

Public comments from Ray Nelson

As I may not be able to participate in the upcoming March Planning Commission hearing, I am submitting my comments to be presented/read and included in the minutes of the meeting along with any discussion notes.

Vested Rights Draft Ordinance:

Paragraph "154.04 Must I build in strict accord with the approved plans":

I believe this goes into more detail than is practical. Such detailed changes will not only result in construction delays and greater contractor expenses but is not necessary. The Town does not have qualified resources (personnel) or timely responses to such minor issues. Will the Town's resource be versed in Mechanical, Electrical, HVAC, Structural or other code requirements that allow them to make a reasonable assessment of a change? Will they have proper licensing to make such decisions? And if so – so what! Is it really necessary to micromanage such a change? How long would this process delay construction and increase costs? This will put building permits and completion dates at risk. It is my belief that the County Inspector has this responsibility and any further detail is mostly irrelevant unless it involves changes to site plan, building foot print, intended use, building height, setbacks, and things of a greater nature as might be outlined in other ordinances. Boulder Town should not be in the business of house design....

Sarah Langwell's Short Term Rental Application:

Sarah's application appears to be very complete and well done, however I have some concerns/questions:

- a. Property managers listed are Sarah Langwell and Doug Howland. If the house is rented that means Sarah will not be in the area. That makes Doug the next contact. Doug lives out of town. If Doug is not available when Sarah is out of town, who responds? Timely response is not likely in this case. Especially if it requires someone to go to the house. This is not acceptable.
- b. Who is responsible if an accident happens on Sarah's Right of Way, Easement? This includes her portion of my driveway as well as the rocky, uneven terrain just South of her South property line that is part of my property. The Town should require Sarah to provide a legal "Release of Liability" to Ray Nelson for any accidents that may occur on the Right of Way, Easement as a result of the Town approving her Conditional Use Permit. Sarah should accept responsible for any accidents that may occur on that Right of Way, Easement in order to release me of any liability as well as the Town's liability. You may want to check with the Town's lawyer on this matter.
- c. Sarah has stated that she would contribute to the maintenance of the road (Right of Way, Easement). There needs to be documentation that Sarah will contribute to the maintenance of any damage or degradation of the Right of Way, Easement since she is contributing to its use and degradation.