

**TOWN OF KILLINGTON PLANNING COMMISSION**  
**Minutes from the Meeting of June 15, 2022**

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

<b>PRESENT:</b>	Jennifer Iannantuoni, Chair	<b>START:</b>	7:02 p.m.
	Vince Wynn*	<b>END:</b>	8:51 p.m.
	Andrew Salamon		
	Young Namkung*		
	Lisa Davis Lewis, Planning Consultant		
	Daryl Arminius, Planner		
	Chet Hagenbarth, Town Manager		

**GUEST ATTENDEES:** Jim Haff, Interim Zoning Administrator  
Curt Peterson\*  
Steffanie Bourque, Rutland Regional Planning Commission  
Chief Gary Roth, Killington Fire Department (arrived ~7:30pm)  
Dave McComb\*  
Holly George\*  
Miguel Fidalgo\*  
Jonathan Sachs\*  
Lauren McMichael\*

\*Participants who attended via *Zoom* teleconference

1. **Open Meeting**  
Jennifer Iannantuoni, Chair opened the meeting at 7:02 p.m.
2. **Approval of Agenda**  
Jennifer requested a motion to approve the meeting agenda as may be amended. Vince Wynn motioned to approve the agenda with no amendments and Young Namkung seconded. Motion passed unanimously.
3. **Approval of Minutes**  
Jennifer moved the discussion to approve of the Draft minutes from June 1, 2022 to the next PC meeting and added an Executive Session agenda item to this meeting to discuss the relevant details.
4. **Citizen Input**  
None
5. **Presentation of the Killington Local Hazard Mitigation Plan** (*Steffanie Bourque, Rutland Regional Planning Commission*)  
Steffanie Bourque presented an overview of the 2016 Local Hazard Mitigation Plan (LHMP) and the work undertaken by the group of local Killington planning team that had participated in developing the June 15<sup>th</sup> draft of the report.

Each spring municipalities update their LMHP, which is then approved by their Selectboard. The LHMP is a response-driven plan guiding local officials in how to respond to a local hazard event that is readopted every 5 years under the guidance of FEMA. This is not a plan intended for direct response during the event, but rather serves as a “planning tool” that identifies local vulnerabilities to natural hazard impacts and develops strategies to reduce risks. This draft is the first half of the plan that includes the background story. The local planning team comprised Lisa Davis-Lewis, Ricky Bowers, Chet Hagenbarth, Daryl Arminius, and Chief Gary Roth. Steffanie presented details on all the sections of the plan (e.g. the Purpose, Community Profile, Planning Process designed to meet federal requirements, et al.). The targeted schedule to complete the report for submission to Vermont Emergency Management (VEM) for a preliminary approval is the end of November 2022. The State of Vermont has recently received delegation from FEMA to approve these plans, which accelerates the adoption process. Prior to this, it would take FEMA about six months to complete their review comments, comparative to now where VEM’s officer who provides review comments within 45 days.

Steffanie overviewed the ‘Town’s Hazard Identification as Risk Assessment’ section, identifying a priority of highest likely hazard impact risks to the Town that included extreme cold, snow, and ice from winter storms; high wind events; wildfire; and flash flooding and fluvial erosion. This section is the foundation for the mitigation strategy to reduce future loss. The planning team is looking for public input for anything that was missed, so that they can move forward with developing actionable mitigation strategies that they feel are reasonable for the Town to implement. An approved LHMP is required for eligibility to apply for any FEMA pre-disaster grants.

Next steps: The public comment period on the plan opens at this meeting and will be continued until the July 6 PC meeting. E-mail comments should be sent to Lisa Davis-Lewis. The draft plan is currently posted under the Planning and Zoning section of the Town website.

There was a series of questions and answers amongst the meeting attendees on the details of the plan, during which Chief Roth arrived at the meeting and had no comments to make. Stephanie left the meeting at 7:34pm.

## **6. Updates and Reports**

- Killington TIF District – Jim Haff stated that the next VEPC meeting is scheduled for the 9:30am on June 30<sup>th</sup> in Montpelier.
- Final Review of the Proposed Zoning Bylaw Updates: *Parking, Dimensional Standards, and other minor modifications* – It was discussed that the objective for this discussion would be for the PC to warn the updates for a public hearing for a specific date. Lisa stated that she had a few comments on the current draft. Where the proposed changes on regulating color temperature for lighting (i.e. Kelvins) only relate to signage, there is also another section on lighting in the bylaws which does not address color temperature and

should be updated. The PC concurred. Jim Haff requested clarification of the ‘other minor modifications’ in the agenda item for those not familiar with them. Lisa answered, the removal of the zoning district descriptions and the deposit section. Discussion ensued amongst the meeting attendees on the requirements for draft bylaw revisions to be warned for public hearings. Vince and Jim requested a non-redline version of the bylaws. Lisa agreed to have Ed Bove forward the document to the PC. Discussion ensued amongst the meeting attendees on the topic of State highway ROWs.

**Jennifer made a motion** to warn for a public hearing on the proposed amendments to the zoning bylaws, to occur at the scheduled Planning Commission meeting on Wednesday, July 20, 2022. Following the public hearing, the amendments would be sent to the Selectboard. Andy Salamon seconded the motion. **The motion passed unanimously.** Jennifer thanked staff for their forthcoming work on the public notice requirements.

- Review of Second Round of Proposed Zoning Bylaw Updates: Signage and Short-Term Rentals – Clarification was made on the title of this agenda item, where there are not currently any proposed changes to the bylaws for Short-Term Rentals (STR), which was entered in error. There are only proposed changes to signage to deliberate. Discussion ensued amongst the meeting attendees on the topic of lighting. Chet stated that it used to be difficult to measure lighting impact until after a project was completed, but this is no longer the case with the currently available photometric technology. If we are going to address proper lighting for parking lots, etc., there are now some basic guidelines that will indicate how many foot-candles will be emitted at the property line (usually regulated to 1.0 foot-candles). Manufacturers who specify their lighting (say, for a site plan) usually offer the test for free. Vince asked where the proposed “not to exceed 3000 (K)” lighting for regulating signage came from. Staff answered that this number was common to many municipalities across the country (e.g. Idaho, California, and many in Massachusetts). The PC concurred that for the next round of zoning bylaw updates, the proposed language for color temperature for signage and new language addressing lighting spillover effect (i.e. foot-candles at the property line) be added to the Lighting section (i.e. Section 427) of the bylaws. Chet commented that to meet spillover criteria, it may also be a good idea to regulate pole heights to be no higher than 20’ (the PC did not entertain this idea). However, none of these standards would apply to the existing streetlights that are installed along Killington Road, because they are owned by GMP and are leased to the Town.

Jennifer asked staff to have proposed bylaw language related lighting on the next PC agenda.

- VOREC Grant – Still waiting on final grant agreement with the State, which had advised that municipalities may move forward with billable work. The goal is to award the trail build contract and get started sometime this summer. Chet added that the Town recently received a grant notice to fund recreation facility appurtenances for this fall. Lisa added that for the VOREC grant the Town will be developing a kiosk/bicycle station with a bike bath at the Welcome Center.

- TA Grant – Still waiting for the grant agreement from the State (which was due to be issued in May). No further word from the grant administrator.

**6. Commissioner's Concerns**

Andrew Salamon stated that there has been a lot of activity at Rutland RPC and that he would share the details during the executive session.

**7. Other Business**

Jim Haff requested if any of the remote attendees would like to introduce themselves and share why they were attending the meeting. Jonathan Sachs volunteered that he was attending to find out more about the Town's STR program and wanted to find out the lead agency to share a concern he had that is not addressed within the bylaws regarding eviction. He referenced Title 9, Chapter 137, Sections 4451 and 4452 and stated that where an owner of an STR is subject to fines with over-occupancy, there is no provision for the owner to evict the undesired extra occupants. Since the owner cannot undertake a lockout as a hotel could, there is nothing the owner can do. Jim stated that the Town is talking to legal counsel about the issue. Chet stated that the State's definition of a STR stipulates that it does not exceed a 30-day occupancy. After that period, the owner may have the police remove the offending occupants. Jonathan spoke with the local and State police, the county sheriffs, and the District Attorney's office. In each of their responses, they either did not feel they had the authority to remove the offending occupants, or they did not know the answer to the question. Jim responded that an STR is a public building, and like a hotel, if an owner wants someone removed then the police should remove that person.

**8. Executive Session**

The PC went into executive session at 8:13pm. Chief Roth left the meeting. The PC exited executive session at 8:50pm with no action taken.

**9. Next Meeting: July 6, 2022**

**10. Adjourn**

Andy made the motion to adjourn the meeting at 8:51 pm. Vince seconded. All in favor.

Respectfully submitted

Daryl Arminius,  
Planner for the Town of Killington, Vermont