

TOWN OF KILLINGTON PLANNING COMMISSION
Minutes from the Meeting of August 17, 2022

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

PRESENT: Jennifer Iannantuoni, Chair
Andrew Salamon
Young Namkung*
Jim Haff, Zoning Administrator
Daryl Arminius, Planner
Lisa Davis-Lewis, Planning Consultant

START: ~7:00 p.m.
ADJOURN: 7:50 p.m.

GUEST ATTENDEES:

Curt Peterson*

*Participants who attended via *Zoom* teleconference

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. Andy Salamon motioned to approve the agenda with no amendments and Young Namkung seconded. Jennifer motioned to amend the agenda with an executive session to discuss contracts. Motion passed unanimously.

3. Approval of Minutes

The Chair requested a motion to approve of the Draft minutes from the **August 3, 2022** PC meeting as may be amended. Andy motioned and Young seconded. Jennifer indicated that she did not have any changes and asked for any comments on the minutes from other Commissioners. None were offered. She called for a vote to approve the minutes with no amendments. Motion passed unanimously.

4. Citizen Input

No comments from any members of the public.

5. Public Hearing for the Proposed Zoning Bylaw Updates: *Lighting & Signage.*

The Chair asked staff to overview the sequence of the updates to the bylaws. Staff explained the series of updates from the three current rounds of amendments from: 1. Parking & Dimensional, which has been forwarded to the Selectboard, 2. Lighting & Signage which would be discussed during the public hearing tonight, along with any changes (or none) that would be passed on to the Selectboard for possible adoption, and 3. STRs. Jennifer asked the PC if anyone had any additional changes to suggest for the lighting and signage bylaw amendments. Hearing none, she stated that she was hoping to hear any public comment offered on the amendments. Andy stated that if anyone had an issue with their neighbor's lighting, he hoped that they would discuss it with the neighbor

on their own accord, and not bring it to the Town for enforcement. No further comment was offered during the public hearing period.

Jennifer asked for a motion to move forward the proposed zoning bylaw updates for lighting and signage to the Selectboard for their public hearing and adoption. Andy made the motion and Young seconded. Hearing no additional discussion. Motion passed unanimously.

6. Updates and Reports

- Final Review of Upcoming Round of Proposed Zoning Bylaw Updates: *Short-Term Rentals (STRs)* –

The Chair asked staff to remind the PC on the procedure for the updating the zoning bylaws, before reiterating from the last meeting that the strategy is to remove STRs from the bylaws to coincide with the anticipated adoption of a new STR municipal ordinance by the Selectboard. She explained that ordinances are more maneuverable than the zoning bylaws and can be changed on-the-fly by the Selectboard. Staff added that there is some nuance to convey in how the PC should change the regulations to close the gap between when the STR bylaws would expire and when the ordinance becomes effective after its adoption. New zoning bylaws become effective 21 days after adoption by the Selectboard [see [24 VSA § 4442](#)], where municipal ordinances become effective after 60 days [see [24 VSA § 1972](#)]. Staff further indicated that some clarifying language has been added to the Certificate of Occupancy (CO) section. The Chair asked staff to double-check with Town attorney if some minor typographic errors were made to exempted structures under **Section 403**. Lisa Davis-Lewis asked if it is the intention for the PC to review the ordinance language before it goes to the Selectboard. The Chair responded probably not, because development of the ordinance has been a joint project between the Zoning Administrator and the Town attorney due to their greater understanding of the state of ongoing violations, where the PC is unfamiliar. Jim Haff added that the Selectboard is also going to have a public hearing process for the ordinance, which will be open for comment. Davis-Lewis felt that the PC should nevertheless review the proposed ordinance.

A member of the public by the name of “Steve” then arrived at the meeting intending to participate in the public hearing on the topic of lighting. The Chair informed him that although the hearing has been concluded, he would have another chance to offer comment at the forthcoming public hearing with the Selectboard. He acknowledged this and left the meeting.

Discussion ensued amongst the meeting attendees on the topic of enforcement of the ordinance, which concluded that it was the duty of the Zoning Administrator, and that the ordinance language will clarify this. Discussion ensued amongst the meeting attendees reclarifying the language of the proposed STR amendments, which are intended to retain their current regulatory effect whilst accommodating the complicated timing of an ordinance going into effect that could be protracted if five percent (5%) of the qualified

voters of the Town submit a petition to disapprove it [see [24 VSA § 1973](#)]. In this instance, the process could then take an additional six months to put before the voters.

The Chair asked staff to warn the STR bylaw amendments for a public hearing. It was determined that the 21st of September will be the earliest preferred date for the hearing.

Jim Haff indicated that the various bylaw amendments that have been forwarded to the Selectboard will be piled up. If they adopt them incrementally, then a new version would have to be written up just before another amendment is forwarded to the Selectboard. Where they have up to a year to adopt the proposed amendments, they will still need to pass them sooner (at least by November), in time for autumn STR registration. Davis-Lewis raised the question about how the PC will explain its strategy to the public when there is no municipal ordinance draft to review. Jim responded that the STR regulations are being kept in place. Citing the change to **Section 403**, he suggested that the PC declare that they have been told by the Selectboard that they are working to adopt an STR ordinance, and that the PC is simply protecting the bylaws that are in place until the Selectboard completes their task.

Proposed amendment for ‘Section 403 – Structures Exempt from Zoning Permit Requirements’:

“The operation of a Short-Term Rental shall not require a zoning permit once a Short-Term Rental Ordinance adopted by the Selectboard becomes effective.”

The only major amendment in this round is to the Dwelling Unit Capacity requirement necessary for the issuance of a Certificate of Occupancy, which applies to both single-family residences or STRs.

Proposed amendment for ‘Section 640(2) – Certificate of Occupancy or Use’:

“A. A Certificate of Occupancy for a structure that includes a Dwelling Unit shall limit the occupancy of the Dwelling Unit to its Dwelling Unit Capacity.”

Jim asked the PC if there is a fourth set of proposed amendments planned. Davis-Lewis stated that Ed Bove of RRPC asked her to sit down with him to discuss possible bylaw changes, but there is nothing specific currently suggested. Jim suggested that she try to wrap up any final changes within the next six weeks. Jennifer asked that she compile a prospective list by the next PC meeting.

The topic of discussion changed to other clarifications and possible adjustments that may need to be made to the Town attorney’s suggested language pertaining to STR language. It was resolved that the draft of the bylaw changes be sent to the Town attorney to verify that it is correct and that the warning be sent out afterwards in time for September 21st. Jennifer thanked staff for their work on this.

- VOREC Grant – Davis-Lewis stated that the recreation committee is going to be commencing with construction. However, she has not received anything back from the

State and has been told by the RPC that this is currently the typical of the climate there. The Town is possibly proceeding with the work at their own risk.

- TA Grant – The preapproved consultant ranking forms are underway for completion by Young, Daryl, and more recently added Devon at the RPC with the VTrans “At-the-Ready” approval process, for a hopeful consultant selection estimably within the next month.
- Local Hazard Mitigation Plan (LHMP) – There was a meeting for the Planning Team last week. The Town’s LHMP is on track for completion by the end of the year. Steffanie Bourque from RRPC informed Lisa Davis-Lewis that FEMA is coming out with some new regulations, which is a reason to ensure the plan is completed it by November. The LHMP is moving into the discussion of mitigation before proceeding to the second public hearing, and subsequent submission to FEMA. VEM is currently delegated by FEMA to approve the plan.

6. Commissioner’s Concerns

None

7. Other Business

None

8. Executive Session

Curt Peterson left the meeting. Jennifer made a motion to go into executive session to discuss contracts. The recording was stopped when the executive session began at 7:44 p.m. and continued until 7:50 p.m. No action taken.

- 9. Next Meeting: September 7, 2022 @ 7:00 p.m.** – Jennifer stated that a subsequent meeting will take place on September 21st, 2022, wherein there will be a public hearing on bylaw amendments for STRs and other sections.

- 10. Adjourn** – The Chair adjourned the meeting at 7:50 p.m.

Respectfully submitted

Daryl Arminius,
Planner for the Town of Killington, Vermont