

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, SEPTEMBER 14, 2009 7:30 P.M.

CALL TO ORDER: The regular meeting of the Board of Trustees was called to order by Mayor Judy Burke at 7:33 p.m. at the Town Hall, 1026 Park Avenue.

PRESENT: Mayor Burke; Trustees Johnson, Lanzi, Lewis, Peterson, and Weydert; Town Manager Hale, Town Clerk Pro-Tem Dzinski, Town Planner Wittman and Town Code Enforcement Officer Korkowski.

ABSENT: Trustee Rhone.

APPROVAL OF MINUTES

August 24, 2009: Trustee Peterson moved to approve the minutes of the August 24, 2009 regular meeting as written, seconded by Trustee Lewis. All Trustees voted aye except Trustees Johnson and Weydert, who abstained.

ANNOUNCEMENTS:

Mayor Burke announced that it would be appreciated if cell phones were turned off during the meeting.

The Smith-Eslick Cottage Court move will be on Tuesday, September 15 at 1 p.m. A public Pep Rally/Informational Meeting will be held Friday, September 18 at 7 p.m. at the Kauffman House.

The "*Fall Bluegrass Festival*", sponsored by the Grand Lake Area Chamber of Commerce, will be held September 19 and 20 in the Town Square. The event will feature a 3K Walk, a food can sculpture, music, arts & crafts, hayrides and family fun.

The 6th annual "*Night in Morocco*", sponsored by the Grand Arts Council, will be held on September 19 at 6:30 p.m. at the Grand Arts Center.

Grand Lake's "*Race for the Cure*", a fundraiser for breast cancer research, will be held on October 4. Register online with Team Grand Lake at www.komendenver.org.

PRESENTATIONS: None.

At 7:35 p.m. Trustee Johnson excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A MODIFICATION OF PREMISES REQUEST FROM GRUMPY'S, INC., D/B/A GRUMPY'S CIGAR BAR - Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. An Application for Modification of Premises was received, with the appropriate fees, from Grumpy's Inc., d/b/a Grumpy's Cigar Bar at 913 Grand Avenue. The request is to remove the wood deck area on the southeast

corner of the 2nd floor and add a portion located at the northeast corner. Physical changes, alterations or modifications of the licensed premises, or in the usage of the premises (by Local Authority and State Authority), shall include, but not be limited to, the following:

1. Any increase or decrease in the total size or capacity of the licensed premises.
2. The sealing off, creation of, or relocation of a common entryway, doorway, passage or other such means of public ingress and/or egress, when such common entryway, doorway or passage permits access to the licensed premises from or between public streets or thoroughfares, adjacent or abutting building, rooms or premises.
3. Any substantial or material enlargement of a bar, or relocation of a bar, or addition of a separate bar.

Korkowski noted that Gary Gates, Director, was present.

Following brief discussion, Trustee Peterson moved to approve a Modification of Premises request from Grumpy's, Inc., d/b/a Grumpy's Cigar Bar. Trustee Lewis seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE TAVERN LIQUOR LICENSE FOR GRUMPY'S, INC., D/B/A GRUMPY'S CIGAR BAR -

Mayor Burke asked Town Clerk Pro-Tem Dzinski to present this matter to the Board. Dzinski reported that the fees have been paid; the renewal documents are in order and indicate no changes from the previous renewal. The water, business license, and sales tax accounts are all current. She noted that the Grand County Sheriff's Department found no adverse information that would affect the status of the license. She concluded by saying that Gary Gates, Director, was present.

Trustee Lewis moved to approve the renewal of the Tavern Liquor License for Grumpy's, Inc., d/b/a Grumpy's Cigar Bar. Trustee Peterson seconded the motion and all Trustees voted aye.

At 7:42 p.m. Trustee Johnson resumed his seat.

OLD BUSINESS:

PUBLIC HEARING – CONSIDERATION OF THE ACCEPTANCE OF, THE DETERMINATION OF PUBLIC VALUE FOR, AND DISPOSITION OF PROPERTY (TO THE EXTENT THERE IS NO PUBLIC VALUE FOR) CERTAIN LANDS LOCATED IN THE TOWN OF GRAND LAKE OWNED BY THE GRAND COUNTY BOARD OF COUNTY COMMISSIONERS -
Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman stated that at the August 10th Board of Trustees Meeting, the Board elected to hold a Public Hearing regarding the Board of County Commissioner's decision to Quit Claim parcels located within the Town's incorporated municipal boundaries that are currently owned by Grand County. Legal Notice No. 3901912

was published in the Middle Park Times advertising this Public Hearing. As per the recommendation of the Town Attorney, notice was sent to 26 property owners within 200' of the subject parcels as well as the Board of County Commissioners (BOCC) on August 25, 2009; 23 property owners have signed as having received notice. According to the Town Attorney, the Town must consider whether or not there is public value in the property. If no public value is determined, then the Town may dispose of the land by transferring to the adjacent landowners. Of the 23 that have signed, four of the five adjacent property owners have signed as having received notice. Staff contacted all adjacent landowners and verbally explained the position that the Town was in. Verbal interest has been expressed by some landowners and others have not indicated to Town staff whether or not there was an interest. Wittman said that Town Manager Hale, Public Works Director McGinn and she have assessed the individual parcels for staff determination if there was public value in retention of any individual parcel. Staff assessed whether a parcel had public value for: streets, roadways and walkways; parks and trails; schools or other public institutions; parking and snow storage. It was determined by staff that there was clear public value in Parcel E (Triangle Park) for the use of a public park. Additionally, staff's consensus was that there was also public value in Parcel D for the purpose of a trail or a trail easement. Staff recommends that the Board open the meeting for public comment. Staff recommends that the Board follow a procedure similar to that when the Town has taken comment on parcels proposed for rezoning: one parcel at a time, limiting the amount of time for each individual to testify to three minutes. Individuals may comment on another parcel when it has been introduced and read in entirety into the record. The sequence the Board should follow is:

1. **PARCEL A: Assessor's Parcel No. 119306123001**
2. **PARCEL B: Assessor's Parcel No. 119306123001**
3. **PARCEL C: Assessor's Parcel No. 119306112009, 119306122010, 119306122011**
4. **PARCEL D: Assessor's Parcel No. 119306122002**
5. **PARCEL E: Assessor's Parcel No. 119306115015**

After all testimony is made, the Board should close the Public Hearing matter and discuss this amongst themselves. The Board should discuss, parcel by parcel, the Board's determination of the acceptance of, if there is public value for and the disposition of the parcels. If the Board determines that there is no public value and there is an expressed interest from an adjacent landowner to obtain the parcel(s) from the Town, then the Board should discuss this matter with the landowner. As indicated, the Board may impose conditions on the disposition of the property by the Town and the acceptance by the individual property owner. Since staff had not gained a clear consensus of the Board's opinion of the matter, conditions may be placed on the disposition of parcels and there is a chance

multiple adjacent owners express interest in the same parcel, staff has not prepared an ordinance for the Public Hearing. Staff recommends that the Board continue this matter so that the Board may be able to give staff direction for ordinance development.

Mayor Burke then opened the meeting for public comment and Town Planner Wittman introduced each parcel.

1. PARCEL A: Assessor's Parcel No. 119306123001

The north 30' of Lot 1, Block 27, Town of Grand Lake, Grand County Colorado.

No comments were made on **PARCEL A**.

2. PARCEL B: Assessor's Parcel No. 119306123001

All that part of Lots 2, 3, and 4, Block 27, Town of Grand Lake, Grand County Colorado, situated within the Right-of-way of the Colorado State Highway FAP 194-b(1) more particularly described as follows: The North 30 feet of each of Lots 2, 3, and 4, Block 27.

No comments were made on **PARCEL B**.

3. PARCEL C: Assessor's Parcel No. 119306112009, 119306122010, 119306122011

Lots 1, 2, 3 and 4 in Block 28, Town of Grand Lake, Grand County Colorado, described as follows,

Beginning at the NE. Cor. of Lot 1: thence North.77 degrees 18 feet west on the north lines of said Lots 1 and 2 for 100 feet to the NW Cor. of Lot 2: thence South 12 degrees 42 minutes West, along the west line of lot 2 for 16.6 feet: thence South 86 degrees 44 minutes East, across Lots 1 and 2 for 101.37 feet to the NE Cor. Lot 1 and the place of beginning.

The part of lot 3, in Block 28, described as follows, beginning at the NE Cor, of said Lot 3; thence North 77 degrees 18 minutes West for 50 feet to the NW Cor. of said Lot 3; thence South 12 degrees 42 minutes West, along the west line said Lot 3, for 24.9 feet; thence South 86 degrees 44 minutes East, for 50.68 feet to the east line of Lot 3; thence North 12 degrees 42 minutes East, along said lot line for 16.6 feet to the NE Cor. and the place of beginning.

That part of Lot 4, Block 28, described as follows, beginning at the NE Cor. of said Lot 4; Thence North 77 degrees 18 minutes West for 50 feet to the NW Cor. of said Lot 4; thence n 12 degrees 42 minutes East for 50.68 feet to the east line of Lot 4; Thence North 12 degrees 42 minutes East, along said lot line for 24.9 feet to the NE Cor. and the place of beginning.

No comments were made on **PARCEL C**.

4. PARCEL D: Assessor's Parcel No. 119306122002

A part of Lot 5, Block 28, Town of Grand Lake, Grand County Colorado, described as follows,

Beginning at a point which is at the intersection of the east line of said Lot 5 with the North line of Block 28, thence westerly, along the north line of Lot 5, for 37.9 feet to a point which is the intersection of said line with the south line of the right of way of the Northern Colorado Water Conservancy District's Tunnel Road; Thence southwesterly, along said R.O.W. line for 31.9 feet; thence easterly for a distance of 50.7 feet to the east line of said lot 5; thence northerly along said lot line for 33.3 feet to the point of beginning.

Donna Ready, 1133 Grand Avenue, was recognized from the audience. She distributed a handout (See attached Exhibit A) to Trustees and staff and briefly discussed each paragraph.

Will O'Donnell, 185 County Road 4693, was then recognized from the audience and said that he feels that there is enough room in the Grand Avenue right-of-way for a snowmobile trail without having to use the 30' adjacent to Lot 5.

5. PARCEL E: Assessor's Parcel No. 119306115015

All that part of Lots 14, 15 and 16, Block 29, Town of Grand Lake, Grand County Colorado, lying southeasterly of the southeasterly right of way line of the Northern Colorado Water Conservancy District's Tunnel Road, containing .12 acres, and more particularly described as follows;

Beginning at the SE Cor. of Block 29; thence northerly, along the east line of said block for 90.9 feet to the southeasterly right of way line of Tunnel Road; thence southwesterly along said block line for 113.3 feet to the place of beginning (more commonly known as Triangle Park).

No comments were made on **PARCEL E**.

Todd Hammerlund, P. O. Box 960, Grand Lake, and is the owner of Lots 1 & 2, Block 27, Town of Grand Lake. He expressed concern about the liability he would be given should the Board decide to deed the north 30' of the two lots to him. He said that he has filed a Grading Permit with the Town and would like to get the work done before winter. The Board explained to him that staff is recommending that this matter be continued until the next meeting to allow time to prepare an ordinance.

Mayor Burke then closed the Public Hearing and turned the matter over to the Board for discussion.

Town Planner Wittman suggested that Parcels A and B be discussed as one since Lots 1 & 2 are owned by Mr. Hammerlund and Lots 3 & 4 are owned by another individual.

Discussion then began with:

1. **PARCEL A: Assessor's Parcel No. 119306123001**

The north 30' of Lot 1, Block 27, Town of Grand Lake, Grand County Colorado, and

2. PARCEL B: Assessor's Parcel No. 119306123001

All that part of Lots 2, 3, and 4, Block 27, Town of Grand Lake, Grand County Colorado, situated within the Right-of-way of the Colorado State Highway FAP 194-b(1) more particularly described as follows: The North 30 feet of each of Lots 2, 3, and 4, Block 27 also known as the Glacial Moraine.

Trustee Peterson stated that the Town should accept the parcels; they have no public value and therefore should be deeded to the adjacent property owners.

Trustee Johnson added that not only do the two parcels have no value to the Town but would be a huge liability that the Town does not want.

Town Planner Wittman explained that this came to the Town because Mr. Hammerlund originally went to the BOCC and asked to purchase that portion of Parcels A & B adjacent to Lots 1 & 2. At that time it was brought before the Board of Trustees and they were in favor of Hammerlund's purchase; however they asked that the BOCC require an acceptable slope stabilization plan prior to conveyance. Subsequently the BOCC decided to Quit Claim all county owned parcels within the Town limits to the Town.

Town Planner Wittman stated that although Mr. Hammerlund has an interest in that portion of Parcels A & B adjacent to Lots 1 & 2, the owner of Lots 3 & 4 has no interest in that portion adjacent to Lots 3 & 4.

Mayor Burke then asked Mr. Hammerlund if he would be interested in that portion adjacent to Lots 3 & 4 as a potential adjacent property owner.

Hammerlund responded by saying that he is not, but if it will affect obtaining that portion adjacent to Lots 1 & 2, he would be. There is less liability on that portion adjacent to Lots 3 & 4. Only about 1/2 of Lot 3 will need stabilized and Lot 4 doesn't require any as it is vegetated.

Town Planner Wittman noted that if that portion adjacent to Lots 3 & 4 was conveyed to Mr. Hammerlund, it would not restrict access to Lots 3 & 4 as there is alley access to those lots.

Following discussion all Trustees concurred that the Town should accept the parcels; they have no public value and therefore should immediately be disposed of. The Trustees were in agreement to conveying both Parcels A & B to Mr. Hammerlund and accept his existing grading plan. Trustee Johnson stated that they didn't need to place any conditions on the conveyance of these parcels such as an approved stabilization plan because if he doesn't stabilize them following conveyance then he will be liable and not the Town.

3. PARCEL C: Assessor's Parcel No. 119306112009, 119306122010, 119306122011

Lots 1, 2, 3 and 4 in Block 28, Town of Grand Lake, Grand County Colorado, described as follows,

Beginning at the NE. Cor. of Lot 1: thence North.77 degrees 18 feet west on the north lines of said Lots 1 and 2 for 100 feet to the NW Cor. of Lot 2: thence South 12 degrees 42 minutes West, along the west line of lot 2 for 16.6 feet: thence South 86 degrees 44 minutes East, across Lots 1 and 2 for 101.37 feet to the NE Cor. Lot 1 and the place of beginning.

The part of lot 3, in Block 28, described as follows, beginning at the NE Cor, of said Lot 3; thence North 77 degrees 18 minutes West for 50 feet to the NW Cor. of said Lot 3; thence South 12 degrees 42 minutes West, along the west line said Lot 3, for 24.9 feet; thence South 86 degrees 44 minutes East, for 50.68 feet to the east line of Lot 3; thence North 12 degrees 42 minutes East, along said lot line for 16.6 feet to the NE Cor. and the place of beginning.

That part of Lot 4, Block 28, described as follows, beginning at the NE Cor. of said Lot 4; Thence North 77 degrees 18 minutes West for 50 feet to the NW Cor. of said Lot 4; thence n 12 degrees 42 minutes East for 50.68 feet to the east line of Lot 4; Thence North 12 degrees 42 minutes East, along said lot line for 24.9 feet to the NE Cor. and the place of beginning which is adjacent to Columbine Cabins.

Trustee Peterson stated that the Town should accept the parcels; they have no public value and therefore should be deeded to the adjacent property owners.

Trustee Johnson said that even though the Town currently may not have a use for it or sees no public value in this parcel, or the remaining parcels yet to be discussed, he said that the Town should retain possession for the future use such as a drainage ditch, etc. When the parcel bears an eminent liability such as Parcels A & B, the Town should dispose of them.

Staff and the Board then discussed the location of Town right-of-way in relation to County owned property.

Trustee Weydert stated that there is an existing drainage issue that could be considered a liability.

Trustee Lanzi believes that the Town should never dispose of or vacate public property unless it has an eminent liability such as Parcels A & B.

Mayor Burke made the comment that the Town should accept these parcels since the County has been trying to convey them to the Town for the past 20 years. If Parcel C is not then conveyed to the property owner, the Town would have to grant the property owner an easement for ingress and egress to her property.

Trustee Weydert suggested that the Town convey the property and reserve a utility easement for future, although he said that he truly can't see where the Town would ever need it with the 100' right-of-way it now has.

Following discussion, all Trustees concurred that the Town should accept Parcel C; it has no public value and therefore should be conveyed to the adjacent property owner.

4. PARCEL D: Assessor's Parcel No. 119306122002

A part of Lot 5, Block 28, Town of Grand Lake, Grand County Colorado, described as follows,

Beginning at a point which is at the intersection of the east line of said Lot 5 with the North line of Block 28, thence westerly, along the north line of Lot 5, for 37.9 feet to a point which is the intersection of said line with the south line of the right of way of the Northern Colorado Water Conservancy District's Tunnel Road; Thence southwesterly, along said R.O.W. line for 31.9 feet; thence easterly for a distance of 50.7 feet to the east line of said lot 5; thence northerly along said lot line for 33.3 feet to the point of beginning.

During discussion, Trustee Johnson made the comment that if Parcels C & D were conveyed to the adjacent property owners, they then could build out to the Town's right-of-way with a zero lot line since the properties are zoned Commercial. He then said that perhaps the conveyance could have a clause that the setback be a certain distance from the right-of-way.

Town Manager Hale said that if the Town were to retain an easement on the north 10' of the parcels then no building will be allowed within the easement. In essence there would be a 10' setback.

Following discussion all Trustees concurred that the Town should accept Parcel D. Parcel D potentially has public value for roadway expansion, trails, pathways, etc. Therefore, it should be conveyed to the adjacent property owner with the Town retaining a 15' wide easement.

5. PARCEL E: Assessor's Parcel No. 119306115015

All that part of Lots 14, 15 and 16, Block 29, Town of Grand Lake, Grand County Colorado, lying southeasterly of the southeasterly right of way line of the Northern Colorado Water Conservancy District's Tunnel Road, containing .12 acres, and more particularly described as follows;

Beginning at the SE Cor. of Block 29; thence northerly, along the east line of said block for 90.9 feet to the southeasterly right of way line of Tunnel Road; thence southwesterly along said block line for 113.3 feet to the place of beginning (more commonly known as Triangle Park).

With there being no discussion, all Trustees concurred that the Town should accept Parcel E. It has public value as it is currently used as a public park and therefore should be retained.

Town Planner Wittman agreed to prepare an ordinance based on this evening's discussion for the Board's consideration at their next regularly scheduled meeting to be held September 28, 2009.

OLD BUSINESS:

CONSIDERATION OF A GREENWAY VARIANCE REQUEST LOCATED ADJACENT TO GRAND LAKE CHOCOLATES - Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski announced that Julie Zieff, the manager of Grand Lake Chocolates located at 918 Grand Avenue, has withdrawn her request for a greenway exception for a large picnic table. They have decided to have the dedication benches installed instead. The Board had tabled this matter at their June 22, 2009 meeting.

The Board of Trustees acknowledged the withdrawal and moved on to the next item on the agenda.

OLD BUSINESS:

CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE TOWN OF GRAND LAKE AND RIDGE AT ELK CREEK, INC. - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that at the last meeting, Tom Stanley delivered a check for \$5,000 to the Town on Monday, August 24th, the morning of the meeting. The Board had discussed its willingness to enter into this MOU on August 10th, only if Stanley not only cleared up his nearly \$3,500 deficit to the Town, but also if he made an earnest deposit in order to move forward. For review, the MOU simply references the three documents that the Town and Developer have negotiated to date: Annexation and Development Agreement, Municipal Water Service Agreement, and the Maintenance and Repair Agreement. Since everything is now in order, the big determination from the Board should be when to date this MOU, since it's only valid for one year. The three possible dates to set it are August 10th, when The Board first considered this MOU, August 24th, the meeting that the Board continued consideration so Stanley could address the financial concerns, or September 14th. Hale said that if the Board would still like to move forward, the staff recommendation is for the Board of Trustees to make a motion to authorize the Mayor to sign the MOU between the Town and Ridge at Elk Creek, Inc. with an effective date.

Trustee Peterson moved to authorize the Mayor to sign the MOU between the Town of Grand Lake and Ridge at Elk Creek, Inc. dated September 14, 2009. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. XX-2009, A RESOLUTION GRANTING 5-YEAR CONDITIONAL APPROVAL TO VERIZON WIRELESS FOR THE REPLACEMENT OF THE 4-WHIP ANTENNAE, 70' MONOPOLE TELECOMMUNICATION FACILITY AT THE GRAND LAKE LODGE WITH A 19-PANEL ANTENNAE, 85' MONO-PINE TELECOMMUNICATIONS FACILITY FOR THE USE OF VERIZON

WIRELESS AND UNION TELEPHONE COMPANY - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that at the Commission's July 15 regular meeting, the Commission was presented with a Conditional Use Permit request from Ann S. Closser, with Closser Consulting, LLC as the representative for the aforementioned businesses. The request is to replace the existing four (4) whip antenna, 70' monopole with a 19 panel, 85' mono-pine, Fifteen (15), six-foot (6') tall by one-foot (1') wide panels would be for the use of Verizon Wireless and four (4), four-foot (4') tall by one-foot (1') wide, would be for the use of Union Telephone Company. At that time, the Commission elected to hold a Public Hearing on the matter. On September 2, 2009, the Planning Commission held a Public Hearing for a Conditional Use Permit request from Cellular, Inc. Network Corporation, d/b/a Verizon Wireless and Union Telephone Company. Based on the public testimony, made only by representatives of the applicants, and Commission discussion, the Commission unanimously agreed to forward a favorable recommendation to the Town Board of Trustees to approve the Conditional Use Permit request with the following conditions:

- 1) That the pole be constructed of non-reflective colors; and
- 2) That the tree pole, the bark, the branches and the existing native vegetation (within a radius of 50' of the fence) is subject to a periodic five year review; and
- 3) That the existing trees (within a radius of 50' of the fence) be sprayed on an annual basis by a licensed and certified tree sprayer; and
- 4) That three (3) 6-8' tall spruce trees be planted 10' away from the fence along the northern boundary of the fence between the fence and the road; and
- 5) That the applicant demonstrate that the legal property owner shall commit to supplying irrigation to the newly planted spruce trees.

Wittman further explained that the panel antennas would be screened by faux pine tree foliage. Additionally, the existing fence is being proposed to be replaced from the 8' pine bark to 10' TREX material, fire retardant, in the color 'saddle'. The proposed project does have permission from the property owner, Mr. Reed B. James, President, Estes Park Chalet, Inc. a/k/a Grand Lake Lodge. The proposal comes to the Town from Verizon to increase cellular services in the area. Wittman stated that the applicant has enclosed testimony from both T-Rex Architects indicating that the structure will be able to handle the three providers and structural information will be included in the building permit application process. A letter was received from Sabre Towers and Poles indicating that the branches have been tested to winds of 125 mph. Additionally, Sabre indicates that the branches have a life expectancy of 5 to 7 years with the bark on the pole having a life expectancy of 7 to 10 years. On April 26, 2004, the Board of Trustees voted unanimously to uphold the recommendation of the Planning Commission and approve Resolution No. 5-2004, a Resolution Approving a Conditional Use for a Wireless Telecommunications Facility on the Grand Lake Lodge Property. This approval was made with the notation that the Town recognized the benefits to the improved communication facilities in the

community but with consideration to the minimal visual impact of the facility on the Town of Grand Lake and Rocky Mountain National Park. The approved structure was for an 80' tower with four (4) whip antennas. At that time, the Town had not indicated in the Municipal Code the maximum allowable height for telecommunication facilities. Staff was directed by the Planning Commission and Town Board of Trustees, after recommendation from the Town Attorney, that the Municipal Code be amended to allow the Town to review applications with towers up to 100' in height. This has been incorporated in the Code. Municipal Code Section 12-2-27: *Supplemental Regulations for Setbacks, Height and Area* indicates that "*Wireless telecommunications facilities may exceed the maximum height regulations of the zone district in which they are located provided the height is established by the Planning Commission during the Conditional Use review and they do not exceed a total height above the ground of One Hundred (100) feet.*" Public comments have been received from both Larry Gamble, Chief, Branch of Planning & Compliance, Rocky Mountain National Park (RMNP), as well as from the Tonahutu Ridge Homeowners Association (HOA). Mr. Gamble acknowledges that RMNP staff have conducted a viewshed analysis of the proposed tower and compared that in relationship to the existing tower and there appears to be no greater impact. He does feel that the proposed tower will be more visible within the Park's viewshed due to: panel antennas, as opposed to whips; will be more visible as well due to an increase in the panels, as compared to the whips; the increased height places the top of the tower well above the tree height; as trees continue to be affected by Mountain Pine Beetle, the loss of trees will increase the visibility of the tower; and the forced removal of dead trees will increase the visibility of the tower. Additionally, Mr. Gamble encourages the Town to consider, if favorable to approval, adding conditions that the colors and materials of the tower are both muted and non-reflective. Comments originally received from the Tonahutu Ridge HOA directly pertained to the environmental effects that the proposed project may have on the surrounding neighborhood. The HOA urged the Commission to consider these items; however, in discussions with the Town Attorney, staff learned that neither the Commission or the Board may make their decision based on matters regulated by the FCC. The HOA then chose to submit a table-setting urging the Commission to review the design of the structure with scrutiny. Upon Commission action, the HOA, submitted by HOA President Joanne Jewell, has chosen to submit a letter urging the Board to consider stronger conditions than what was placed on the permit by the Commission. Comments received pertain to how the Town should further define the conditions that have been recommended. Staff has addressed the majority of these items in the draft resolution. One comment that was brought up by Ms. Jewell is that the three trees required to be planted on the northern boundary of the fence would help block the view from within RMNP but not necessarily for the neighbors to the east or to the south – the Town. The HOA proposes that a requirement be put in place for additional trees to be planted on the east side of the fence as well. With Conditional Use Permit requests, both the Planning Commission and the Board of Trustees may or may not hold a Public Hearing. Based on discussion at the afternoon workshop, staff made changes to Part 1. 5)

and to Part 2. of the resolution and presented the Board with a new draft of Resolution No. 25-2009 as a table setting, with changes as follows:

Wittman said that the permit has been drawn up to have a 5-year deadline on the approval, so that the condition of the tower, branches, bark, surrounding environment, etc. can be assessed for determination of need for maintenance. The Board should discuss this matter and determine whether or not they would like to hold a Public Hearing. Once all discussion has taken place, the Board should move to either:

Schedule a Public Hearing for consideration of Resolution No. 25-2009: *A Resolution Granting 5-Year Conditional Approval to Verizon Wireless for the replacement of the 4-Whip Antennae, 70' Monopole Telecommunication Facility at the Grand Lake Lodge with a 19-Panel Antennae, 85' Mono-Pine Telecommunications Facility for the Use of Verizon Wireless and Union Telephone Company* to be held on October 12, 2009

or

Move to approve Resolution No. 25-2009: *An Resolution Granting 5-Year Conditional Approval to Verizon Wireless for the replacement of the 4-Whip Antennae, 70' Monopole Telecommunication Facility at the Grand Lake Lodge with a 19-Panel Antennae, 85' Mono-Pine Telecommunications Facility for the Use of Verizon Wireless and Union Telephone Company.* The Board should list any applicable conditions that it may want to place onto the permit based on discussion by the Board, if applicable

or

Move to deny Resolution No. 25-2009 citing specific reasons that the Board is denying the application.

Wittman concluded by saying that Ann Closser was present. Closser and the Board then briefly discussed minor changes to the resolution and the conditions.

Reed B. James, 44 County Road 4721, was then recognized from the audience. As President of Estes Park Chalet, Inc., and representative of the James family, he said that they are in support of the new mono-pine pole.

During discussion Trustees agreed to waive holding a Public Hearing.

Following discussion, Trustee Lewis moved to adopt Resolution No. 25-2009, a Resolution Granting a Conditional Use Permit Request to Verizon Wireless for the Replacement of the 4-Whip Antennae, 70' Monopole Telecommunications Facility at the Grand Lake Lodge With a 19-Panel Antennae, 85' Mono-Pine Telecommunications Facility for the Use of Verizon Wireless and Union Telephone Company with Part 1. 5) to read as follows:

The applicant shall be responsible for the regular maintenance of the tree pole, including all components. At a point of five years (from the date of approval of this Resolution) the Planning Commission and Town Board of Trustees may take into consideration that the tree pole, including all components, and the existing native vegetation (within a radius of 50' of the fence) have been maintained in accordance with the approval of, and with the provisions set forth in, this Resolution; and

with the addition of Part 1. 6) to read as follows:

At any time upon the applicant's notice from the Town of Grand Lake that the mono-pine components (tree pole and branches) are in need of maintenance, the applicant shall have 30 days to remedy the deficiencies and come into compliance or shall submit a plan to address the deficiencies in a reasonable time that is acceptable to Town staff

and to attach the drawings labeled A1 and T1 as Exhibits A & B to the resolution. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 23-2009, A RESOLUTION GRANTING A LICENSE FOR THE ENCROACHMENT INTO THE PUBLIC RIGHT-OF-WAY OF CERTAIN IMPROVEMENTS LOCATED ADJACENT TO BLOCK 36, LOT 16, TOWN OF GRAND LAKE - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that on August 28 the Town received an Encroachment License request from Ms. Pat Farmer located at Block 36, Lot 16, Town of Grand Lake, a/k/a 433 Harmon Street. The request is to replace the existing rock retaining wall with a new concrete wall of the same size and dimensions. The wall is deteriorating adjacent to the Farmers' property. Additionally, the wall is compromising the integrity of a carport that has been structurally supported by the wall. Staff notes that while their Site Plan indicates an estimated lot line, the estimated line is from pulling lines from the NE corner and SW corner pins. Measurements have been taken by the applicant's representative, Mr. Kevin Lepke with KL Construction, but are the same measurements that staff has utilized for past building permits issued for this property. The request is to extend into the west side of the Harmon Street right-of-way, adjacent to 433 Harmon Street approximately 37' on the furthest southern corner of the preexisting carport for a length spanning approximately 40' 8" to the north; the 28'6" wall tapers in an approximately 45 degree angle from the NE corner pin.. The wall would be no greater in height than 3'6" in any location. If approved, the license would also include the preexisting stairs, an at-grade walkway to the house as well as landscaping that is also located in the Harmon Street right-of-way in this location. Staff has discussed this matter and has few comments to report. Town Public Works Director McGinn indicated that if the reconstruction would jeopardize the mature blue spruce in this location then the wall should be moved in 5', or greater. Mr. Lepke has verbally indicated that replacing the wall will save the mature spruce. Additionally, Town staff believes that although this encroachment

covers nearly 40% of the width of the Harmon Street right-of-way, it does not pose a public nuisance. Staff consensus is that if the Board is favorable to granting the license then the Board should consider granting a license for all observed encroachments. When staff conducted a site visit of the property, it was also discovered that the existing fence on the south side of the parcel encroaches into both the Harmon Street and possibly the Lake Avenue right-of-ways. A 1997 ILC from Cannon Surveying indicates that the fence, protruding 12'6" from the south side of the structure – as determined in site measurements taken by staff, could possibly protrude into the Lake Avenue right-of-way by 3' at the furthest southwest corner of the fence. It is unknown the distance that the fence encroaches in length but the fence runs at an angle from the property line, for a distance of 33' and 10", and decreases as it runs toward the east. Again, while the fence encroaches into the Harmon Street right-of-way, staff is unable to determine the exact distance that it encroaches. The aforementioned ILC indicates that the southeast corner of the structure encroaches +/- 1' – which may be up to 4' as per the ILC. The encroaching fence in this location protrudes even greater into the right-of-way in this location as the fence runs to the south. Additionally, the applicant's driveway is almost entirely on the Town's Harmon Street right-of-way. Staff has assessed the dimensions of the driveway at 22'8" wide by 47'. While this is not indicated on the site plan, staff has indicated the dimensions in the draft resolution. Staff has drafted a resolution to address the encroachments that are being requested by the applicant as well as the items that are being addressed by staff. The resolution has attachments of both the site plan, as submitted by the applicant's representative, as well as the 1997 ILC. The resolution also indicates that there shall not be any expansion of any of the approved encroachments without first obtaining permission by the Town Board although the property owner may make necessary maintenance improvements. Staff recommends that the Board of Trustees review the proposal and discuss its merits with the applicant and if the Board is amenable, staff recommends that the Board move to adopt Resolution No. 23-2009, a Resolution Granting a License for the Encroachment into the Public Right-of-Way of Certain Improvements Located Adjacent to Block 36, Lot 16, Town of Grand Lake. Wittman noted that Richard Farmer, applicant, and Kevin Lepke were both present.

Richard Farmer, 433 Harmon Street, was recognized from the audience. He said that they have an existing rock wall that is falling apart and they want to fix it.

Following brief discussion, Trustee Peterson moved to adopt Resolution No. 23-2009, a Resolution Granting a License for the Encroachment into the Public Right-of-Way of Certain Improvements Located Adjacent to Block 36, Lot 16, Town of Grand Lake. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. XX-2009, A RESOLUTION ALLOWING UTILITY COMPANIES WITH A FRANCHISE AGREEMENT WITH THE TOWN OF GRAND LAKE TO PROVIDE A YEARLY BLANKET BOND FOR RIGHT-OF-WAY PERMITS FOR WORK TO BE

CONDUCTED ON TOWN RIGHTS-OF-WAY – Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that staff has received a request from Qwest Corporation to allow them to submit a blanket bond for all their work in the Town right-of-way which would be good for the entire year. Qwest has submitted a \$50,000.00 bond to cover all their work for the 2009 year. They are aware of the Municipal Code which requires each project to be bonded, passed earlier this year by Ordinance No. 20-2009, but they use independent contractors for their work and state individual bonding would be time consuming and an unnecessary burden on their staff. The Town does enter into franchise agreements with the various utility companies which allows for the companies to perform certain work, but all agreements require the companies to obtain permits and pay appropriate fees/bonds for those projects within Town rights-of-way. Staff does agree that it would be easier to have the utility companies submit a blanket bond for all of their work each year, but this bond should be set at a dollar level which would be sufficient to cover the anticipated projects. Qwest has submitted a \$50,000.00 bond on their proposed blanket bond and this amount should be sufficient for the other utilities to use as well. Staff does recommend a blanket bond would only apply to utility companies with a franchise agreement with the Town and there should be a provision for any large projects to be bonded separately if the estimated cost to restore the right of way would exceed the blanket bond amount. Staff also recommends if the Board decides to allow Qwest to use a blanket bond, then blanket bonds should be allowed for all utilities with franchise agreements with the Town. Staff recommends the Board discuss the matter, take public comment, and take what action they deem appropriate. If the Board is favorable to adopting the resolution, it will be Resolution No. 26-2009.

Trustee Weydert moved to adopt Resolution No. 26-2009, a Resolution Allowing Utility Companies With a Franchise Agreement With the Town of Grand Lake to Provide a Yearly Blanket Bond for Right-of-Way Permits for Work to be Conducted on Town Rights-of-Way. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 22-2009, A RESOLUTION ALLOWING THE USE OF CERTAIN PUBLIC PROPERTY AND RIGHTS OF-WAY IN THE TOWN OF GRAND LAKE, COLORADO FOR OVERNIGHT RECREATIONAL VEHICLE CAMPING – Mayor Burke asked Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that it has come to the attention of Town staff that certain areas of Town were designated to allow for overnight parking/camping of RV type vehicles between Labor Day and Memorial Day, but that nothing was ever formally enacted. Staff has prepared Resolution No. 22-2009 to formally recognize the vote the Board of Trustees took at their March 22, 2004 meeting which prohibited overnight parking of RV type vehicles from Memorial Day to Labor Day, but allowed for such use the remainder of the year. This issue has been discussed numerous times by the Board and Planning Commission in the past with the most current action being taken on August 28, 2006 where the Board

adopted Ordinance No. 15-2006 prohibiting overnight camping on public property, Municipal Code 7-6-15, except where designated. Exhibit "A" shows where those designated areas currently exist. Staff recommendation is for the Board to adopt Resolution No. 22-2009.

Trustee Peterson noted that discussion at this afternoon's workshop was to omit Lake Avenue from Exhibit "A" of the resolution, therefore he moved to adopt Resolution No. 22-2009, a Resolution Allowing the Use of Certain Public Property and Right-of-Ways in the Town of Grand Lake, Colorado for Overnight Recreational Vehicle Camping and amend Exhibit "A" omitting Lake Avenue. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 24-2009, A RESOLUTION APPOINTING GEORGIA NORIYUKI AS GRAND LAKE MUNICIPAL COURT JUDGE AND RICHARD MCQUEARY AS AN ADDITIONAL GRAND LAKE MUNICIPAL COURT JUDGE - Mayor Burke asked Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that Judge Noriyuki has requested the Town appoint an additional judge for Municipal Court in cases where she might be unavailable for the scheduled court date or the issue of a conflict of interest arises. The Town currently has 2 such cases going to trial next month. The Board has the authority to appoint additional Municipal Court Judges under Municipal Code 5-2-1. Although Colorado Court Rules do not specify that a judge in a Municipal Court – not of record, which is what Grand Lake's Municipal Court is, needs to be a lawyer, the Town should consider appointing a person who has legal training at a minimum. Judge Noriyuki has talked with Richard McQueary, a local resident and lawyer, who has agreed to stand in for her when she is unavailable. Staff has discovered that Judge Noriyuki was appointed by the Board to be the Municipal Court Judge, but that no resolution was ever presented to the Board for adoption. Municipal Code requires the judges be appointed by resolution. Staff recommends the Board confirm the appointment of Georgia Noriyuki as Municipal Court Judge and appoint Richard McQueary as an additional Municipal Court Judge by adopting Resolution No. 24-2009, A Resolution Appointing Georgia Noriyuki as Grand Lake Municipal Court Judge and Richard McQueary as an additional Grand Lake Municipal Court Judge.

Mayor Burke asked Town Code Enforcement Officer Korkowski if Richard McQueary has agreed to furnish a Surety Bond in the amount of \$2,000 as per Municipal Code 5-2-2. Korkowski stated that he spoke to Town Clerk Kolinske and to Town Clerk Pro-Tem/Treasurer and according to them, the Municipal Court Judges have never provided a Surety Bond even though it is required by code. Korkowski was asked to check with Town Attorney Krob to see if a Surety Bond is necessary and that perhaps code needs to be changed.

Following discussion, Trustee Peterson moved to continue consideration of Resolution No. 24-2009 until such time that Town Code Enforcement Officer Korkowski checks with Town Attorney Krob regarding the requirement of a Surety Bond from Municipal Court Judges. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. 30-2009, AN EMERGENCY ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING AND APPROVAL OF ANY APPLICATION FOR A LICENSE OR PERMIT RELATED TO THE OPERATION OF A BUSINESS THAT SELLS OR DISTRIBUTES MEDICAL MARIJUANA PURSUANT TO THE AUTHORITY GRANTED BY ARTICLE XVIII, SECTION 14 OF THE COLORADO CONSTITUTION; DIRECTING THE PROMPT INVESTIGATION OF THE TOWN'S REGULATORY AUTHORITY OVER SUCH BUSINESSES; DECLARING THE INTENTION OF THE TOWN BOARD OF TRUSTEES TO CONSIDER THE ADOPTION OF APPROPRIATE TOWN REGULATIONS WITH RESPECT TO SUCH BUSINESSES IF PERMITTED BY LAW; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE OF THIS ORDINANCE – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale stated that although Amendment 20 was adopted in 2000 which legalized the use of medicinal marijuana, for reasons that are not entirely clear to Town staff there has been a significant movement in the past few weeks regarding Medical Marijuana Dispensaries. There has been a lot of correspondence between other Town/City Managers throughout the state, mostly on the Front Range, on this subject this summer. Closer to home, Summit County and its municipalities have been overwhelmed with requests over the past month or so, and Hale said that it is his understanding that the Town of Winter Park has received an application for a business license to operate one. Medical marijuana was approved by voters and is a part of the state constitution and thus the merits of marijuana as a means of medicinal treatment isn't really in the Town's scope to agree with or to disagree with. However, when it comes to the operation of one of these facilities, the Town does have statutory authority and responsibility to ensure that proper measures are taken to ensure the health, welfare and safety of the neighborhood. In short, staff believes that the Planning Commission and the Board of Trustees should at least consider what additional requirements, if any, should be placed on medical marijuana dispensaries. Hale said that Sheriff Johnson advised him and Mayor Burke that there were currently five of these operations in Grand County, so there is an absolute possibility that an enterprising spirit may choose to hang a shingle in Grand Lake as well. The Planning Commission discussed this topic on September 2nd and forwarded a 5-0 favorable recommendation to the Board of Trustees for the adoption of this ordinance. The staff recommendation is for the Board of Trustees to uphold the Planning Commission's recommendation to adopt Ordinance No. 30-2009.

Trustee Weydert moved to adopt Ordinance No. 30-2009, an Emergency Ordinance Imposing A Temporary Moratorium on the Submission, Acceptance, Processing, and Approval of Any Application For a License or Permit Related to the Operation of a Business That Sells or Distributes Medical Marijuana Pursuant to the Authority Granted By Article XVIII, Section 14 of the Colorado Constitution; Directing the Prompt Investigation of the Town's Regulatory Authority Over Such Businesses; Declaring the Intention of the Town Board Of Trustees to Consider the Adoption of Appropriate Town Regulations With Respect to Such Businesses if Permitted By Law; and Providing For an Immediate Effective Date of This Ordinance. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. 31-2009, AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 3, ZONING BOARD OF ADJUSTMENT, OF THE MUNICIPAL CODE OF THE TOWN OF GRAND LAKE - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that Town staff has noticed an error in the Municipal Code which should be amended in a timely fashion. When the Town amended Board of Adjustment (BOA) in March, 2009, staff missed a section of the code where the BOA could hear variances: boathouse setbacks. As a reminder, in the last significant round of code changes the Town amended the code to reflect that the Planning Commission (PC) and Board of Trustees (BOT) should be the parties responsible for hearing and granting variances to the Stream and Lake Setbacks, 30' buffer – not boathouse setbacks. The Town altered the code, Shoreline and Surface Water Regulations, 12-2-29, to reflect that the PC and BOT would be the entities that would review all variances to this section of the code, obviously missing the fact that true variances (setbacks) should be heard before the BOA. Additionally, it can be noted that the BOA, too, could only hear appeals to building permit requests that pertain to the front, side, and rear yard, as opposed to setbacks, as indicated in 12-2-29. Staff has altered the section that focuses on the items that the BOA can hear and included both front, side, and rear yard as well as setback. Staff discussed with the BOA their willingness to have a set meeting date once per month with staff canceling the meetings within 21 days of the next posted meeting. BOA will have regularly scheduled meetings on the third Thursday of every month if it has not been previously cancelled. This will help ensure that the Town has volunteers available if an application is submitted to the Town; often it is hard to gather the BOA within 45 days from the date of application submittal as per code. The BOA discussed this proposed section of the code on August 27. The BOA made a favorable recommendation to the BOT to approve the proposed Municipal Code alterations. Staff has drafted Ordinance No. 31-2009. Staff proposes that the Board discuss this matter. If the Board is amiable, the Board should move to approve Ordinance No. 31-2009, an Ordinance Amending Chapter 12, Article 3: Zoning Board of Adjustment, of the Municipal Code of the Town of Grand Lake.

Following brief discussion, Trustee Johnson moved to adopt Ordinance No. 31-2009, an Ordinance Amending Chapter 12, Article 3: Zoning Board of Adjustment, of the Municipal Code of the Town of Grand Lake. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND AND THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE REGARDING THE GRAND COUNTY BUILDING DEPARTMENT - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained stated that staff has been in negotiations with the Grand County Building Department regarding a new IGA. After the last time Safebuilt approached the Town with a proposal, the County got serious about its desire to compete with the competition. So, while the County is still unwilling to give the Town a cut of its current collection of building inspection fees (although it would collect the fee for us if we imposed our own Section 10), this IGA is much better than the current arrangement and is highlighted as follows:

1. Section 5(a): The Building Department will pick up permits at Town Hall and take them to Hot Sulphur Springs (HSS). Currently people have to pick up their permits after the Town's zoning review and take them to HSS. There will still be the requirement that people drive to HSS to pick up their permits, but this should save them a trip.
2. Section 5(b): There will be a weekly standing meeting between the Building Department staff and Town staff. The Town has felt out of the loop in the past, and a standing meeting should alleviate the past confusion and misunderstanding on current projects.
3. Section 11(a): the County will calculate and collect the use tax and Affordable Housing Fees for the Town, which quite frankly will be an enormous timesaver for Town staff. The fees will be wired to the Town's account monthly with corresponding accounting information.
4. Section 11(b): the County will calculate and collect any future fees.
5. Section 11(c): no charge for Town-owned building projects, which is what we have with our existing agreement as well.

In short, it should be much more convenient for Town citizens, it will save Town staff time in working these permits, and should increase our knowledge about current building projects.

RECORD OF PROCEEDINGS

Trustee Peterson moved to authorize the Mayor and Town Manager to sign an Intergovernmental Agreement between the Board of County Commissioners of the County of Grand and the Board of Trustees of the Town of Grand Lake regarding the Grand County Building Department and implemented upon the adoption of the 2009 Building Codes. Trustee Lewis seconded the motion and all Trustees voted aye.

ACCOUNTS PAYABLE

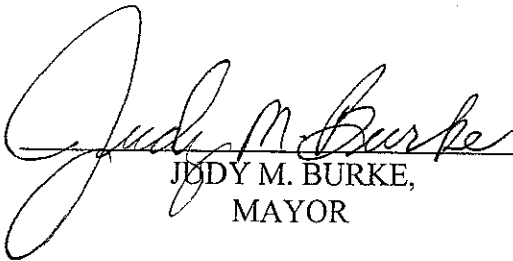
August, 2009:

Trustee Johnson moved to examine the Accounts Payable and Prepaid for all Funds for the Town of Grand Lake. Trustee Peterson seconded the motion and all Trustees voted aye. Trustee Johnson moved to approve the Accounts Payable and Prepaid for all Funds for the Town of Grand Lake. Trustee Peterson seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: None.

ADJOURNMENT:

Trustee Lewis moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 9:51 p.m., September 14, 2009.



JUDY M. BURKE,
MAYOR

ATTEST: 

GAY DZINSKI,
TOWN CLERK PRO-TEM/TREASURER

Please do the right thing. Simply deed the land back to the property owners of the adjacent land; the land was taken away from their predecessors. Any other response from you seems unfair. There is plenty of room for you to do as you please without taking this strip of land.

Snow storage? You have a huge area across the road for storing snow, just fifty feet away. Please do not block the entrance to a main street business by blocking it with stored snow.

Snowmobile trails? How dangerous! For safety's sake, please do not encourage snowmobilers to drive behind cars parked at this business location. Since the land drops down from the level of the road, a car would have to gun its motor uphill through a hard packed snow trail into traffic coming around a blind corner.

On the topic of the land sloping down from the road, even what snow accumulates naturally melts into the lower level. Surely, the town does not plan to deliberately add to that.

Do you want this property to evolve into a business or do you want it handicapped forever by the town's poor planning?