

TOWN OF KILLINGTON PLANNING COMMISSION

Minutes from the Meeting of September 21, 2022

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

PRESENT: Jennifer Iannantuoni, Chair
Vince Wynn*
Ricky Bowers
Young Namkung
Lisa Davis Lewis, Planning Consultant
Daryl Arminius, Planner

START: 7:00 p.m.
END: 8:38 p.m.

GUEST ATTENDEES: Jim Haff
Gregory Thomas*
Dave McComb*

*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. Daryl Arminius requested that the agenda be modified to include a discussion of subdivision regulations. Namkung motioned to approve the agenda as amended and Bowers seconded. Motion passed unanimously.

3. Approval of Minutes

The Chair requested a motion to approve the draft minutes from the September 7, 2022, Meeting. The Chair asked if there were any changes or comments on the minutes. The Chair indicated that there is a typo on page 5 of the minutes (the word proceeding compliance should be non and not nod). Jim Haff also indicated that the owner of the property at 1967 Route 4 last name was spelled incorrectly, and the correct spelling is Jim Van-Den-Bosch. There was some discussion as to whether the minutes needed to be so detailed. Daryl Arminius indicated that in this instance he thought it was important that the minutes accurately reflect the discussion on 1967 Route 4. Namkung made a motion to approve the minutes as amended and Bowers Namkung seconded. Motion passed unanimously.

Jim Hall requested that the minutes from this PC meeting reflect that the Killington Zoning Administrator disagrees with the comment made by the owners of 1967 Route 4 that the proprietor of Stay Beautiful Vermont had submitted an application for a change of use / site plan approval over a month ago and only recently learned that she could not proceed with the project because its not an allowed use in the zoning district. Haff indicated that he spoke with the applicant approximately 6 weeks ago and only recently

received a site plan application which was missing a significant amount of required information and therefore deemed incomplete.

4. **Citizen Input**

Gregory Thomas joined the meeting (initially by phone and subsequently by video) and indicated that he had no comments at this time.

5. **Public Hearing for the Proposed Zoning Bylaw Updates: Short-Term Rentals Section 407).**

The Chair requested a motion to open the public hearing on the proposed zoning bylaw amendments related to Short Term Rentals (Section 407) of the Killington Zoning Bylaws. The proposed change will remove the short-term rental section from the Zoning Bylaw after the Selectboard adopts a Short-Term Rental Ordinance. The reasoning behind moving short-term rentals from the zoning bylaw to an ordinance is that an ordinance allows the Zoning Administrator greater flexibility in administering the program. Short Term Rentals will remain within the zoning bylaw until a Short-Term Rental Ordinance has been adopted.

The Chair asked if any members of the public had comments on the proposed zoning bylaw amendment. Gregory Thomas asked if the town intends to modify the Short-Term Dwelling Unit Capacity to eliminate the “plus 2”. The Chair asked the ZA to explain the “plus 2”. Haff indicated that under the Short-Term Dwelling Unit Capacity, a 4-bedroom house could rent to a maximum of 10 people based upon 2 people per bedroom and then 2 additional people per dwelling. Haff indicated that there is some confusion with duplexes. For example, if you have a duplex with each unit having 4 bedrooms, the Short-Term Dwelling Unit Capacity is 18 and not 20. This definition will be clarified in the Ordinance but there is no intention to eliminate the “plus 2”. Thomas also asked when the ordinance will be adopted and Haff indicated that he did not have a definitive timeline at this point.

Dave McComb joined the meeting at 7:25 pm and he asked whether the Short-Term Rental ordinance would eliminate the “plus 2”. Haff reiterated that there is no intention of eliminating the “plus 2” and Haff again indicated that the plus 2 is per septic system and not per unit so if a property has multiple units, the Short-Term Dwelling unit capacity is 2 people per bedroom and then 2 more per dwelling. McComb pointed out the inconsistency between the Certificate of Occupancy which allows 2 people per bedroom and the Short-Term Dwelling Unit Capacity which allows for an additional 2 people. Haff pointed out that total occupancy under a Certificate of Occupancy could be greater if a property is serviced by sewer.

Haff indicated that there are residential properties within the commercial zoning district that could have an occupancy of greater than 16 but to do so they would need to apply for a change of use. Similarly, there are hotels within the commercial district that may want to convert from a hotel to a multifamily residential property and then participate in the short-term rental program. These properties will remain as hotels unless they apply for a change of use.

There being no further public comment, the Chair asked for a motion to close the Public Hearing and forward the Zoning Bylaw Amendment to the Selectboard for consideration. Namkung made the motion and Bowers seconded. The Motion passed unanimously.

The Chair asked Jim Haff (as a member of the Selectboard) to provide an update on the status of the zoning bylaw amendments that the Planning Commission forwarded to the Selectboard. Haff indicated that the Selectboard held a public hearing on the changed to the dimensional and parking standards and the proposed changes to the signage and lighting regulations. The Selectboard tabled the public hearing so that they can act on all of the proposed amendments at one time. At the next Selectboard meeting, they will warn a public hearing on the amendments to the Short-Term Rental section. It should be noted that the Selectboard is proposing to further reduce front yard setbacks from 25 feet contained within the amendment received from the Planning Commission to 15 feet. Haff stated that the Selectboard has 150 days to adopt the amendments but that the ZA can enforce the new regulations as soon as the Selectboard warns the hearing. The Chair asked about time line for adopting the Short Term Rental ordinance and Haff said that no time line has been established but that the existing regulations remain in effect until the Ordinance has been adopted.

6. Updates and Reports

- **Subdivision Regulations** – Daryl Arminius stated that as the Planning Commission moves forward to develop subdivision regulations, they should consider adopting regulations that are designed to protect the forest lands which is one of the town’s key assets. He indicated that this could be done by requiring developers to identify building envelopes on their subdivision plans. Haff indicated that the thought that forest lands were protected through the creation of the Forest Reserve District. Requiring building envelopes to be shown on subdivisions that are within the R1 and R3 zoning districts could be challenging given the difficulty in finding suitable sites for the placement of a home on a 1-acre lot and that so long as setbacks are maintained, he is not sure as to why would need to identify building envelopes. It is important to remember that we are adopting zoning regulations because without subdivision regulations, Act 250 review is required for any subdivision containing 6 or more lots and with subdivision regulations, the trigger is 10 or more lots. After some discussion, the Chair indicated that we should table this discussion and continue it to a future meeting.
- **VOREC Grant** – Davis Lewis indicated that the State informed the town that we will be receiving the grant agreement by the end of October 2022.
- **TA Grant** – Daryl Arminius indicated that they have identified a short list of consultants and will be asking them to submit a proposal.
- **Hazard Mitigation Plan** – Davis Lewis indicated that the Planning Committee will be holding its final meeting on September 22, 2022. A public meeting on the final draft is scheduled for October 19, 2022, with the goal of submitting a final draft to the state by the end of November 2022.

7. Commissioner’s Concerns

Wynn asked if the Planning Commission webpage could be decluttered and reorganized.

Daryl Arminius indicated that he would work on this.

Namkung provided an update on The Bus. They intend to acquire electric buses and some smaller 20-person capacity buses. He indicated that summer ridership levels were high. Commissioners discussed whether the smaller buses could be used to provide continuous service between the Welcome Center and the Resort with the large bus providing hourly service between Rutland and the Welcome Center. It was agreed that the Resort would need to push this idea.

The Chair asked that a discussion on the budget be included on the Agenda for the October 5, 2022, meeting.

The Chair asked about the Municipal Planning Grant and stated that she supports applying for a grant for a Recreation Plan. The town is growing, and we need to plan for recreation needs for the next 5-10 years. Davis Lewis indicated that the application is due on December 1, 2022, so that we have some time to work on this.

8. **Other Business** - Haff informed the Commissioners that the Selectboard is engaged in ongoing negotiations with the developer over the TIF Development Agreement. To accomplish this, Town Counsel recommends that a Selectboard meeting be warned weekly and then recessed if a meeting is not required. This will give the Selectboard the flexibility to meet and make decisions on an as needed basis.
9. **Executive Session** - None
10. **Next Meeting: October 5, 2022 @ 7:00 PM.**
11. **Adjourn** – Namkung made the motion to adjourn the meeting at 8:38 pm. Bowers seconded. All in favor.

Respectfully submitted,

Lisa Davis Lewis
Planning Consultant