended. Vince motioned to approve the minutes with no amendments and Ricky Bowers seconded. Motion passed unanimously. Vince stated that the minutes were exceptionally detailed.

4. Citizen Input

None

5. Updates and Reports

- **Killington TIF District** – Jennifer Iannantuoni reported on the Vermont Economic Progress Council (VEPC) meeting of May 26, 2022 (that took place during the Killington Selectboard meeting), which was also attended by her and Lisa Davis-Lewis., et al. The meeting took place during the morning with a break at lunch time, and then continued with a bus ride for a site visit to prospective TIF district. The meeting was reported in the most recent edition of “The Mountain Times” (“*Killington awaits TIF district designation: Great Gulf identified as potential partner; private developer*”, by Polly Mikula, June 1-7, 2002, Vol. 51, No. 22). The Town’s consultant, Stephanie Clarke gave a presentation on the update of the Town’s application to VEPC that overviewed the reduced size of the district, planned infrastructural improvements, and the water supply

planned for US Route 4. The Town now awaits approval from VEPC after presenting the amendments to the application and having their auditor review the Town's proposed budget numbers. Lisa added that the next VEPC meeting is planned for June 30, 2022 in Montpelier, where it is anticipated that a decision will be issued. Jim Haff, arrived at the meeting and stated that he had received an email from Green Mountain Power (GMP) enquiring on further details on the TIF district and told them that the Town is still waiting on the Town consultant's (VHB) report. The Town's TIF FAQ with will be updated with the latest facts and figures for transparency.

- Proposed Killington Zoning Bylaw Updates for Lot Dimensions and Parking (Ed Bove, Rutland Regional Planning Commission) – Jennifer stated that the draft of proposed bylaw updates were forwarded to the Planning Commission, based on the Commissioners' comments from the May 4th, 2022 meeting. Ed Bove stated that he incorporated edits to the parking specifications and suggested changing the 'Night Club' definition to include number of seats, rather than occupancy. A May 17th meeting with himself, Lisa, and Daryl Arminius addressed refinements to the dimensional standards for the 'B' and 'CE' zoning districts. Lisa suggested that everyone review the wording on the new definition of 'Night club' because there has been a lot of discussion on this. Commissioners asked that the formula to be added. Ed stated that he would like to add 'Number of seats' and speculated on how the formula might be made simpler; say if a night club/restaurant were to breakdown its percentage of each use, further suggesting that the most intensive use could be selected and then divided by 25%. Jim added that in Residential and Commercial zones, the rules indicate the option for a lesser use. In the Forest Reserve district, it is one house per ten acres, where in 'Residential R1' it is one house per one-acre. However, for a Mixed-use, the lesser value may be chosen. Discussion ensued amongst the meeting attendees on the formula for 'Night club' use parking requirements, with the agreed upon formula = ((Total Occupancy – Number of Seats / 5) + Number of seats divided by 3) and excluding any seasonal outdoor seating.

Lisa indicated that she had more edit suggestions to add later and asked about Residential One, Two, and Multi-Family dwelling requirements and if forthcoming changes for Short-Term Rentals (STR) should have the same requirements as Multi-Family. It was not clear if STR is to be covered in municipal ordinance v.s. the zoning bylaws. Jim stated that STR will remain under zoning. Discussion ensued amongst the meeting attendees on the distinction between a 'public building' v.s. a 'commercial building'. Andy Salamon enquired on the reasoning behind the difference between the Hotel parking standard of 0.7 spaces per room v.s. the Residential standard of 0.8 spaces per bedroom. Vince responded that hotels have a higher general occupancy for cars, because more people travel together for a hotel destination than a residence.

Lisa asked if the zoning standard for night clubs should address indoor v.s. outdoor occupancy, as was articulated in the Restaurant standard. Jennifer responded that the provision to exclude seasonal outdoor seating should be added to the night club standard. It was agreed that restaurants (e.g. "Casey's Caboose") are usually either indoor or outdoor during business hours, but never both. For section 'D. Restaurants in Lodging Facilities' (p.64), Lisa stated that in the case where a restaurant is within a hotel and is

not open to the public, it may request a parking reduction of up to 90% capacity. For restaurants within a hotel that is open to the public, the facility may request a reduction under the shared parking provision. Those not open to the public receive a greater reduction. Jim requested a reference be added between this section (D.) and other sections of the bylaws that address 'Restaurants in Lodging Facilities' for clarity.

Jim asked for clarification of the standards for the distance to offsite parking locations. Lisa responded that the PC agreed to a 300' distance. Discussion ensued amongst the meeting attendees on the topics of measurement standards (e.g. from property line to property line, from building to building, or from building to merchandise, etc.) and that the Town's current bylaws do not seem to meet the intention of a PUD to allow for clustered development.

Lisa stated that she sent out her comments on parking standards to the PC and that Ed will integrate them into the draft bylaws to circulate. Lisa stated that the goal was for the PC to have a public hearing on July 20th. Ed will not make that meeting. Discussion ensued amongst the meeting attendees on the legal requirements for the public hearing and the PC's forthcoming meeting schedule. Jennifer added that the final comments should be sent to the PC ahead of their next meeting on June 15th.

The topic of discussion changed to dimensional zoning standards. Jennifer stated that she felt comfortable moving forward with updating this section of the bylaws to reduce the setbacks in the Commercial and Business districts during the July public hearing. Vince asked what the thinking was behind the numbers being vastly different for the ski areas than for everything else. Lisa responded that the PC did not touch upon the topic of ski areas because the PC made those changes already. Ed added that we only are looking at the three zoning districts along the Killington Road, because that was within the TIF area. Lisa added this area is where the PC wishes to encourage affordable/workforce housing and higher-density development. Jennifer stating that the current setbacks are too onerous, asked why the rear setbacks for those districts were not proposed for reduction to 25'. Lisa responded with the example of the "Glazebrook" condominium development abutting "The Lookout Tavern" where there were continually occurring complaints about the trash, encroaching solar panels, etc. She did not recommend a reduced commercial setback to a residential property. Discussion ensued amongst the meeting attendees on the historical reasoning behind the large setback standards within the zoning districts along US Route 4, the Sherburne Pass, the Appalachian Trail, and the Valley.

Lisa raised the question regarding the conditional uses within the three zoning districts along Killington Road (i.e. 'C', 'B', and 'CB'); whether we would rather maintain a 50' setback to residences for abutting uses such as: Earth Extraction, Auto Service Station, Light Industry, Fast Food, etc.; or if conditional uses should also be allowed a reduction to 20'. Discussion ensued amongst the meeting attendees on the topic of the impact of side setback standards for commercial zoning districts (and PUDs) which vary between 15', 25', and 50', the history of development within these districts, mixed uses, and the intent to plan for future compact development along Killington Road. Ed observed that in the Killington Commercial and Business districts, a multi-family housing unit cannot

be developed unless it is within a PUD. Lisa responded that the PC clearly wants denser development on Killington Road in the vicinity of Roaring Brook and Dean Hill. Discussion ensued amongst the meeting attendees on the topics of dimensional setbacks, density (e.g. 1-acre lots v.s. ¼-acre lots), lot coverage, and buildable area.

Vince asked to circle back to the topic of the Valley district; if we are leaving the large (100'-200') setbacks along US Route 4 in place, and if there are State setback requirements for State Routes. Daryl said he would get back to Vince with an answer. Ed felt there were not any required setbacks to the State ROW. Discussion ensued amongst the meeting attendees on the topic State highway ROWs. Jennifer stated that 'Section 412 - Front Setback' (p.54) should be removed.

Jim suggested adding language to the bylaws for the permit notice ("P sign") to remain in-place from the start of the 15-day appeal period prior to construction, until the Certificate of Occupancy (CO) is issued. Staff cited 24 VSA 4449. The "P-sign" notice is only required to remain in place until the 15-day appeal period expires, but it must be posted within view from the public ROW. Jim continued, that an application to construct a 10' x 20' structure, would cost \$180. However, an application to erect a temporary seasonal structure (say for a 10' x 20' tent for a bike shop) would need to be submitted every year. Instead, he suggested articulating that the ZA may issue a permit with a condition for seasonal structures to be approved for multiple years. The PC concurred. Discussion ensued amongst the meeting attendees on the topics of appeal periods, non-conforming improvements, COs, and NOVs.

Ed notified the PC that he will return on July 6th and will have proposed edits to the PC by next week. The PC will warn the public hearing for bylaw updates after the June 15th PC meeting. Daryl asked for clarification on the proposed schedule of bylaws updates, considering that STR regulations need to be in place by November 1st. Jim responded that the lawyer is still working on STR regulations, but that these along with updated signage regulations will be processed together in a second round of zoning updates for a hopeful September hearing. Jim stated that the Vermont Short-Term Rental Alliance (VTSTRA) has a meeting in Montpelier on Friday and that he will be attending; adding that Killington represents about 30% of the attendees. Ed left the meeting (at 8:39pm).

- Hazard Mitigation Plan – Lisa stated that the public meeting for the approval of the report will be held during the June 15th PC meeting. It is not a publicly warned meeting, but she is going to have Lucrecia send out a Chimp-notice, a notification to Polly at "The Mountain Times", and post it on the Town website. Lisa confirmed that Steffanie Borque from RRPC will be presenting the report at the meeting
- VOREC Grant – Lisa stated that the State has not dispersed any funds, but has instructed Towns that they should start moving forward with their billable work. Sarah Newell is running the program, but may be delayed. The Town will be using the procurement policy to solicit contractors.

- TA Grant – Still waiting for the grant agreement from the State (which was due to be issued in May).

6. **Commissioner's Concerns**

None

7. **Other Business**

Curt asked for reclarification of the next VEPC meeting. Jennifer answered that it would be held on June 30th in Montpelier.

8. **Executive Session**

None

9. **Next Meeting: June 15, 2022**

10. **Adjourn**

Ricky made the motion to adjourn the meeting at 8:43 pm. Andy seconded. All in favor.

Respectfully submitted

Daryl Arminius,
Planner for the Town of Killington, Vermont