

**TOWN OF KILLINGTON**  
**JOINT DEVELOPMENT REVIEW BOARD & SELECTBOARD**  
**Meeting of July 7, 2020**

**PRESENT:** Selectboard: Stephen Finneron, Chair; Charles Claffey; Jim Haff

Development Review Board: Ken Wonsor, Chair; Vito Rasenas, Vice Chair;  
Roger Rivera\*; Ron Riquier; Merisa Sherman\*; Jon Wysocki\*

Chet Hagenbarth, Town Manager  
Preston Bristow, Town Planner & Zoning Administrator  
Lucrecia Wonsor, Recording Secretary

**GUESTS:** Patrick Banks, Assistant Fire Marshall\*; Gerald “GJ” Garrow, Rutland Regional Manager\*; Ryan Aines\*; Mark Dinges\*; David McComb\*; Whit Montgomery; Curt Peterson\*; Marc Sohayda\*; Sue & Brett Walker\*

\*via Zoom TeleConferencing

**AGENDA**

1. Call to Order
2. Approval of the Agenda
3. Joint meeting with the DRB, Patrick Banks and G.J. Garrow of the Division of Fire Safety to discuss interaction between Vermont’s Fire Building Safety Codes and the Killington Zoning Regulations and coordination between both groups.
4. Other Business
5. Adjourn

1. **Call to Order**  
Steve Finneron, Chair opened the meeting at 2:00 pm.

2. **Approval of the Agenda**  
Jim Haff moved to amend the Agenda to add “Board of Liquor Control” as item #4.  
Vote on Agenda as amended. UNANIMOUS

3. **Joint Meeting with the DRB and Vermont Division of Fire Safety**  
Patrick Banks, Assistant Fire Marshal and Gerald “GJ” Garrow, Rutland Regional Manager of the Vermont Division of Fire Safety were present to provide an overview of the Division and Vermont’s Fire Building Safety Codes and discuss coordination between their office and the Town of Killington’s Zoning Regulations.

The main points that surfaced through a PowerPoint presentation entitled “Division of Fire Safety – Division Overview” and the question/answer session following were:

- Owner occupied single-family dwellings are considered public buildings as soon as the owner starts renting it. Condominiums or any dwellings that share a common roof are considered public buildings regardless of whether or not they are owner occupied.

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- During the building boom in Killington in the 1980s, many condominiums were built without permits. The Division of Fire Safety has inspected most of those properties, however, regardless of whether or not a property has been inspected, it still must meet all the requirements of a public building.
- All short-term rentals are considered public buildings.
- All public buildings are required to comply with the 2015 Vermont Fire and Building Safety Code adopted October 10, 2016.
- The NFPA 101 Life Safety Code is the standard mostly used for short-term rentals.
- Short-term rentals used for transient lodging that provide sleeping arrangements for eight (8) occupants or less must comply with Chapter 24.
- Short-term rentals that provide sleeping arrangements for eight (8) occupants or less may complete a self-certification form without inspection, but they are also welcome to request an inspection from the Division of Fire Safety.
- Short-term rentals used for transient lodging that provide sleeping arrangements for nine (9) to sixteen (16) occupants are considered Lodging and Rooming Houses and must comply with Chapters 26, 28 or 29.
- Examples of sleeping arrangements: Full or Queen or King Beds = 2 sleeping arrangements. Twin Bed = 1 sleep arrangement. Twin Bunk beds = 2 sleeping arrangements. Bunk beds with a Full or Queen on the bottom and Twin top = 3 sleeping arrangements.
- There is no such term as “grandfathered” in the Fire Safety Code.
- If an owner purchases a rental home that has been used as a rental prior to October 10, 2016 with sleeping arrangements of 9 to 16, that property would need to meet existing requirements (prior to October 10, 2016) within Chapter 26, which includes a manual fire alarm system.
- If an owner purchases a single family home that has never been used or has no history of being used as a rental property and wants to rent it out and provide sleeping arrangements for 9 to 16 occupants, this is considered a change of use. The owner must obtain a change of use permit and certificate of occupancy for the new use/occupancy in an existing building. The property must meet all new requirements within Chapter 26, which includes a sprinkler system and manual fire alarm system.
- Dwellings used for transient lodging that provide sleeping arrangements for over sixteen (16) occupants fall into the Hotel category and must comply with Chapters 28 and 29. If an owner purchases the property with an existing Hotel Occupancy rental history it must have a fire alarm detection system. A sprinkler system would be required in the event of a change of use from a single family home to hotel or if it is new construction.
- Many attorneys and realtors are now requesting the Division of Fire Safety to perform a Change of Ownership Inspection when a rental property is being sold to make sure it meets the life safety requirements. Currently these are the only inspections where there is a charge.
- If a Duplex has 8 sleeping arrangements in each unit and there is an interior door or opening allowing occupants to move freely between both units, then that dwelling would be considered to be in the 9-16 occupants Lodging and Rooming Houses category and would have to comply to the codes for that category.

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- Any renovation work on a public building requires a construction permit from the Division of Fire Safety.
- Any Electrical work on public buildings excluding one and two family rentals must be done by a Master Electrician.
- Any Plumbing work on public buildings including one and two family rentals and owner occupied single family homes if they are connected to a Public Water or Sewer System must be performed by a Master Plumber.

**4. Board of Liquor of Control**

a. Motion by Jim Haff that the Town Clerk move forward with the renewal of the 1st and 3rd Class Liquor License for Peppino's Inc. dba Peppino's Ristorante. UNANIMOUS

b. CH Finneron asked if Taco X had ever followed up and submitted an application to amend their Outside Consumption Permit to expand the area covered. Town Clerk advised they had not yet done so. She will reach out to the owners of Taco X to remind them that until an amended Outside Consumption Permit application is submitted and approved, they must limit the serving of alcohol to the currently approved 16 x 30 foot area.

**5. Other Business**

Jim Haff asked for an update on whether Tom Rock has been contracted to do the roadside mowing on the golf course road. TM Hagenbarth advised that he is waiting for a quote from Tom Rock to perform the work.

**6. Adjourn**

The Meeting was adjourned at 3:22 pm.

Next meeting date is July 21, 2020 at 6:30 pm at the Sherburne Memorial Library.

Respectfully submitted,

Lucrecia Wonsor  
Recording Secretary