

TOWN OF KILLINGTON PLANNING COMMISSION
Meeting of November 20, 2019

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

START: 7:30 p.m.
END: 9:15 p.m.

ABSENT: None

GUESTS: Chet Hagenbarth (Town Manager); Preston Bristow (Town Planner); Jim Haff (Selectman); Tricia Carter; Elaine Havriluk; Jerry Barbaro; Whit Montgomery; Bob Montgomery; David McComb; Mark Dinges; Ron Willis; Ken Wonsor; Scott Harrison; Fred Cercena; Doug Dier; Charles Underwood; Steve Dushan; Patricia Comblo; Debbie LeBond; Ben Rudnick; Barry Leete; Jean Leete; Richard Greenspan; Jacob Pluta; Chuck Graziano; Bret Williamson; Roger Rivera; Heidi Bomengen; Dick Bomengen; Paul Padfield; Rick McCoy; Steve Daigle; Lisa Cueva; Dan McSwiggan; Diane Leon; Bill Paterson; Joanne Hodge; Curt Peterson (*Mountain Times*)

David Rosenblum, Chair opened the meeting at 7:30 p.m.

1. APPROVAL OF AGENDA

Wynn moved the Agenda be accepted. Rasenas seconded. All in favor.

2. PUBLIC HEARING ON PROPOSED AMENDMENTS TO ZONING BYLAWS

Rosenblum opened the public hearing at 7:35 p.m. with a reading of the hearing notice. Town Planner, Preston Bristow, gave a brief history of the proposed amendments to the Killington Zoning Bylaws. He explained that there were three proposed amendments: (1) to require a permit for short-term rental of a dwelling unit, (2) to allow accessory dwelling units within accessory buildings, and (3) to require a driveway access permit before a certificate of occupancy was granted. He explained the two changes in the "Corrected" Proposed Amendments Hearing Draft made available at the hearing, and reported that five written comments (from Leah Mazza, Bob Luiso, Thomas Keeler, Patricia Comblo, and Village Square at Pico Condominium Owners Association) had been received and provided a one-page bullet-point summary of those comments. A three-page FAQ on proposed Short-Term Rental registration was also available at the hearing.

The hearing was opened to testimony with Town Manager, Chet Hagenbarth, responding to questions. A summary of the testimony and questions (with answers) is as follows:

- An increase of an additional two occupants for short-term rentals could allow over-occupancy of some condominiums. (Answer: condominium complexes approved by Act 250 will remain subject to the occupancy requirements of their Act 250 permit.)
- The proposed bylaws do not clearly state that occupancy requirements set in Act 250 permits take precedence over other permits or rules. (Answer: agreed, this could be clearer.)
- The documentation required for the proposed short-term rental registrations is over-taxing and over-bearing to individual renters. (Answer: the requested documents are already required of short-term renters by state law.)

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- The town should not be in the business of enforcing state laws. (Answer: through a registration program the town would not be enforcing state laws but would ensure that short-term renters themselves are complying with those laws.)
- This proposed amendment is adding a new burden by requiring rentals of 8 occupants or less to get a Public Building Permit when the state only requires a self-certification form. (Answer: accepting self-certification where the state accepts it is a change to consider.)
- The emphasis should be on education over regulation with a self-certifying website as a first step. (Answer: we're beyond education alone with 931-and-counting unique rental units in town.)
- It was noted that Stowe has chosen education over regulations.
- If noise is the issue why not adopt a noise ordinance? (Answer: noise is only one issue; the driving force behind a registration program is health and safety.)
- Short-term rental occupancy shouldn't be limited to septic capacity because their use is occasional and not continual. (Answer: peak use can be more damaging to a septic system if the holding tank overflows, and there is always an economic incentive to maximize the frequency of short-term rentals.)
- How would occupancy be determined for houses prior to 2007 (before a state wastewater was required)? (Answer: by the town zoning or septic permit, or if there are no permits, by the number of beds on the Lister card.)
- The proposed amendments are deficient because they don't address important definitions and enforcement. (Answer: the proposed amendments are not a stand-alone bylaw; they are proposed changes to the existing zoning bylaws. A version of the complete bylaws with changes will be available when the amendments come before the Selectboard for review and adoption.)
- How would lofts be treated? (Answer: the zoning regulations provide that a loft can be counted as a bedroom.)
- Are visits by guests and family members covered by these rules? (Answer: no, these rules apply to short-term rentals that are advertised for a rental fee.)
- Why regulate short-term rentals and not long-term rentals? (Answer: short-term rentals are a commercial use whereas long-term rentals are a residential use, and short-term rental use is rapidly increasing while long-term rentals may be declining.)
- Why regulate short-term rentals and not share houses? (Answer: most share houses are in violation of Division of Fire Safety regulations and state enforcement is being encouraged.)
- This is such a big change it should be voted on at Town Meeting. (Answer: the Selectboard will decide the means of adoption.)
- What will be the annual fee for registration? (Answer: the Selectboard will determine the fee.)
- How will the town process so many new registrations? (Answer: a part-time clerk may be hired to assist with registrations.)
- Could processing of registrations be eased by an online registration form? (Answer: we will be looking into that.)
- Could registration be less frequent than annually? (Answer: with the rapid changes in listings it's hard to see how a longer-term registration would work.)
- Should we wait until the outcome of the Killington Mountain House case in environmental court? (Answer: the focus of that case is on grandfathering and not germane to registrations.)
- How much might a third-party compliance monitoring service cost? (Answer: estimates are \$70,000 a year.)

The chair closed public testimony and provided the commissioners the opportunity to state their opinions and to discuss next steps.

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Rasenas moved to recess the hearing until December 11, 2019 at 7:30 p.m. when Bristow can provide a revised proposed amendment that allows self-certification for rentals of 8 occupants or less, more clearly spells out the preeminence of Act 250 permits in setting occupancy rates, and otherwise makes compliance with the proposed registration less onerous. Wynn seconded. All in favor. The hearing was recessed at 9:13 p.m.

3. APPROVAL OF THE MINUTES

Conley moved that the Minutes of September 25, 2019 be approved with a correction to the spelling of “Application” on item 9. Linnemayer seconded. All in favor.

4. CITIZEN’S INPUT – None.

5. OTHER BUSINESS – None.

Linnemayr moved to adjourn the meeting at 9:15 p.m. Conley seconded. All in favor.

The next Planning Commission meeting will be on Wednesday, December 11, 2019 at 7:30 p.m.

Respectfully submitted,

Preston Bristow
Town Planner

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