

Meeting Minutes

Planning Commission, Boulder Town

August 9, 2011, 7:00 p.m.

Commissioners present: Ray Gardner, Tom Jerome and Bobby Cleave. Also present was Commission Clerk, Peg Smith, and members of the public: Sergio Femenias, Sue Inman, Denise Pennington, Boz Bosworth, and Caroline Goudy.

Tom opened the meeting at 7:11. Tom asked for a motion on June meeting minutes. Bobbie moved to approve them, Ray seconded the motion, and all approved. Bobbie and Tom were not present at the July meeting, so approval of those minutes will be postponed.

Tom explained that the public hearing initiated in July regarding a Zoning ordinance amendment to add borrow pits as an accepted usage is being continued tonight. Ray made a motion to close the public meeting and open the public hearing, and Bobbie seconded. Tom closed the public meeting and opened the public hearing at 7:15 p.m. He reiterated that this hearing is strictly a discussion on adding “borrow pit” to the Table of Uses in the Zoning Ordinance.

Public Hearing on Zoning Ordinance, Table of Uses Amendment

Denise Pennington asked about conditional uses required for gravel pits, which are currently allowed in the Table. Tom answered that there are no conditions listed in the ordinance. Sue Inman asked about the wording regarding gravel pits in the ordinance. Tom said the State regulates gravel pits; it does not regulate borrow pits.

Boz Bosworth said that when Bobbie was researching the issue in other towns, it made sense that this would always be a conditional use. “I wouldn’t want a borrow pit to be other than a conditional use in any zone. There could be different variables per site.” He added that dust is not purely a health issue—it’s also a visual issue.

Tom said the usage would probably be restricted (as a conditional use) on ag land ((GMU within Boulder Town) and possibly on low density residential (five acres and over). He said he didn’t see a difference between operating a borrow pit and plowing a field during a windy season and didn’t see how a restriction could be applied to one type of ag use and not to another. He said, “All we’re doing is [considering] putting this on the Table of Uses. Conditions will be determined at the time an individual applies for a conditional use permit. We can do lots of things to mitigate concerns. We can list general considerations within the definition of the usage, but not limit the town just to those.”

Caroline Gaudy said she was curious whether the scope would deal with commercial use. Tom said most of the items on the Table of Uses are commercial uses. Caroline said she could see use of a borrow pit for one’s own use, but what about making this a business? That would need to be addressed. Sergio Femenias asked if there was any doubt that the town needed a borrow pit. Tom said as far as he knew, there didn’t seem to be a question. He’s talked with contractors who have to truck road base over the mountain, and the cost is exorbitant. He also said it’s a commitment to foster community-based business and supplies, and contractors have voiced their support.

The audience had no further comments or questions. Bobbie moved to close public hearing, Ray seconded the motion, and Tom closed the public hearing at 7:34. Ray moved reopen the regular meeting, Bobbie seconded, and Tom reopened the regular meeting at 7:34.

Regular Meeting to Discuss Results of Hearing and Propose Action

Ray read a letter the Commission had received from Sergio Femenias from Burr Trail Farms development in the Draw. Ray said, “My point is that things happen and we may all find a big hole in our driveway or backyard and need something to throw in to fill it. I think there is the need. I’ve showed up the next morning to a sprinkler blowout and any landowner in Boulder may unexpectedly find need for fill. We need a local source.”

Bobbie said that after reading last meeting’s minutes, it seems clear there is a need. That’s the question tonight. We’re not looking at any specific place. If we addit to the list, we can at least look at it now. “I think it’s a need and we should add it.”

Tom said we would need to include the definition too. How should that read?

Peg read a definition for a borrow pit: “ An area used for the excavation of sand and fill material for use at another location.” Tom said that in addition to that we could state the types of things to be considered, such as hours of operation, noise levels, traffic issues, blowing soil or sand, restoration, viewshed, time for permit, neighbors, and operation during wind, but leave the actual conditions to be determined at the time of the application.

The Commissioners discussed reviewing the permit. Ray said we could review the permit on a yearly basis, or not leave it open-ended but just make it for one year.

Caroline suggested using remuneration as a way to define commercial use when moving material from one location to another. Tom said a permit doesn’t apply to individual landowners creating a borrow pit for their own use.

Tom said any transfer of fill dirt from one property to another owner’s property would be considered a commercial venture. And that would require having both a business license and the conditional use permit.

Next the Commissioners discussed which zones would allow usage. Bobbie suggested limiting to GMU now and amend it later if necessary. Tom agreed: restrict the use to greenbelt at this time.

Bobbie moved to accept the definition as discussed and limiting use to GMU for now. Ray seconded the motion, and all approved.

Plans for September 13 meeting

The recommendation for the change to the Zoning Ordinance will be forwarded to the Town Council for their own public hearing and discussion. We should wait on that decision before scheduling a hearing on the conditional use application.

Ray moved to close the meeting, Bobbie seconded, and all approved. Tom closed the meeting at 8:04.

Peg Smith, Planning Commission Clerk

Date

Approved: _____ Date: _____