

TOWN OF KILLINGTON PLANNING COMMISSION
Meeting of January 8, 2020

PRESENT: David Rosenblum, Chair
Jennifer Conley, Vice Chair
Walter Linnemayr, Clerk
Chris Karr
Vito Rasenas
Andy Salamon
Vince Wynn

START: 7:31 p.m.
END: 8:55 p.m.

Preston Bristow, Interim Town Planner
Lucrecia Wonsor, Recording Secretary

GUESTS: Fred Cercena; Steve Finer; Jim Haff (Selectman); Chet Hagenbarth (Town Manager); Chris Hemberger; Kaitlyn Hummel; Beth Kwart; Kurt Kwart; David McComb; Whit Montgomery; John Palatine; Curt Peterson; Charles Underwood; Sue Walker; Andrea Weymouth; Ken Wonsor

David Rosenblum, Chair opened the meeting at 7:31 p.m.

1. APPROVAL OF AGENDA

Conley moved the Agenda be accepted as may be amended. Rasenas seconded. 6 in Favor. (Wynn joined the meeting after this vote).

2. RECONVENE PUBLIC HEARING ON PROPOSED AMENDMENTS TO KILLINGTON ZONING BYLAWS

David Rosenblum, Chair, reconvened the hearing recessed on November 20, 2019. There are three proposed changes: i) to require a permit for short-term rental of a dwelling unit; ii) allow accessory dwelling units within accessory buildings; and iii) to require a driveway access permit before a certificate of occupancy is granted.

Discussion started with the proposed short-term rental permit language. Bristow advised that copies were available for the public to review. Based upon input received at the hearing in November, the Commission made 3 changes which are underlined. Rosenblum noted that there are two things that may impact this amendment. One being the Environmental Court's decision on the Killington Mountain House appeal and the other is proposed legislation regarding short-term rentals that was introduced to the Vermont Legislature by our Representative Jim Harrison.

Conley moved that the Commission move forward with this amendment. Rasenas seconded. Discussion.

Wynn questioned whether the Commission could postpone acting on this amendment until the result of the pending court case is known and to allow time for the bill introduced by Representative Harrison to pass. Town Manager, Chet Hagenbarth, noted that the outcome of the pending court case will not have a material impact should this amendment be adopted. Additionally, the proposed legislation will most likely take a few years to pass and will go through many changes before it finally does. He noted that the Planning Commission needs to

TOWN OF KILLINGTON PLANNING COMMISSION

Meeting of January 8, 2020

Page 2

look at the short-term rental language and pass it forward to the Select Board with either a vote of support or a request that they not move forward with it at this time.

On Salamon's suggestion, Rosenblum asked each Commissioner for his or her comment. Comments from the Commissioners included: i) there is not enough information to move forward on this amendment; ii) it is too early to be taking this step and the Town should proceed slowly and thoughtfully; iii) prefer to start with a self-certification process as discussed and agreed to at the November meeting; iv) provide education to property owners involved in, or contemplating, short-term rentals as to the rules; and v) the language contained in the Hearing Copy being considered does not reflect the spirit of the Commission's decision at its last meeting. Conley felt strongly that the Commission should act decisively this evening, whether in favor of self-regulation, a registration program or neither and pass that decision on to the Select Board for further action. Town Manager, Hagenbarth, noted that even with self-certification, you have to have the language in the Zoning Bylaws in order to have enforcement capability.

After some further lengthy conversation, Conley amended her motion to move forward with Section 407 – Short-Term Rental of a Dwelling Unit with the following change: Item #2: "An application for Short-Term Rental Zoning Permit shall require self-certification, consistent with the Town Zoning File, of the following:" and removing the words "A copy" from subsections A thru E. Linnemayr seconded. 4 in Favor; 2 Opposed; 1 Abstained. Motion Passed.

The Commission briefly reviewed the remaining proposed amendments: Section 417 – Accessory Dwelling Unit and Section 640 – Certificate of Occupancy or Use.

Conley moved to approve the proposed amendments (Section 417 and Section 640) to the Zoning Bylaws. Karr seconded. 6 in Favor; 1 Abstained. Motion Passed.

3. APPROVAL OF THE MINUTES

Conley moved that the Minutes of November 20, 2019 be approved as may be amended. Rasenas seconded. Wynn questioned why none of the Commissioners' opinions were included in the minutes. Bristow responded that there was no other reason than for brevity. Vote on Minutes as written. All in Favor.

4. CITIZEN'S INPUT

a. Sue Walker noted that she owns a home in Killington which she rents. She is not so much concerned with the registration of short-term rentals but the fact that this issue seems to be polarizing the community. More consideration needs to be given to occupancy levels. There should be someone that property owners can meet with to get up to speed on fire safety. The Town officers need to be sensitive to the complexity of this issue so that people are not made to feel unwelcome to rent their homes.

b. Charlie Underwood noted that he has attended the last couple of meetings on this subject and has shared the with his homeowners association what the Town's intention is with the short-term registration amendment. There were about 20 homeowners at their November meeting and there was general support for what the Town is proposing and they understand why it needs to be done.

TOWN OF KILLINGTON PLANNING COMMISSION

Meeting of January 8, 2020

Page 3

c. Dave McComb is glad that a lot of the suggestions made at the public hearings went into the draft proposal, although he still has problems with it. He noted an issue with Items 5 & 6 in Section 407. He feels the word “use” should be changed to “advertised”. The Commission noted that he now needs to bring that up to the Select Board when they have their hearing.

d. Andrea Weymouth agreed with Karr and Rasenas that the Town is moving too quickly and should take a step back.

7. OTHER BUSINESS – None.

Linnemayr moved to adjourn the meeting at 8:55 p.m. Karr seconded. All in Favor.

The next Planning Commission meeting is scheduled for February 12, 2020.

Respectfully submitted,

Lucrecia Wonsor
Recording Secretary

NOTE: These minutes have not been approved by the Planning Commission and are, therefore, subject to change.