

Meeting Minutes, Boulder Town Planning Commission

August 6, 2013

Commissioners present: Cindy Wilson, Alyssa Thompson, and Caroline Gaudy. Loch Wade and Donna Jean Wilson were absent. Also present, Secretary Peg Smith and Town Council Liaison, Tom Jerome. Members of the public present: Tim Sexauer, Brynn and Scott Brodie, Matt Cochran and Constance Lynn, Stephanie Flake, Jade Scherer, Sergio Femenias, Jabe Beal, Dennis Bertucci, Judith and Bill Geil, Lisa Varga, and Colleen Thompson.

Alyssa called the regular meeting to order at 6:07 p.m. Caroline moved to approve the July minutes, Cindy seconded the motion, and all approved.

Continue discussion related to Table of Use revisions

[Secretary's note: Since this was not a public hearing, only a portion of comments offered by members of the public are included in these minutes. They help provide additional context to the discussion, but many comments were interrupted and not completed thoughts; others were indecipherable on the recording.]

Alyssa reviewed the purpose of the Table of Uses (Zoning Ordinance, p. 31; if an item isn't on the table it is *not* an approved use; the table determines whether a use is permitted, conditionally permitted, or not permitted across the defined land use zones in town.) The Commissioners picked up with the discussion on Home Occupation, with the agreement to add a new item, Home Occupation, Major, and Loch's input is needed on this.

The change to Professional Office was agreed upon last meeting and carries forward, as does the decision to remove RV and Campground permitted usage from HDR as well as LDR and MDR. Also, add the new Residential Facility for Elderly Persons wording from Bruce Parker. There is still a question on the number of people allowed in the facility.

Tom said the general vagueness of some of the definitions cause questions; for example, does Boulder have parcels of land large enough to accommodate a resort in a Low Density zone? He would like to examine that definition and maybe require a certain acreage per room? Both Caroline and Alyssa agreed and thought the "motels and hotels" definition may have the same issue.

Since there is no definition for "Retail sales and services," Tom suggested two levels: local retail sales (you produce something here for sale to people in Boulder) and commercial retail sales. We would allow local retail sales in any zone (possibly dependent on conditional use). Alyssa brought up the General Plan's support for local businesses and that many people in town are producing things for sale but aren't in a commercial zone. Tom said a definition of commercial retail sales would help. He thought people bringing things in from outside the community and selling them should happen in a commercial zone only. "If I wanted to buy canned goods and sell them out of my house, making a profit, selling in a residential zone, that doesn't seem to fit what we're trying to do." More discussion on retail sales ensued, with the decision to add further definition to retail sales in the Table of Uses.

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Discussion of Proposed Ordinance Regarding Care Facilities

There was no discussion. The Commissioner agreed to put the proposed revision changes by Bruce Parker on the agenda for public hearing.

Tom's Suggested "Recurrent Public Events" Addition to ToU

Tom read through this suggested revision (on file) for an addition to the Table of Uses for "Recurrent Public Events." The official submission came in too late for Commissioners to be able to read it ahead of the meeting. (Alyssa noted the 10-day pre-meeting application deadline, to allow Commissioner time to obtain and absorb an official application and materials.)

Constance said it seems subjective--- what activities go through and what get noticed. For example, 40 people at a honey extraction doesn't bother most, but a big party gets noticed. Tom said you can't predict what neighbors are going to do. The only way to control an activity is to use noise ordinance, call the police, or sue and go to court. I think that's an inappropriate way to handle things in a community like this.

After additional discussion, Alyssa suggested tabling the application until the next meeting to allow commissioners time to review the paperwork.

Town's Request on Red House Farm

Scott had previously commented that one of the things that came out (of the Town Council's August meeting) was the sentiment that people don't want that to create new rules. One reason for his public letter was to see if an official town response could be bypassed.

Alyssa said she didn't think the Planning Commission has the authority or mandate to act on a complaint without a determination of compliance or non-compliance by Town Council. She said the Commission was not going to make a decision or take a vote on that matter. Tom disagreed. He thought it was appropriate for the Planning Commission to discuss the issue, not the complaint. He sought clarification so a process would be in place for the future. He suggested first getting a definition for recurring use and a permitting process and then ensure that neighbors have a say in the process.

Caroline said she didn't understand the direction of the Town Council; they want the Planning Commission to look at the definition of a recreational facility and changes to parking requirements. But this shouldn't be tailored just to Red House Farm, it needs to work for the whole community. Colleen said she thought these issues pertain to each of us as property owners. I appreciate people trying to create businesses, the way people want to use their properties. Sometimes it's hard to divide a personal and a public use.

Tom said no one wants to go through this on a routine basis. But this issue forces us to move into a discussion of how we help and communicate with our neighbors. How we need to keep rights of property owners in mind. Cindy brought up ag noises; Constance brought up the subjectivity of various uses: What about bright lighting or herbicide use?

Caroline reiterated the need for the ultimate solution to be applicable to the whole town, not just to their specific complaint.

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More discussion ensued regarding potential issues related to Red House Farm in particular and multi-use/recreational definitions. Many thoughts were not completed before another person would interrupt. Generally, the discussion slid into matters more directly related to the conditions that would be established in a conditional use permit, not specified in an ordinance.

Tom expressed thanks to Caroline and Dennis for being willing to step up. Most of the time, he said, people just steam and don't sign a complaint. And thanks to Brynn and Scott for trying to work through this process.

Alyssa said the Planning Commission is open to anyone having a suggestion on how the ordinance should be crafted. Make an application, get on the agenda. Conceptualizing and talking about it, is fine, but you need to put in an application [with the wording].

Discuss Upcoming Business and Next Meeting Agenda

Upcoming business for the September 10 meeting will include the public hearing on the initial revisions to the Table of Uses and additional discussion on the Table of Use revisions.

Caroline moved to close the meeting, Cindy seconded the motion, and all approved. Alyssa adjourned the meeting at 8:05

Peg Smith, Planning Commission Clerk

Date