

TOWN OF KILLINGTON ZONING BOARD OF ADJUSTMENT
Meeting of October 17, 2018

Present: Ron Riquier, Charlie Demarest, Gerard Gross, Martin Post
Richard Horner, Zoning Administrator

Guests: E. Patrick Burke; Tricia Carter; Foster Chandler; Rick Cohen; Andrew Colonghi;
Vincent Connolly; Michael Coppinger; Butch Findeisen; Edwin J. Fowler;
Jim Haff; Chet Hagenbarth; Cliff Koch; Sally Koch; Richard Kropp; Cathy Martin;
Bob Montgomery; Whit Montgomery; Maureen Prencipe; Vito Rasenas;
Katie Savage; Kevin Smith; Keith Whitcomb; Ron Willis; Vince Wynn

Ron Riquier, Chair opened the meeting at 6:03 p.m.

1. Approval of Agenda

Charlie Demarest moved to approve the agenda as written. Marty Post seconded. All in Favor.

2. Public Hearing – Appeal Decision of the ZAO by Vincent Connolly

Ron Riquier opened the hearing on Application 18-036 by Vincent Connolly, Killington Mountain Home, LLC, to appeal a decision by the Killington Zoning Administrative Officer. The violation is for use and occupancy of a dwelling unit for more than the permitted number of occupants. The property is permitted as a three bedroom dwelling unit which allows a maximum occupancy of six persons. The VRBO website for this property advertises that the property can sleep 32 people with six bedrooms.

Ron administered the oath to all parties giving testimony. E. Patrick Burke, attorney for Bob and Whit Montgomery and other interested neighbors and owners, called for a point of order. He presented the ZBA with a Motion to Dismiss Appeal for failure to comply with Title 24 VSA § 4465. The Motion stated that the Notice to Appeal was not filed with the time allowed, nor did it comply with the requirements of the State Statute.

ZOA, Richard Horner, advised that the violation letter dated August 2, 2018 was returned due to an incorrect address and was resent to the correct address on August 24, 2018, therefore, Horner felt the appeal was timely.

After some lengthy discussion, Charlie Demarest moved to continue the hearing to November 7th at 6:00 p.m. when our Town Attorney will be present; if our Attorney cannot attend on November 7th, the hearing will be continued on December 12th at 6:00 p.m. when he can be present. Gerard Gross seconded. Discussion.

Horner asked the Board if the Town Attorney determines that the appeal was in fact not made in a timely manner whether they still wanted to reconvene the hearing with the attorney present. The answer was yes.

Jim Haff reviewed the 6 items listed in the Motion in which the application failed to comply with the requirements of the Statute and it appears that the appeal did not comply with 3 of the items.

After further discussion, Charlie Demarest moved the question. Gerard Gross seconded. All in favor.

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Vote on motion to continue the hearing as stated above. All in Favor.

The Hearing was adjourned to November 7th at 6:00 p.m.

4. **Other Business** – None.

There being no objections, Ron Riquier adjourned the meeting at 7:15 p.m.

Respectfully submitted,

Lucrecia Wonsor
Recording Secretary

NOTE: These minutes have not been approved by the Zoning Board of Adjustment and are, therefore, subject to change.