



**TOWN OF SILVERTHORNE
PLANNING COMMISSION MEETING MINUTES
JUNE 14, 2016 – 6:00 P.M.**

1. CALL TO ORDER – The meeting was called to order at 6:00 p.m., June 14, 2016, in the Council Chambers of the Silverthorne Town Hall, 601 Center Circle, Silverthorne, Colorado.

2. ROLL CALL – Commissioners present and answering Roll Call were: Glen Anderson, Susan Byers, Donna Pacetti, Jenny Gloude mans, Jen Stachelski, Mike Bohlender, Tim Nolan, and Brian Wray. Jess Nelsen was absent. Staff attending tonight's meeting included: Matt Gennett, Planning Manager, Lina Lesmes, Senior Planner, Greg Roy, Planner I, Dan Gietzen, Town Engineer, Zach Margolis, Utilities Manager, Mark Leidal, Assistant Town Manager, Melody Hillis, Planning Commission Secretary.

3. CONSENT CALENDAR – Donna Pacetti made a motion to approve the May 17, 2016, Planning Commission minutes. Jen Stachelski seconded. The motion was approved by a vote of seven to zero (7-0).

4. CITIZEN COMMENTS:

None.

5. PUBLIC HEARING

A. Final Plat and Final Site Plan, South Maryland Creek Ranch – Filing No. 1, Tract X / 28585 State Highway 9.

Matt Gennett, Planning Manager presented the project. The Applicant, Tom Everist, South Maryland Creek Ranch, LLC, is requesting Final Plat and Final Site Plan approval to construct ten (10) single-family footprint homes on Tract X, South Maryland Creek Ranch – Filing No. 1.

COMMISSIONER QUESTIONS:

None.

APPLICANT COMMENTS:

Joanna Hopkins - Representing the Applicant, South Maryland Creek Ranch. Gave the history of the project, particulars about the site. Requested approval.

PUBLIC HEARING OPENED:

None.

PUBLIC HEARING CLOSED

JENNY GLOUDEMANS MADE A MOTION TO APPROVE THE FINAL PLAT AND FINAL SITE PLAN FOR TRACT X, SOUTH MARYLAND CREEK RANCH – FILING NO. 1.

DONNA PACETTI SECONDED.

MOTION PASSES BY A VOTE OF SEVEN TO ZERO (7-0).

6. ACTION ITEMS:

A. Preliminary Site Plan, Blue River Flats – 1056, 1088 and 1130 Blue River Parkway, Lots 23R and 25, Silverthorne Subdivision #1 and an unplatted tract described in warranty deed – Record No. 633874.

Lina Lesmes, Senior Planner, presented the project. The Applicant, Ken Marsh, Blue River 50, LLC, is requesting approval of a Preliminary Site Plan to construct 46 condominium units in five, three – story buildings and two additional garage structures.

COMMISSIONER QUESTIONS:

- Donna Pacetti - On page 66, "Exhibit C", what is the date of that exhibit?
Lina Lesmes - May 31, 2015
Donna Pacetti - What is the relationship of Godden/Sudik Architects to the Town?
Lina Lesmes - They are the Applicant's architects.
Mike Bohlender - How does this plan maintain connection to the Riverfront and where the connection point is for the public?
Lina Lesmes - There is no connection to the south, required to create a path along the rear of the buildings, until the path can be connected to other properties to the south.
Mike Bohlender - No public connections until other properties are developed, correct?
Lina Lesmes - Not closed off to the public. Path won't connect to the other property owners.
Mike Bohlender - Point is to have a public connection.
Lina Lesmes - Project has to have a path that will eventually connect that side of the river.
Mike Bohlender - Until adjacent properties are developed, there is no connection?
Lina Lesmes - Retreat on the Blue and Rainbow Run, have created a crusher fine path. When all the connections are made, the path would be paved.
Mike Bohlender - That is a precedent that has been set previously?
Lina Lesmes - Yes.
Mike Bohlender - The ten-foot soft surface path, is that in the wetland setback?
Lina Lesmes - In the set back on the top of the bank of the Blue River, does not affect the wetland buffer.
Mike Bohlender - Out of the floodplain?
Lina Lesmes - It is the floodplain.
Brian Wray - The 100-year floodplain?
Lina Lesmes - Yes.
Brian Wray - Everything is built a foot above the floodplain.
Mike Bohlender - Except for that particular path?
Lina Lesmes - The path is not required to meet the flood plain requirements.
Jenny Gloudemans - The cash-in-lieu is a percentage of money or cost of paving the path. The developer puts it into an escrow fund for future improvements.
Lina Lesmes - Yes.
Jenny Gloudemans - If the improvements are done 10 years down the road, who would absorb the extra costs?
Dan Gietzen - The Town of Silverthorne would absorb the difference.
Jenny Gloudemans - So there is an advantage to the developer to put the cash up now?
Lina Lesmes - Yes, it might be cheaper for the developer to put up the cash now.
Dan Gietzen - It is difficult to cost estimate today. The path wouldn't be used much, and difficult to maintain access to. Would be in everyone's best interest to do the connection at the right time, but, the cash-in-lieu of insures that the Town has money upfront.
Mike Bohlender - Concerned that this is a matter of precedence. If the Town is letting other developers forgo their obligation, because there is nothing to connect it to, maybe it would be better to require that the path be paved, if it doesn't go anywhere it then it doesn't go anywhere, but at least the Town would have a paved path. Staff is saying there is no way to maintain it, but that isn't the

Town's responsibility at this point if it isn't being used by the public. There a lot of a gray area with this concept.

Lina Lesmes - Have allowed a soft surface in the past, if Planning Commission disagrees with that condition and prefers that the path be paved at this time Planning Commission can propose that. It is a requirement of the Town Code currently.

Jenny Gloudemans - If the same scenario was presenting itself with the sidewalk on the Highway 9 side, and the developers had to do it up front, seems it would be easier to do that work while everything was torn up. Wouldn't that be more of an encouraging aspect to when the property owners to the north and south build, it would all start to come together.

Mike Bohlender - To clarify, as a Planning Commission we can make that as a condition that the path is paved at this point in time?

Lina Lesmes - Or that it be shown that way in the Final Site Plan.

Mike Bohlender - Who within the Town is responsible for changing that policy? Not sure I'm in favor of changing the requirements at this point, but for future consideration who's responsible for bringing that before the Planning Commission or the Town Council to have the policy changed to address some of Planning Commission's concerns?

Lina Lesmes - So that the policy is changed to always have the path paved and sidewalks done?

Mike Bohlender - Yes.

Lina Lesmes - It is a Planning Commission recommendation to Town Council.

Dan Gietzen - Don't think there is an official policy, this is what has been done in the past because it makes the most sense. If Planning Commission wants to make a recommendation that the path be paved now, free to do so.

Tim Nolan - On the south side, there is a five-foot easement for snow storage. Looking at the overhead view there is a lot of paved area and not much area for snow storage. Know that it meets the Town's requirements, is that five-foot area, up against a six-foot fence going to be enough space for snow.

Lina Lesmes - That is only a small portion of the snow storage for the entirety of the site. Directed Planning Commission to view the plan that designates snow storage.

Tim Nolan - Where it says Lot 23R, Silverthorn Subdivision, it seems logical that a lot of that snow would be pushed to the south.

Lina Lesmes - Pointed out the snow storage areas and will be dispersed throughout the site.

Tim Nolan - Building C that is facing Highway 9 there are small windows, it doesn't look inviting, like looking at the back and not the front of someone's house.

Lina Lesmes - That faces the interior of the project.

Tim Nolan - Yes, but for the residents of the Town it faces where people drive by, looks like looking at the back of someone's house, doesn't look inviting, and doesn't look like it fits with the next couple of new projects further to the south on Highway 9. The rest of the buildings look awesome. Am I the only one that thinks that?

Brian Wray - Tend to agree. All in the layout of the structures to see what works with egress, views, etc.

Lina Lesmes - The architect will walk the Planning Commission through the design of the project.

Brian Wray - What is the pitch of the roofs?

Lina Lesmes - Not very high, very low pitched roofs.

Brian Wray - Conforms well.

Mike Bohlender - On page 18 of the Staff report, regarding the statement of 350 cars not being a big deal. More of a bigger picture, if you take 350 it does not sound like a lot, states it doesn't negatively affect the driving experience, whatever that might be. However, when you start adding 100 here, 350 there, 200 somewhere else, and then that is done across the street in the other direction

trying to make turns, etc. Seems like a piece meal approach to evaluating the impact of the additional traffic volume, as a result of this particular project.

Lina Lesmes - Traffic impact studies are not always required for residential projects. The Applicant chose to submit a traffic study. 350 vehicles daily trips is a low number. Staff and the Applicant are trying to determine the level of improvements that would be necessary to keep the same level of service on the adjacent roadway. Evaluating if there are adequate turn lanes for the traffic that may be generated.

Mike Bohlender - Just for this particular project.

Lina Lesmes - Yes.

Dan Gietzen - The access points are governed by CDOT; they make the call on whether what is proposed is adequate or not. CDOT has not responded back to Staff on the status of the proposal.

Mike Bohlender - The driveway proposed on the south side, proposed to be five feet away from the property line. If I'm the next door neighbor owner down, and don't want to get in on this, and then want to build a driveway five feet going to the south of the Applicant's north property line, where is the driveway going to be placed and how will that impact person's desire to develop their property?

Lina Lesmes - If they were going to put a driveway that close, the Town would like to see and encourage shared access. The Town does have driveway separation requirements. Staff wants to facilitate, in the future, a shared access as much as possible. Which is why the Town is willing to reduce side setbacks, and work with any future property owners to see if there is a way to share access points, or to remove access points.

Mike Bohlender - The neighbor has stated that they prefer to keep both access points. If a different property owner comes in and wants a driveway there, Staff would encourage both property owners to work together to create one access point?

Lina Lesmes - Yes, would want to create a shared access point in that location, or have it closed off and use the other access point located on their property, currently have two access points for a property that is 100 feet wide.

APPLICANT COMMENTS:

Ken Marsh - Applicant, Blue River 50, LLC. Looking forward to turning this into a beautiful site. Introduced team.

Elena Scott - Norris Design, representing the applicant. Addressed the Planning Commission regarding the easements, flood plain and redevelopment issues. Addressed the access on the south side of the development. Addressed snow storage questions, and meeting the Town's needs and desires of the Town Core. Spoke to the Community Outreach that was conducted. Met with neighbors on Tennis Ct.

Mike Bohlender - The north end of the soft path, where will it eventually lead? In addition, does it end where the Town wants it to end as proposed?

Elena Scott - The edge of the road and the Blue River are close together. The Town owns property there. The Tammy Jamison Bridge is not far to the north, know as part of the POST plan that is a desired connection point. Because the developer does not own this property, cannot put any improvements on it. Could be a connection in the future, a wetlands study would have to be done before that is planned and built.

Mike Bohlender - Where the path is proposed to end jives with what the Town wants to do as the path connects to it going north.

Lina Lesmes - Yes.

Paul Brady - Godden/Sudik Architects, representing the Applicant. Gave an over overview of the project. Wide mix of buildings mixes up the identity. Allowed 50 units, proposing 46. Addressed the architecture, style, types, blend and mix of styles which fits into the mountain style. Meet all the Town requirements, prepared to

meet the conditions, not ready to make a commitment to underground all of the utilities. Need additional time and will address that the Final Site Plan.

Mike Bohlender - Has the Applicant looked at any other options?
Paul Brady - Too soon in the process. Focused on many other issues to get the plans ready for Preliminary Site Plan.

Brian Wray - The utilities are one of the 16 conditions, Applicant is okay with all of the conditions except number 8. Do not know how and if the Planning Commission can remove that condition, unless Staff has a recommendation on that.

Paul Brady - Ask that if Planning Commission recommends approval, that it states that condition 8 be dealt with at the Final Site Plan or not be a strict condition of approval at this point.

Brian Wray - It is a condition for Final Site Plan approval.
Mike Bohlender - The Applicant could come back with an alternative that Planning Commission might like, and Planning Commission could approve that even if we approve this tonight with condition number 8.

Brian Wray - Can be dealt with at Final Site Plan.
Paul Brady - Welcome Planning Commission comments, help gauge how we approach that condition.

Mike Bohlender - That is why I was wondering what the options are.
Lina Lesmes - Staff recommends leaving the condition, and will discuss options with the Applicant.

Tim Nolan - On the rear of the type "B" there are some doors or windows that are garage door type, am I reading the plan correctly.

Paul Brady - Some of the flat style units have a roll up doors so that on a nice evening a resident could roll the door up and look outside. They would be an insulated/glazed garage door.

Tim Nolan - Would that be all glass panels or just one, please describe.
Paul Brady - Is a concept at this point.

Susan Byers - Not every unit has a garage, correct?
Paul Brady - Correct.

Susan Byers - Parking feels light. Don't want to have too many cars.
Paul Brady - Parking is based on how many units, along with how many bedrooms each unit has. The math works out to two spaces per unit.

Jenny Gloudemans - On condition #10, it says "proposed". Proposed doesn't necessarily mean that it is going to happen.

Lina Lesmes - Staff wants it shown on the Final Site Plan.
Jenny Gloudemans - It is definitely going to happen.
Paul Brady - Yes.

Jen Stachelski - On page 69, regarding the comment that Staff would like the Applicant to provide workforce housing, how stringent is that?
Paul Brady - It is being considered. The discussion has been centered around housing that is focused on Silverthorne and Summit County residents. No income restriction, market rate. Still discussing that with the marketing team for advice. New to our team and trying to understand what the ramifications would be. If there is a recommendation of that, we can be more committal.

Brian Wray - The Town is not requiring them to do any workforce housing.
Paul Brady - Trying to provide some smaller units on average than some of the other developments so that the cost does not get out of control. Because of the diversity of the size of the units, feel we are offering many choices without deed restrictions.

Ken March - The Applicant addressed pricing, discussed the cheapest unit up to the highest priced units. Trying to hit the affordable market as well as high-end units.

- Donna Pacetti - Question for Wright Water, appears that several structures are completely or partially in the floodplain on Exhibit F.
- Andrew Rowles - Wright Water Engineers, representing the Applicant. Part of the footprint of the building lays within the flood fringe as it is currently mapped today. Have done an analysis using models, have submitted an application to FEMA, those areas will be elevated so that the finished floor elevation of the building to at least one foot above the floodplain elevation, and the lowest ground touching the building will be at or above the flood elevation, those are FEMA's requirements. That statement means to me, that is where the buildings are. The floodplain mapping will not change as the result of a conditional letter based on fill, or a letter of map revision based on fill. The floodplain will still look the same on the maps. For each of these buildings, will have a certificate from FEMA, elevation certificate and an approved letter of map revision based on fill saying that the buildings are high enough, that for insurance purposes there are not included in the floodplain. An administrative way of taking structures out of the floodplain. The floodplain boundary will be the same.
- Brian Wray - To get flood insurance a building has to be one foot above the water.

PUBLIC COMMENT:

- Steve Parmley - 953 Walnut, Wheatland, WY. Betty Boatman is my mother-in-law and owns the property to the south of the proposed project. Feels there should be more of the path continuing to the north. Property survey comes in within two to three feet of the center of their proposed road. Commented to the snow storage, does not think what is proposed is possible. If they have to bring in fill to bring up the building to the north, this will cause a drainage issue to the south. If they are going to push snow to the fence, and pile it 10 - 20 feet high, the fence is junk. Even if they say all the snow will runoff in the proposed direction, would like to know how much higher it's going to be. If it's going to be a foot higher above going into the garage and going up 30 feet, would cause drainage issues. Concerned about the fence. If the engineer's would like to give us a written and notarized statement that they are going to be responsible for any of the water that comes back onto Betty's property, that is fine. If they are not then we would like to have a more substantial wall, such as a cinderblock wall that they can plow their snow up against. How are residents going to get in and out of there if they store snow on the site, no room for what they are proposing. Think that needs to be revisited.
- Betty Boatman - Talk about a six-foot fence, feels that isn't tall enough, would like a taller fence for privacy, noise or lighting.
- Steve Parmley - If they are going to have that filled in, would like to see how high the project will be compared to the six-foot fence, it might be at the bottom, have some real concerns about that. Am a general contractor, there is something that needs to be looked at regarding the fence and drainage.
- Mike Bohlender - What are the Town requirements to make sure that snow runoff or snowmelt doesn't leave the site and go to an adjacent site.
- Lina Lesmes - All the snow storage area and drainage is required to stay on site and water quality restored before it goes into the Blue River. All the parking areas are required to have curb and gutter, so that will confine the water from flowing to the south. Six feet is as high as the Town Code allows in terms of height for a side property line.
- Steve Parmley - Will that be six feet from the elevation of the new site or six feet from the elevation that the Boatman's property is at?
- Lina Lesmes - Six-feet from the ground.
- Mike Bohlender - Is it going to be one foot higher than the current elevation, or from the bottom of the floodplain that exists currently?
- Lina Lesmes - Will be from finished grade.

- Mike Bohlender - Asked Lina to point out the snow stacking areas.
Elena Scott - Showed on the diagrams where the snow stacking and drainage will be. Not pushing a lot of snow against the fence. Designed the project to be able to accommodate snow storage as required. Building heights are calculated on proposed grade.
- Mike Bohlender - What is the elevation change from the south entrance point to the last building on the right?
- Dan Gietzen - At a maximum two to two and a half feet south, down to about one foot at the north.
- Mike Bohlender - So one and a half feet roughly?
Dan Gietzen - On average that may be correct. More up to the south and a little less to the north.
- Paul Brady - Went over the elevation and grades, and explained the numbers.
Steve Parmley - So it will be about two feet higher on the south end than it is currently?
Paul Brady - It is about 18 inches.
- Susan Byers - What is the drainage plan down by Betty Boatman's property.
Paul Brady - Explained the snow storage plan and the drainage plan, and explained the layout.
- Mike Bohlender - Would the Applicant be willing to buy some trees to put on their site, and to be a good neighbor and help shield some of their concerns?
- Ken Marsh - Yes, there is a landscape design and that five-foot area is designed to help that. What would work best would be a shared access.
- Mike Bohlender - How would that help with the shielding? Sell that to me as if I were Mrs. Boatman and I really don't want to share an access point with a high-density development. What is the benefit to allowing me a little more privacy or buffer by doing a shared driveway, maybe she needs to hear the benefits.
- Ken Marsh - The fence doesn't have to go all the way up to the road, the houses sit 25 to 30 feet back from the roads. Could still build the fence, we could still put in a little bit of landscaping, would help the snow storage, help with access. We are closing up five access points off of the highway in exchange for two. The Boatman's have two now, would be happy to combine.
- Mike Bohlender - Perhaps some negotiation would allow an agreement to be reached for a combined access point. And the Applicant would be willing to help with some additional buffering that would meet the Town Code and the Boatman's concerns, is that a fair statement?
- Ken Marsh - Yes.
- Mike Bohlender - Asked Mrs. Boatman and family if they would be willing to talk to the Applicant about the situation.
- Betty Boatman - Possibly.
Brian Wray - Between now and the Final Site Plan this could be worked out.

COMMISSIONER COMMENTS:

None.

CLOSED PUBLIC COMMENT

- Mike Bohlender - Still have a concern about the cash in-lieu of payment, leave that up to Staff to say that today's costs will be the same dollars, three to five years down the road, needs to be factored into whatever Staff comes up. Correcting the language Jenny Gloudemans mentioned on Item 10 to show and create that access on the sidewalk site plan. The Applicant is going to be working on the privacy fence and driveway issue with the neighbor.

MIKE BOHLENDER MADE A MOTION TO RECOMMEND APPROVAL OF THE BLUE RIVER FLATS PRELIMINARY SITE PLAN WITH THE FOLLOWING STAFF RECOMMENDED CONDITIONS, AMENDING CONDITION NO 3, REQUIRING THE STAFF TO RECONSIDER ITEM 3 CASH IN PAYMENT AMOUNT TO REFLECT FUTURE COSTS.

1. That no building or portion of a building encroach onto any easement on the property.
2. That a Minor Subdivision Plat be submitted with the Final Site Plan to modify any of the existing easements, to create a 25-foot pedestrian path easement, and to combine the three lots on which the project is proposed.
3. That a cash-in-lieu payment be submitted, prior to the issuance of a Certificate of Occupancy, for the cost to pave the segment of trail in the rear of the property, and for the cost to construct a concrete sidewalk along the HWY 9 property line.
4. That the driveways be revised such that the width at the property line does not exceed 24 feet.
5. That the south driveway be revised such that it is no closer than 5 feet from the south property line, and it is defined by concrete curb and gutter.
6. That an access easement be provided along the south property line to facilitate a future shared access with Lot 22, Silverthorne Subdivision #1.
7. That the FEMA approved CLOMR-F be submitted with the Final Site Plan application.
8. That the Utility Plan be revised such that all utility lines on the property are undergrounded, as required by Section 4-5-5(3).
9. That the privacy fence proposed along the south property line be revised such that it is not within the required 25-foot pedestrian path easement in the rear, or in a location that might obstruct visibility of drivers entering and exiting the site.
10. That a sidewalk be proposed accessing the northernmost garage building, and the door that accesses the interior handicap parking space in that building.
11. That all utility, telecommunications, ground mounted, roof top mechanical equipment, and electrical boxes be shown on the elevations of the Final Site Plan.
12. That the garage buildings be revised to meet Standard 4.2.5 of the Riverfront Design District Standards and Guidelines, which prohibits building facades from exceeding a length of 50 feet without a change in plane.
13. That additional architectural variation be provided for the garage buildings to meet Standard 4.2.6 of the Riverfront District Design Standards and Guidelines.
14. That additional roof elements be provided for the garage buildings to meet Standard 4.5.2 of the Riverfront District Design Standards and Guidelines.
15. That the comments of the Town Engineer be addressed with the submittal of the Final Site Plan.
16. That the comments of the Utilities Manager be addressed with the submittal of the Final Site Plan.

JENNY GLOUDEMANS SECONDED AS AMENDED.

MOTION PASSES BY A VOTE OF SIX TO ONE (6-1). DONNA PACETTI OPPOSED.

PLANNING COMMISSION ADJOURNS AT 7:35 P.M. FOR A 10 MINUTE BREAK.

RE-ADJOURN: 7:45 P.M.

MIKE BOHLENDER RECUSED HIMSELF DUE TO A CONFLICT OF INTEREST. GLEN ANDERSON (ALTERNATE) WAS SEATED AS A REGULAR PLANNING COMMISSIONER.

B. Preliminary Site Plan, Blue Shores, LLC, (Silver Trout Estates), Lot 5, Ponds at Blue River Subdivision.

Matt Gennett, Planning Manager, presented the project. The Applicant, Blue Shores, LLC, is requesting Preliminary Site Plan approval for the Blue Shores, LLC (Silver Trout Estates) development. Silver Trout Estates Final Site Plan proposes 31 total residential units in 14 duplex and 1 triplex residential configurations.

COMMISSIONER QUESTIONS:

Tim Nolan - The plan includes fill and excavating?
Matt Gennett - Some fill will have to be extracted and fill brought in.
Tim Nolan - That's sufficient?
Matt Gennett - I'll let the Applicant speak to that in more in detail.
Tim Nolan - Assume we know that is in the plan to get done, there will be test holes to determine quality, etc.
Dan Gietzen - Yes, the geotech report recommended that certain areas may need to be exported and other area have imported soil.

APPLICANT COMMENTS:

Shervin Rashidi - Applicant. Gave a history of the project, past proposals, agreements and approvals. Requested approval for the project before the Planning Commission tonight. Introduced the Blue Shores (Silver Trout) team.
Donna Pacetti - Asked for clarification on the statement from the LDFPD regarding the 150 feet for fire protection.
Shervin Rashidi - Scott Russell can address that item.
Scott Russell - Applicant. Spoke to zoning, the Eagles Nest PUD. Density granted to Eagles Nest. Past work, agreements, development history was presented. This property was previously used as a gravel pit, after operations ceased, there was no reclamation.
Steve Leftofski - Attorney, representing the Applicant. Surrounding owners want to have it as open space. Property was zoned in 1984, 34 years ago. Surrounding property owners knew the zoning on this property when they bought their property. The current owner has an expectation that the property could reasonably be built on and has that right.
Scott Russell - Have been developing for 25 years, along wetlands, water and wildlife areas. The owner has closed on financing. The Letter of Credit is in place contingent upon approval of this project. Angler Mountain Ranch (AMR) Filing 9 and the Ponds at Blue River both have more density than our project. This was originally a gravel permit, after that was finished it was abandoned without any reclamation. Unit 30 and 31, which Staff opposes, in our opinion, is cohesive with the adjacent property. Addressed the boundary with the South Forty Subdivision and doing the same as AMR with a landscape berm.
Greg Shaner - Matrix Design Group/Civil Engineer. Gave background of the project from an engineering standpoint. Addressed the need for fill being brought in. Worked with the developer of Angler Mountain Ranch and have met with the Town Staff.
Brian Wray - Asked Mr. Shaner to explain what CLOMAR is.
Greg Shaner - A CLOMAR is a Conditional Letter of Map Revision and what that entails. Explained the siting situation. How the water would drain for the design, designed to a 500-year event. Will be speaking with the Fire Chief and address the concerns from the Fire Dept. Different than the previous comments, needs to be discussed. Presented the information on the utilities.

- Discussed the grading and fill plans. Always want to be cognizant of the resident's safety, wouldn't design something that would endanger people.
- Donna Pacetti - Things do change, especially with the surrounding development, the pressure in the lines, etc.
- Greg Shaner - The Fire Department's comment is interesting; want to hear what they have to say. Addressed the transportation plan, now have connectivity.
- Scott Russell - Regarding the CLOMAR, ran a stress test, at more than what the river is flowing today, which is approximately 1500 cfs. One of the requirements of the CLOMAR is that you don't impact the lower or upper flows. Every spring there is standing water, saying it is there due to prior manipulation of the site and surrounding area, grade restored to where it was, feel that is important. Because there is water on the site today doesn't mean that it can't be developed.
- David Johnson - Western Ecological Resource, representing the Applicant. My company specializes in wetlands. Discussed the wetland, riparian plans and the disturbance that will occur. Discussed the disturbance and restoration plans.
- Brian Wray - Will they be trying to recreate wetlands on a two to one ratio?
- David Johnson - Currently has a lot of wetlands, have a lot of weeds also. Want to put back the riparian habitat. The pine trees are dying. Will recreate high quality wetlands at a one to one ratio, with good hydrology.
- Jen Stachelski - Something was said that the required community meetings not being held as required or only one meeting, and if so, why were the meetings not held?
- Scott Russell - Required community meeting was on May 16, 2016 and again last week. Invited the Eagles Nest Homeowner's Association (ENHOA) declined to meet with us at this time.
- Matt Gennett - The Applicant was asked to redo their required community meeting, the public notice for the meeting on May 16th, was did not meet the Town's requirements. The last meeting, the Applicant met all of the Town's requirements and though not required, they did reach out to some of the surrounding HOA's.
- Scott Russell - Also, did meet some of the South 40 residents onsite, willing to meet any residents on the site to explain anything.
- Jen Stachelski - Asked if the Real Estate Transfer Assessment of one percent was going to be assessed?
- Scott Russell - AMR withdrew from the ENHOA, were within the PUD, elected to withdraw. As far as a transfer tax, can't speak to that.
- Matt Gennett - AMR did remove themselves from the ENHOA PUD, and requested approval of their own PUD. The Town doesn't have opportunities to ask for certain things in return for granting zoning. AMR offered that to the Town.
- Scott Russell - Comparing us to the PABR, which is another sub-associate within Eagle's Nest is more similar than AMR.

PUBLIC COMMENT:

- Roger Kendall - 349 Bald Eagle. Representing all three AMR HOA's, Member of the Blue River Open Space Committee. Have been in contact with Applicant multiple times. Presented a petition to the Town of Silverthorne regarding the Preliminary Site Plan of the Blue Shores, LLC., formerly known as Silver Trout Estates. The petition is signed by 79 homeowners AMR and Town of Silverthorne residents. Because of the following risks that can only partially be mitigated, I request that the Planning Commission and the Town Council deny the application of Blue Shores, LLC for the following reasons. The Applicant claims only small mammals and birds occupy the site. However, moose, elk, otters, bald eagles, and golden eagles regularly occupy the site, there is a documented accipiter nests, and elk calving has been observed. During any year with flow of over 1,200 cfs, most of the property is flooded. At 1,800 cfs the property is in the floodway with swift moving water. And there would be massive flooding at a

100-year event (2,100 cfs). This will likely lead to additional flooding downstream and upstream of the site since the site will no longer act as a wetland "sponge." Considerable cost per square foot of flood mitigation measures, requiring 2 to 6 feet of foundation-quality fill before building can begin, may potentially lead to the financial failure and an abandoned, greatly disturbed site. The current bonding requirements are inadequate to allow restoration of the site. Since Blue Shores, LLC was unable to do the project when last approved, concerns that if the project fails and the site is disturbed and/or developed beyond repair are major issues. The property is in the wildlife corridor and could complete the connection to Silverthorne open space to the north and south. We believe the highest and best use of the property is "open space". The reality is there are a lot of problems. When the PABR did this, part of the property had extreme amounts of fill as do the proposals that Planning Commission has heard tonight. There was significant settling and cracked foundations, although they followed the laws and the Silverthorne engineering. Through a lawsuit the PABR developers were forced to pay, I believe, 7.9 million dollars for issues, which included the foundations. What will be different this time? Should the Town be liable for allowing this to happen again? Most importantly this is the wildlife corridor connecting the Blue River and the southern Williams Fork mountains to the east. Also, one of the elk calving grounds in the spring. Furthermore, the Town of Silverthorne owns property to the north, protected as open space, and to the south of this project. The only thing blocking this migration route and general use of the property by moose, elk, deer, and river otters is if this property is developed. In closing, please do something great for the long term good for Silverthorne, its people and the wildlife who live here, as well as future generations of people and wildlife, by denying this plan and instead negotiating with the owner to purchase the land and rezone it as open space. Great towns and cities protect their precious resources and block development where it shouldn't be. Thank you very much for allowing to state the AMR HOA's opinion regarding the plan, as well as my own personal opinion regarding the plan.

Steve Garrison -

213 Fly Line Dr. Former biologist for the Department of Fish and Game for several years. Don't pretend to be an expert, nor have I done any formal studies of the issues. Would question whether or not a new wildlife survey needs to be done. The latest survey which I reviewed doesn't mention the river otter, which on the state list and one federal USFS list, furthermore the bald eagle is on two protected lists, Colorado Department of Wildlife and USFS, they aren't endangered, but they are listed as sensitive species. Several river otters are seen in the winter time especially. They are intermittent in the summer and spring. This is where they are having their pups. One of the federal statements is, is if there is a lot of habit modification river otters will abandon the area, this is stated in reference (on the slide). Presented slides of the river otter, elk, moose, bald eagles, etc. The access road is at the top of the trail where the river otter accesses the pond. Observed by other people, and there is evidence of that, it is factual. Showed video of three otters feeding on the pond, if you question any of the photographs and the source, many of the people who gave them to me are present today. Bald eagles are often spotted around the AMR pond and directly on the Blue Shores property, as the photograph shows, perching in a tree on the Blue Shores property. Most of the photos that you saw in the Applicant's presentation shows it in the winter time, it showed some ugly nasty place. As you can see, after the mining was done for the gravel, it has recovered very nicely, with native species, these are not hydrangeas or some other species from the nursery. These are Colorado native species that grew up there naturally, all along the side of the river are riparian willows. As to the

quality of the wetlands, I am not an expert, but they look like pretty normal and typical wetlands full of lush, native plants to me. As you can see, this is a far different picture than the images that you saw from the slides that the developer presented. Moose were not mentioned in the last wildlife survey, it is common knowledge, that there are moose around the site, not intermittently, almost all the time, have many pictures. Showed pictures of moose in the winter and summer. Took a walk through the site to look for signs of moose and elk, showed droppings of elk, moose, showed where an elk scraped a tree. Don't know if they calved in this area, that is a good reason to have a new wildlife study. Potentially elk that are migrating down from the ridge from AMR, potentially across the river and maybe to Rock Creek or someplace else, that is not known and should be studied. In summary, there are two protected species, river otters and bald eagles that are on the property a lot of the time. Moose, river otters and bald eagles are not mentioned in the last wildlife study. Elk mentioned in passing in the wildlife survey, don't know how important they are, and how much they depend on this property that is another reason the wildlife survey should be redone.

George Resseguie - 1770 Red Hawk Road, for the PABR. Handed out pictures to the Planning Commission. Representing several adjoining HOA's Retaining this lot as open space and forming a contiguous parcel with existing Town of Silverthorne open space to the north and south. Silver Trout will incur significant greater environmental costs associated with construction and the flood zone. Construction that will contain two to six feet of fill, requiring dewatering due to the high water table as shown on the HP Geotech report. The figure showing the flood waters were at 1,700 cfs. Very concerned with the infrastructure bonded, costs are under estimated, and the possibility the project will not be completed, and left uncompleted and unstable or unsightly state. The estimated infrastructure cost that is used to determine the bond has changed significantly since 2012, Silver Trout's final PUD. The amount of fill is now 30% less, and many other items have changed that apply to the costs. There has been no justification to support these changes. Many of the buildings on the west side of Fly Line Drive. Will have running water directly against the rear foundation wall when the release rate is 1,300 cfs from the dam, which is well below flood stage and the water will remain for four to six weeks during high water. The hydrological study in 100-year flood conditions does not address the impact on river levels once the fill and walls redirect these flood waters, what will be the impact on the adjacent properties. There were two codes mentioned, the Town of Silverthorne code for wetlands mitigation. The Town Code also states that the 25-foot buffer for the wetlands, we would ask that this be increased based on the Town Code Section 4-8-19, which provides "up to 100 feet of additional buffer when associated with riparian areas, erodible soils, and port vegetative cover. This is particularly important during the constriction period with much of the area undergoing excavation and fill. The PUD wetland mitigation plan remains 1:1, which does not meet Town Code 4-8-22-a-2. In the case where wetlands are creation and establishment for mitigation will occur after degrading wetlands, the required ratio of new wetlands to degraded wetlands may be 2:1 or greater as determined by the Town. Our opinion is that wetlands are a critical aspect of preserving the pristine nature of the Blue River. We are asking that these concerns be adequately addressed.

George Resseguie - 1770 Red Hawk Road. Representing the ENHOA. Have been through three of Silver Trout's presentations, always hear the same thing and the same words. And we battle back and forth, and it is still the same. They have made some improvements and changes. Can get the verbal "hey this is great" like the previous presentation. Back to the 31 units, there seems to be a

disconnect between the Town and the developer. It's always been 30 to 31 for the developer and 29, or two less for the Town, and yet the discussion continues. Regarding the letter of credit, didn't see it mention, know that there has to be one. The developer said that financing has been obtained. Believe that we ought to get the Letter of Credit (LOC) to get the property back available for open space not for the foundations. Our HOA has had abandonments, empty foundations and they just sat there and had to be demolished. Have to make sure that it is returned to the state that it was in prior. Economics mirror what Roger Kendall stated. The cost flows based on economics, based on the size of the project not being significantly less. Have concerns with the economic viability of the project. Have concerns with the relationship that we will have with Silver Trout. Silver Trout will be a sub-association of the ENHOA, our decs and covenants are very rigid and they will cover Silver Trout, they can have their own Decs and Covenants, but they have to be more stringent than the ENHOA. The same thing goes with the design review guidelines. Have a very robust noxious weed mitigation program. Previously have had weed problems at that site and the ENHOA does spray the weeds, there are significant weed infestation on that site. Our HOA will monitor some of the weed infestation. We endorse use of the best management practices. This is a small 12-acre parcel and it is a critical environmental habitat in our Town. You can't call it a gravel pit any longer. It also has potential as open space. The Town has parcels to the north and south; this represents a unique opportunity for the Town to preserve this ecological corridor. Staff has recommended approval again with units 30 and 31 being removed. We respectfully disagree and we think that the project should be denied on the basis of all of the unanswered questions and concerns.

Gary Horriner -

78 Hillside Drive, South Forty. Look out on this property every day, lived here since the 70's, know that area was a gravel pit, worked with Rick Everist on some of the conservation easements we have talked about doing previously that didn't happen. This project has viability; they have spent a lot of money to do that. It also has a purpose and a way to make the Town of Silverthorne a more harmonious community north to south. There is no reason they shouldn't have their right to do what a landowner has a right to do. But, we have a right as people at the end of the day are we better off discussing this with the Applicant and offering him a fair settlement for his money? A lot of volunteers have put in a lot of numbers that really say that this doesn't work. Tend to listen to the volunteers, they have nothing to gain from disputing their findings. But the Town of Silverthorne and its people have a lot to gain by the connectivity of this open space, this wildlife corridor, this path from north to south through your Town to the South Forty Subdivision and beyond. It will be lost forever without this consideration. I believe you need to consider all of the people and all of the funds that are available whether it is GoCo, county or state, or what have you. Can we mitigate with this gentleman a settlement and give him some money back? He's made a business investment; why doesn't the Town make a business investment for your community. Look at it for the connectivity for your constituents for the Town of Silverthorne.

Joel High -

329 Bald Eagle. Commissioner Wray was the only Planning Commissioner that was present at the last hearing. Haven't had any access to the presentation for this project that shows different elevations, don't know if that has been redone. A couple of things have occurred in the Town Council meeting when this was approved three to two. Three of the principles who agreed to a one percent transfer tax are here, don't believe the other principle is in the group any longer, so that was agreed to at that time, quite a bit of discussion between the applicants and the Town Council at that time. The

other thing that occurred is at that time we were talking about six or seven foot walls of concrete facing the lake, with a 25' strip between the lake and the wall. That means that is what everyone at AMR would have to look at, now probably a five-foot wall, but it is still a flat wall, and yes it's not continuous, there are slope down between the buildings. There are long stretches of concrete. The architect did a hand scribbled drawing showing how he would do the slope off of that and landscape that slope so there would be some greenery and wouldn't have such a sheer wall. I have no idea whether that ever made it into their plans, because we didn't get to see them. Those are things that I think should be addressed, they agreed to the one percent transfer tax before, I think they should hold to that since it is still three of the same principles, that would be in the minutes of that meeting. Regarding the wildlife, the otters have seen them many, many times. I've documented that I've seen the eagle nine times since December 1st, the latest being May 8th, which is unusual because once the osprey arrive, the eagles normally abandon the lake. The feed on the stream, the lake and fly over and land in the trees.

John Taylor -

1712 Red Hawk Rd. Regarding the comment "reasonable development", go back to 1999 and the Ponds came in at 214 units. They have 84 today. This development looks dense to me, if I were to use the same percentage it would be about 20 units. Certainly support the Town of Silverthorne as far units 30 and 31. It looks like "look, there is a piece of dryland, let's stick something on it". There are also noxious weeds in the wetlands, the HOA's don't spray in the wetlands. The Town has an ordinance that "thou will take care of your noxious weeds", so there is a challenge there. The sidewalk coming in along the road, there isn't enough room, trying to push the bid to make Silverthorne walkable so that you don't have to drive everywhere you go, to AMR trailhead for instance or into Town, you can use your bike or you can walk.

Larry Peters -

144 Allegra Lane. Lived here for three weeks. Impressed with the conversation in the last proposal about the walkway, and making sure that the walkway would be paid for and connected. We can't take our dog for a walk because it is already flooded. The bald eagle crosses the river. If we continue to raise the level of climate on one side of the river, it's going to create a continuing and more problems on the walkway. This is an important part of Silverthorne. Had wildlife on our property ever since we've owned it.

Randy Benjamin -

245 Fly Line Dr. Took a lot of the photos show here tonight. Not an animal activist. Don't take photos to try and preserve animals, actually am an avid hunter. Wanted to show that is something that is actually there, unlike the Applicant's pictures. All the trees that were behind the photo of the bald eagle perched in a tree is what they are planning on cutting down. I view the Planning Commission as a little bit more than an advisory group, feel you serve a very important purpose in this whole process and do appreciate you taking the time to do this. The removal of all of the vegetation on the site, there can be a lot of spin put on the number of trees and shrubs that are going to be removed. Can you define a tree? Is it two or three inches in diameter, how exactly are they coming up with that number, from what I could tell that will completely devastate that whole area over there, and it's not going to come back. Talking about revegetation, what happens between the time that they revegetate and the time that it becomes mature landscaping like what we are looking at today. Those are the kinds of things that you should think about if you want.

Brad Barta -

229 Fly Line. Spend the last 24 years doing due diligence work on power projects, infrastructure project, probably 200 billion worth of projects in my portfolio. Respect the work that the Applicant has done and all the discussion regarding fill and wetlands. In our practice it's not uncommon for us, actually it

is an obligation of the investors to challenge some of the studies through an independent unbiased standpoint. I would urge the Planning Commission to commission, to contemplate some kind of an independent review at the certainly the geotechnical, hydrological and biological features of this project. It appears very sound from the presentation that we heard today. Am a mechanical engineer, not a subject matter expert, but I would urge the Town to consider bringing in an independent evaluation of those aspects. We live here full time, spent a lot of time with the Crane's to understand the cost of construction, the availability of a quality trade, the costs of building is going up, the quality is going down, and puts pressure on this project, not seeing the details, so I'm not going to suggest that they haven't compensated it for it one way or another. Urges the Town of Silverthorne to protect its natural beauty while balancing access for the public and rivers, that we explore ways to fairly compensate the developer, whether it's through several means of funds.

At this time a member of the audience, person unknown and did not identify themselves, asks for a show of hands of people in the audience who oppose this project. Brian Wray, Planning Commissioner asks for a show of hands of how many people in the audience are residents of the Town of Silverthorne.

CLOSED PUBLIC COMMENT

COMMISSIONER COMMENTS:

- Brian Wray - This is private property and the developer has a right to develop, Town of Silverthorne tried to buy, didn't succeed. It isn't open space now, everyone has been enjoying it, but it is private property. PABR was poor workmanship, poor building practices. Understand where the public is coming from, but we have to go by the Town's criteria in reviewing something like this. Thanked everyone for commenting.
- Jenny Gloudemans - Concur with Brian. Not a matter of how someone feels about the property or what they want. It is a matter that the Applicant has rights. They bought property that can be developed, and based on what the Planning Commission's criteria is, that is what we have to base our decision on. While both sides made great presentations, it is almost a black and white issue.
- Susan Byers - It is difficult, very conflicted, I certainly listened to the passion on both sides. I believe in the private property rights, and the legal ability that this group has. Always believe in a compromise, maybe there are some other ways to mitigate and find some commonality. Did like the gentleman's comment about an independent review. As of today at the Preliminary Site Plan, I have to side with the legal ability to develop their land.
- Glen Anderson - Resident since 1986, understand where people are coming from. Have seen so much development in this Town. A lot of us don't like it, it just isn't the small town that it was 35 years ago, we would like it to be. Unfortunately, this has become a very productive ski area and bedroom city for Denver. I sympathize with you, I've seen growth, when I moved here Hamilton Creek only had about ten houses, it has really gone gang busters. For a lot of us that have been here for a long time it is production and growth of the Town. As Brian Wray said we can't tell a private landowner that they cannot build on their property, it would be like being told that you can't put a garage on your own property because it's improvements, it's not 1985 anymore. Sympathize and understand, but we can't go against a private developer.
- Donna Pacetti - In line with everyone else here. Think that people are between a rock and a hard spot with what you have presently. Read through all the material and everything that has been presented to me that I've read hasn't waved any red

flags that I can see. There was one comment about a toad, the boreal toad, and that it was habitat suitable for use by the boreal toad. Thinking, okay it's suitable and says it could be used by this toad, but currently not I guess, didn't really understand and that was in the wildlife report. Seeing all these photos of the wildlife, it looks like they are going to the pond and habituating there and not habituating on the proposed development site. Really confused with what's going on. The property owners have their right to develop this land and so it is hard sitting in this chair listening to your concerns, I agree with you and I've been a long time resident here, and I've seen a lot of change. I think this gentleman has his right to be able to do what he wants to do on his property as long as it is within the Town's Code.

Brian Wray -

Wished the Town could have bought that as open space, but it just didn't happen. Space will be there; it will just be in another manner.

Jen Stachelski -

Have lived here about eight and a-half years and I look out my window and see all of the development on Angler Mountain coming along, much of which was not here when I moved here. There is a part in the heart of me that says it would be awesome to keep these pieces as open space, but there is another part that says you guys got your really amazing house in an area that I used to look at that was not developed. And, legally there are doing all of their due diligence. To the person that asked about the architecture, the architect isn't here, there wasn't the voice of reason. This is a Preliminary Site Plan, and as Brian stated, I wish that the Town would have been successful in purchasing the land, it would be awesome open space. I hike the Angler Mountain trail and all of the sudden my trail got moved and changed and now there's a road, and it's a lovely trail. They do have their property rights.

Tim Nolan -

Has the wildlife study been updated?

Matt Gennett -

The CPW wrote a report in May, it is included in the Staff report.

Tim Nolan -

CPW found it to be adequate.

Matt Gennett -

Yes. Disagreed with a couple of the assertions that were made primarily related to the type of mammals of which evidence was found.

Tim Nolan -

Did moose and elk used to pass through the AMR development?

Matt Gennett -

Yes. Again we are focusing on this site plan, not AMR.

Tim Nolan -

I know that. The studies that they've gone through all the way up to FEMA approval they included, consideration of what laymen like myself are termed a "wetland sponge" that is part of this?

Matt Gennett -

I am not familiar with the term "wetland sponge".

Tim Nolan -

When the people who are developing or wish to develop this project as commercial did a flood study of what it looked like in the past and what it is going to in the future, if they are able to do their development, including take away or adding to some of the land that now has water on it.

Matt Gennett -

There is a difference between a wetland that would be delineated and defined as a wetland, and area that potentially has water on it that will recede again.

Tim Nolan -

Just want to confirm that those water studies take into account the best civil engineering science that is available.

Matt Gennett -

Would defer to the Town Engineer, those studies have gone through various iterations. They have jumped through many hoops over the past seven or eight years, they have reached the point where the Army Corp of Engineers, FEMA, every jurisdiction that we have to report to has studied it. It has to be proven to their modeling, it has to be adequate and workable.

Dan Gietzen -

Not every referral agency is going to look at every aspect. FEMA cares about the flood aspect only, look at the modeling and topography maps to make sure it meets their criteria and to letter of the law. They don't care about wetlands, the wetlands people look at those aspects, so not every consultant is going to look at the whole project, they are going to focus on their level of expertise.

Tim Nolan - Just to be clear, the wetland sponge will be gone? And that will increase the likelihood of flooding upstream, on the west side and downstream. Want to make sure that the FEMA study that leads up to a LOMAR or CLOMAR includes the fact that the land is going to be higher.

Dan Gietzen - They look at the effects of the fill, the change of the of the hill, the flow rates that are contemplated or published based on the 100-year flood event. They are looking at the hydrology and what happens to the water surface elevation at the site before and after. Before and after has to tie back into zero to the existing mapping conditions so that is not impacting upstream or downstream negatively.

Tim Nolan - What happens if they go bankrupt halfway through, some work has been completed, but it isn't done.

Matt Gennett - This is Preliminary Site Plan should they get through this stage of the process the would go on to the Final Site Plan accompanying the Final Site Plan will be a Minor Subdivision Plat that is required to create the easements, the right-of-ways, all the supporting infrastructure for the development. Accompanying the Minor Subdivision Plat is a Subdivision Improvements Agreement. The Subdivision Improvement Agreement will include an "exhibit b" which is the cost estimate submitted for the public infrastructure that is required for this project. Much of that includes the fill area materials. They will have to put down a Letter of Credit in the amount of 150% of the cost estimate for the public improvements. That is an assurance, and is in our Code, and should something go awry or they don't finish the project the Town has the resources financially to return the site to its original condition.

Tim Nolan - Assume since Staff is recommending approval with the condition listed, that if we approve their Preliminary Site Plan and it goes to the Final Site Plan that we have an opportunity then to be satisfied with the architectural aspects of the project.

Matt Gennett - Yes, every aspect of the project.

Tim Nolan - We had a lady say that we had questions on the last approval we didn't ask for much here because the architect isn't present. And Planning Commission will have a chance to ask those questions.

Matt Gennett - In the Staff report there is an analysis of the architecture based on the PUD that the project sits in on Lot 5 of the PABR. So, with the Eagles Nest Architectural Guidelines that is the tool to gauge the architecture. It is very subjective when it comes to architecture, it is really, in some cases a matter of taste. Does it meet the requirements at this stage of the process, yes, it does. When a project gets to Final Site Plan a great deal more detail that isn't included at the Preliminary Site Plan. The reason for a Preliminary Site Plan is to make sure that a project can pass this level and if it can't it shouldn't go to the Final Site Plan stage.

Tim Nolan - Regarding an independent review, is there ever a reason for outside review for things like a flood, etc.

Dan Gietzen - The flood issue is reviewed by FEMA. They are the reviewer.

Matt Gennett - FEMA hires a third party consultant.

Dan Gietzen - The consultant does the work for FEMA. Michael Baker, Jr. was the person to review the CLOMAR location and they give the recommendation to FEMA as to whether it meets the criteria to issue the CLOMAR or not.

Matt Gennett - The CLOMAR was issued September of 2011.

Tim Nolan - That is a specific review by Michael Baker, Jr.

Matt Gennett - Under the auspices of FEMA.

Tim Nolan - Is there ever a provision for an independent review of other aspects of continuous project?

Matt Gennett - No. The Staff is charged with being a review body, we have professional staff, have the necessary accreditations, certificates, licenses and the Town Code.

If it is outside of our area of expertise we bring experts as needed.
comfortable

Tim Nolan - One of the comments by one of our citizens was "is this the highest and best use". And, we have had plenty of people with more experience than I have on the Planning Commission saying they have some property rights, we have to look at our criteria and then judge based on our criteria. Is highest and best use a term that is applicable here?

Matt Gennett - Highest and best is subjective. In the planning world highest and best use means one thing, in real estate it means another. In the eyes of the neighboring property owners it means something vastly different. Highest and best use in a real estate context would be a single family home. Can't use term in a fair and objective way. For the people in the audience the highest and best use is open space. For the person who bought it, it is to develop it.

Tim Nolan - Would like to see to see slide for criteria for Preliminary Site Plan approval.

JENNY GLOUDEMANS MADE A MOTION TO RECOMMEND APPROVAL OF THE BLUE SHORES, LLC., SILVER TROUT ESTATES PRELIMINARY SITE PLAN APPLICANT WITH THE FOLLOWING STAFF RECOMMENDED CONDITION:

1. That unit 30 and 31 shall be removed from the proposed Preliminary Site Plan prior to submittal of a Final Site Plan application.

DONNA PACETTI SECONDED.

MOTION PASSES BY A VOTE OF SIX TO ONE (6-1). TIM NOLAN OPPOSED.

Susan Byers asked if there was the ability to change the motion to allow units 30 and 31. Brian Wray deferred to Matt Gennett. Matt Gennett informed the Planning Commission that once a motion was made and seconded and passed it has to stay as is.

7. ADJOURNMENT:

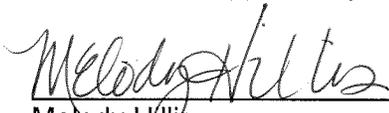
BRIAN WRAY MADE A MOTION TO ADJOURN AT 10:10 P.M.

JEN STACHELSKI SECONDED.

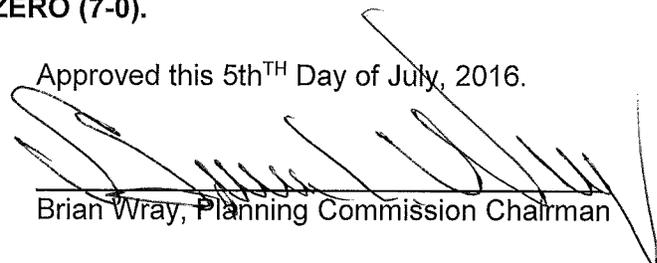
MOTION PASSES BY A VOTE OF SEVEN TO ZERO (7-0).

Submitted for approval by:

Approved this 5thTH Day of July, 2016.



Melody Hillis



Brian Wray, Planning Commission Chairman

These minutes are only a summary of the proceedings of the meeting. They are not intended to be comprehensive or to include each statement, person speaking or to portray with complete accuracy. The most accurate maintained in the office of the Planning Commission Secretary.