



**Town of Pagosa Springs**  
**Planning Commission, Board of Adjustments & Design Review Board**  
**Regular Scheduled Meeting Minutes**

**November 24, 2015**

Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

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- I. **Call to Order / Roll Call:** Commission Chair Ron Maez called the meeting to order at 5:30 PM. Commissioners Peter Adams and Greg Giles were present. Member Heidi Martinez and Alternative Member Natalie Woodruff were absent. Also present were Planning Director James Dickhoff, Associate Planner Margaret Gallegos, six persons in the audience and SUN reporter Marshall Dunham.
  
- II. **Announcements:** On October 22, 2015, Kathie Lattin notified Town Council during their public meeting that she resigns from the Planning Commission effective immediately. Staff and the Commission extend a big "thank you" for Kathie's almost 10 years of service on the Planning Commission. Her involvement, dedication and attention to detail has been beneficial for our community and her input on the PC will be missed. Staff has researched out to former PC member Cameron Parker regarding his possible return to the PC. One regular seat and two Alternate seats are currently open.
  
- III. **Approval of Minutes:** Motion by Commissioner Adams, seconded by Commissioner Giles, and unanimously carried to approve the October 13, 2015 Planning Commission regular meeting minutes as presented.
  
- IV. **Public Comment:** None received.
  
- V. **Board of Adjustments:** None.
  
- VI. **Planning Commission:**
  - A. **Amending the LUDC Allowable Use Table to allow Outdoor Recreation Businesses in the Mixed Use Corridor (MU-C) District.** Planning Director Dickhoff reported that the Planning Department has received two applications requesting the allowance of "General Outdoor Recreation, Commercial" uses within the Mixed Use Corridor zone district. Specifically, the two requests are a Paint Ball park at 322 Harman Park Drive and a Go-Cart track at 368 Harman Park Drive.

Currently the LUDC Allowable Use Chart, does not allow General Outdoor Recreation, Commercial businesses uses within the MU-C district. The LUDC does allow General Outdoor Recreation, Commercial businesses in the Commercial (C) district as a use by right, and with an approved Conditional Use Permit in the Agricultural/Residential (RA), Rural Transitional (RT), Open Space (OS) and Public/Quasi Public (PS) districts. Definitions for the above mentioned districts follow:

**Residential (R-A)**

The R-A zone district is intended for agricultural uses and detached single-family residences. The district is intended to provide a transition between Town neighborhoods and surrounding county agricultural/rural residential areas on large parcels of land at a low rate of population



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density. Land owners may develop large lot single-family residential, or cluster residential units on smaller lots to conserve space, views, agriculture or equestrian land, and other natural features. Clustering should occur near the edges of property close to existing or planned development. Density can range from one unit per five acres, to up to one unit per acre, with more density being allowed proportionately with increased dedication of land for conservation purposes.

**Rural Transition (R-T)**

The R-T district is intended primarily for detached single-family residences (and duplexes and patio homes if clustered). The district is intended to provide a transition between Town neighborhoods and the R-A district on large parcels of land with population densities higher than the R-A district, but lower than the R-1 district. Land owners may develop large lot single-family residential, or cluster residential units on smaller lots to conserve space, views, agriculture or equestrian land, and other natural features. Clustering should occur near the edges of property close to existing or planned development. Density can range from one unit per two acres, to up to two units per acre, with more density being allowed proportionately with increased dedication of land for conservation purposes.

**Mixed-Use Corridor (MU-C)**

The MU-C district is intended to allow for the vertical or horizontal mixing of uses, including some high-density residential, along major highways. Commercial uses are appropriate, including retail, offices, hotels, and tourism-related businesses. The district is intended to promote gradual development and redevelopment of existing commercial corridors to become more vibrant and attractive mixed-use areas that also contain some housing, offices, and light trade.

**Commercial (C)**

The C district is intended for retail and office uses. The district includes existing retail centers that provide shopping service to surrounding neighborhoods and the community.

**Open Space and Parks (OS)**

The OS district is intended for open space and parks. The district is intended for public or quasi-public facilities and private facilities of a non-commercial character serving the general public.

**Public/Quasi Public (PS)**

The PS district is intended for uses related to community services, such as fire stations, schools, libraries, community centers, hospitals, Town buildings, utilities, cemeteries, and places of worship.

There are currently two Outdoor recreation businesses located within the Town, both putt-putt golf courses. One located at the 538 Village Drive Wynham Activities Center within the R-12



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district and one at the 23 Pike Drive Bogeys Golf within the MU-C district. Both of these businesses existed prior to the 2009 LUDC and Zoning revisions.

The Planning Director has conducted individual pre-application meetings with both applicants separately

Based on the similarity and location of the two requests, the Planning Director determined hearing the matter as a revision to the allowable use chart was the best course of action. The consideration will be conducted at public hearings by the Planning Commission as a recommendation to Town Council and by Town Council with two readings of an ordinance. The director also determined a formal application for revising the LUDC from both parties was necessary.

The Planning Director reported that he believes there is sufficient reason to consider allowing General Outdoor Recreation, Commercial businesses within the MU-C district, with a conditional use permit based on the following:

- 1) Pagosa Springs has a tourism based economy, and providing additional tourism activity opportunities is consistent with Comp Plan Goal E-3: "Pagosa Springs Will Continue to Support our Tourism Economic Base". (b) "Support for Tourism-Relate Land Uses, Businesses, Events and Marketing".
- 2) The Town has many parcels zoned MU-C. Many businesses, such as offices, retail and services now conduct their business electronically, which negates the need for physical infrastructure, buildings and land.
- 3) The main highway corridor is a good location for low impact tourism related activities.
- 4) Staff believes there is an inconsistency in the LUDC regarding the zoning district definitions and the allowable use chart. From the definitions, it would appear the most appropriate district for General Outdoor Recreation, Commercial businesses would be the MU-C district. For example:

~ **Agricultural/Residential (R-A)** district is intended for agricultural uses and detached single-family residences.

~ **Rural Transition (R-T)** district is intended primarily for detached single-family residences.

~ **Commercial (C)** district is intended for retail and office uses.

~ **Public/Quasi Public (PS)** district is intended for uses related to community services.

~ **Open Space and Parks (OS)** district is intended for open space and parks.

~ **Mixed-Use Corridor (MU-C)** district is intended to allow for the vertical or horizontal mixing of uses, including some high-density residential, along major highways.



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Commercial uses are appropriate, including retail, offices, hotels, and tourism-related businesses.

- 5) Many General Commercial Outdoor Recreation type businesses would operate seasonally.
- 6) Many General Commercial Outdoor Recreation type businesses would have minimal physical structure development, which would allow the property to be redeveloped easier in the future if needed.

General Commercial Outdoor Recreation businesses can encompass a broad range of different uses, from putt-putt golf to a motor cross track. Staff recommends that if General Commercial Outdoor Recreation businesses uses will be allowed, that they are only allowable with an approved conditional use permit. A CUP will ensure that a proposed General Commercial Outdoor Recreation businesses does not negatively affect existing or future neighboring developments.

If Approved by Town Council to amend the LUDC allowable Use Chart to allow General Commercial Outdoor Recreation businesses with a CUP, ALL applicants would be required to submit an application for "conditional use permit" and potentially "major design review". Currently the LUDC allows the Planning Director to make a determination on CUP's unless the director has reason to direct the matter for final determination to the Planning Commission. Currently the LUDC allows the Planning Director to make a final determination on Design Review applications, unless it is determined the application meets the "Major Design Review" criteria or if the Director has reason to direct the matter for final determination to the Design Review Board.

An additional consideration would be to designate an overlay district for example, a "Harman Park Overlay District" that would allow General Commercial Outdoor Recreation businesses with a conditional use permit, without considering the allowance in all MU-C districts. Staff does not necessarily support this course, though, it should be presented as an option.

The following attachments were provided to the Commission:

- ~ Rendering of a Go-Kart track site plan, not specific to the Pagosa Springs location.
- ~ Letter from Go-Kart business requesting consideration for allowing in the MU-C district.
- ~ Site plan sketch for the Paint Ball Park proposal.
- ~ Letter from Paint Ball Park business requesting consideration for allowing in the MU-C district.
- ~ Letter of support (Email) from the Harman Park Property Owners Association



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- ~ Letter of support (Email) from Wyndham Resorts
- ~ Written public comments from Mr. and Mrs. Jenson

Public notification is required for this public hearing agenda item. Public notification identified the following public hearings:

- 1) The Planning Commission will consider a recommendation on the matter at a public hearing on Tuesday, November 24, 2015 at 5:30pm.
- 2) The Town Council will then consider the matter at public hearings on December 1<sup>st</sup> and 17<sup>th</sup>, 2015 at 5pm.

Public notification was provided as follows:

- 1) Public notice was posted on the subject property on October 23, 2015.
- 2) Public notice was posted at Town Hall on October 23, 2015.
- 3) Public notice was published in the Pagosa Springs Sun newspaper on October September 23, 2015.
- 4) Public noticed was mailed to property owners within 300 feet of the subject property on October 23, 2015.

Commissioner Adams – no comments were received from neighbors pursuant to written notice and postings. Harman Park Association, consented to proposal.

Jerry Phillips - 2398 Loma Linda – trinity anglery church, wrong address received letter about three days ago. Talked with Bob Hart about paint ball park – business hours not before 12:00 on Sundays. Concerns with noise levels during worship hours.

Dickhoff noted that address from Co Assessors office, correct with A/C.

Commissioner Maez – commented on noise decuples. Mr. Tim Yochum noted that they have an existing go cart track Honda engine, four cycle, decibel approved through epa – 1975 fort worth decibel test about 40 miles per hour, road noise more than go cart. No issues with Texas neighborhood.

Mike Heraty – 380 W Golf Place – Harman Park to be professional office space, marketing for three years to no avail. Original intent not obsorb lots, change in park is needed or lots will continue to be vacant. Employment and tax benefits for development.

The Planning Commission considered the applications submitted, materials submitted with the applications, the Staff Report and all testimony/evidence received at the public hearing, for considering a recommendation for Town Councils consideration. The following action was taken:



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MOVED BY COMMISSIONER ADAMS, SECONDED BY COMMISSIONER GILES, AND UNANIMOUSLY CARRIED TO APPROVE a recommendation for Town Council to APPROVE amending the LUDC Table of Allowable Uses to Allow General Commercial Outdoor Recreation businesses within the Mixed Use Corridor District with an Approved Conditional Use Permit and Add LUDC Section 4.2.2.G – public hearing to consider the CUP.

“In all Districts requiring a Conditional Use Permit application, a formal Conditional Use Permit Application, as outlined in LUDC section 2.4.4, shall be considered by the Planning Commission at a public hearing with public notifications as set forth in LUDC section 2.3.6”

**B. Continued Discussion and Possible Additional Decisions on Allowing Smaller Residential Lots for Single Family Homes in the R-12 and R-18 Districts, Including Amending the LUDC Allowing higher densities in R-6 district to Accommodate Accessory Dwellings, Amending LUDC regarding allowable Districts for Short Term Vacation Rentals, and Amending LUDC Regarding Residential Dwelling Unit Impact Fees.**

On October 22, 2015, The Town Council considered the recommendation from the Planning Commission regarding the allowance of smaller residential lots within the R-12 and R-18 residential districts.

Below are the minutes from the Town Council meeting on October 22, 2015.

*“New Business Agenda Item V.4: Consideration of Allowing Smaller Residential Lot Sizes in the R-12 and R-18 Districts – Staff has had and continues to receive many inquiries into the concept of allowing smaller single family homes on smaller residential lots. Staff believes there is good reason and merit to consider such a concept, as nationally, average family incomes and family sizes are reducing, not increasing, and there is a national trend to allow smaller lots for smaller homes as well as allowing accessory structure dwelling units (sheds/garages/outbuildings converted into dwelling units). Research has indicated a growing national trend for allowing smaller single family lots and in Colorado, many communities allow 2500 – 3500 sq ft lot sizes in downtown and urban residential districts. The current lot size for single family home is 7,500 on 150’x50’ lot. Council Member Bunning asked about set backs, Town Planner said the joining center line would not require the easement set back, perhaps get it down to 7 foot. Council Member Bunning liked the idea, but would like the R-18 to split into three and then condominium the area to assist the center home to have access into the unit. Council Member Alley says it gives options to developers for work force housing. Mayor Volger wants to encourage work force housing and not necessarily restrict vacation rentals but find a good balance. Council Member Lattin said there needs to be restrictions on use including work force housing, she was also concerned about the alleys and development of the alleys. Council Member Schanzenbaker wants to support vacation rentals, but he wants to also support development of work force housing. He would like to look at the flexibility of accessory dwellings. He wants to look to*



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*reduce the impact and tap fees which is currently over \$13,000 per dwelling unit. Staff has enough information to move forward to bring back a draft ordinance. "*

The Planning Director plans to bring back additional information and an Ordinance for Town Council's consideration, most likely on January 21, 2016.

Additional considerations based on the Town Councils discussions include:

- 1) Consider allowing for 2,500 square foot minimum lot sizes in the R-18 district for single family dwelling units (1 acre = 43,560 sqft divided by 18 dwelling units per acre = 2,420 sqft). This would maintain the desired high density and would not be related to just one typical 50' x 150' lot. The Planning Director recommends the Planning Commission consider a recommendation for Town Council on this matter.
- 2) Consider allowing for 3,750 square foot minimum lot sizes in the R-12 district for single family dwelling units (1 acre = 43,560 sqft divided by 12 dwelling units per acre = 3,630 sqft). This would maintain the desired medium density and would not be related to just one typical 50' x 150' lot. The Planning Director recommends the Planning Commission consider a recommendation for Town Council on this matter.
- 3) Consider accessory dwelling units within the R-6 district as an allowable addition to the current allowable 6 units per acre density (1 acre = 43,560 sqft divided by 6 dwelling units per acre = 7,260 sqft). A typical accessory dwelling unit is a converted existing outbuilding into a habitable structure. Many times these existing outbuildings sit at the side or rear property lines. Many urban areas allow this type of conversion to promote higher densities in downtown areas. Since allowing this additional dwelling unit would calculate out to be the equivalent to the R-12 density levels. The Planning Director recommends the Planning Commission consider a recommendation for Town Council on this matter.
- 4) Bring information regarding Impact Fees assessments for residential development. The concern expressed is a small 400 sqft dwelling unit pays the same impact fee as a 5500 sqft plus single family dwelling unit. Staff could spend some time researching this matter further, most likely after February 2016, however, Staff's initial thoughts are: Impact fees are associated with the need for additional infrastructure improvements to accommodate the increase in use and need, based on the occupants that will live in the dwelling unit. Because of this, the residential impact fees are not based on square footage. For example, a 400 sqft dwelling unit could house 2 people, and a 5500 sqft house could also only house two people, thus the same physical impact, use and need for infrastructure improvements. The Planning Director recommends the Planning Commission consider a recommendation for Town Council on this matter.



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- 5) Work force housing has been a major discussion point given the current housing needs in our community that have been affected by the increased conversion of long term rentals into short term rentals. Currently, the LUDC only allows vacation rentals as an allowable use by right in the M-TC and MU-C districts. The LUDC requires vacation rentals be have an approved Conditional Use Permit in the R-A, R-T, R-6, R-12, R-18 and MU-R districts.

Many towns, cities and communities across the nation have recently developed and/or revised regulations and restrictions for short term rentals due to the nationwide popularity of converting long term rentals into short term vacation rentals.

Vacation Rentals are businesses that require annual fire inspections, annual business licenses, sales tax license and lodging tax license. These customers stay for short periods of time and are typically not familiar with the building emergency exiting and other factors, just like a hotel guest. There have been instances where neighbors have complained of the number of occupants, noise, trash, parking, ect....

The Town has the authority to amend the LUDC allowable use table to prohibit short term rentals in additional zone districts as a means to ensure there is ample long term rentals available and that the small lots are not developed into short term rental businesses. The Town's LUDC does not support businesses in residential districts.

The Planning Director recommends the Planning Commission consider a recommendation for Town Council on this matter.

The Planning Director recommends the Planning Commission consider Recommendations on the above listed 5 matters. Below are possible actions for the Planning Commission to consider for each matter.

Commissioner Adams – felt that the Town needs to develop a committee and/or task force with planning director as an advisor to address issues. Does not feel that PC is in position to make decision because of the amount of research and impact to the community – get people involved with expertise. Workforce housing is being handled by committee appointed by town council.

Commissioner Giles – commented that compliance is necessary.

Commissioner Adams – commented that short term rental will have an impact on hotel/motel businesses.



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MOVED BY COMMISSIONER ADAMS, SECONDED BY COMMISSIONER GILES, AND UNANIMOUSLY CARRIED TO APPROVE THE FOLLOWING:

**Minimum Lot Size in the R-18 District**

APPROVE a recommendation for Town Council to Approve Amending the Land Use Development Code, Allowing a 2,420 square feet Minimum Lot Size for Single Family Dwellings in the R-18 District.

**Minimum Lot Size in the R-12 District**

APPROVE a recommendation for Town Council to Approve Amending the Land Use Development Code, Allowing a 3,630 square feet Minimum Lot Size for Single Family Dwellings in the R-12 District.

**Accessory Dwelling Units in the R-6 District**

APPROVE a Recommendation for Town Council to Consider Amending the LUDC Regarding Increasing the Allowable Density Level in the R-6 District for Accommodating Accessory Dwelling Units.

**Impact Fees for Residential Dwelling Units**

APPROVE a Recommendation for Town Council to Consider Amending the LUDC Regarding Adjusting Impact Fees for Residential Dwelling Units.

**Allowable Districts for Short Term Vacation Rental Businesses**

APPROVE a Recommendation for Town Council to Consider creating a task force to look into amending the LUDC regarding Short Term Vacation Rental Businesses within the Town of Pagosa Springs. Maez opposed, motion carried.

**C. Recommendation for Town Council to Consider Appointing Cameron Parker to the Planning Commission for a four year term.**

**Motion by Commissioner Giles, seconded by Commissioner Maez, and unanimously carried to recommend to the Town Council that it consider appointing Cameron Parker as a Regular Member to the Planning Commission for a four year term.**

VII. **Design Review Board:** None

VIII. **Public Comment:** None received.

IX. **Reports and Comments:**  
A. **Planning Commission:**



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**B. Planning Department Report** –Planning Department Director Dickhoff reviewed and provided the following written Department Report:

**GEOTHERMAL GREENHOUSE PROJECT:** The Geothermal Greenhouse partnership project site work is wrapping up for the season due to snow and cold temperatures. It is still planned to pour the riverwalk trail through the project site before shutting the project down for the winter. Portions of the GGP site improvements and reseeded the disturbed ground will occur in the spring of 2016. Portions of the site will require construction fencing maintained by the contractor until the spring.

**EIGHTH STREET IMPROVEMENTS:** Town Council will be considering the approval of the proposed 2016 budget in the near future. We currently have a place holder of \$1,750,000 for 8<sup>th</sup> Street re-construction. Davis engineering is currently working on cost estimates for 4 different road improvement options for comparisons and Town Councils consideration, that include:

- 1) Reconstruction of the asphalt only, maintaining existing curb and gutter.
- 2) Widening the roadway to accommodate on-street bike lanes/maintain on-street parking both sides of street/sidewalk along west side/maintaining east side curb/gutter/sidewalk.
- 3) Widening roadway to accommodate on-street parking both sides of road/sidewalk on west side/maintaining east side curb/gutter/sidewalk.
- 4) Widening roadway to accommodate on-street parking both sides of road/ bike path on west side/maintaining east side curb/gutter/sidewalk.

**SMALLER RESIDENTIAL LOTS:** On October , 2015, Town Council directed the Planning Director to bring back additional information for their consideration of allowing smaller lots sizes for single family homes within the R-12 (Residential medium density 12 dwelling units per acre) and R-18 (residential-high density-18 dwelling units per acre) districts. Staff intends on bringing the additional requested information back for Town Councils consideration by the January, 5<sup>th</sup> meeting.

**AERIAL TOPOGRAPHY SURVEY:** Staff has recently received 3 written quotes for conducting an Aerial Survey. We have hired Olympus Aerial Surveying, as they responded with the low bid of \$21,740. Olympus Aerial Surveying has conducted aerial surveying of Reservoir Hill in 2011. The Aerial Survey will provide 1 foot interval topography mapping that can be utilized in planning future river walk trails, Town to Pagosa Lakes trail segments, and access control plan secondary road alignments.

The actual date of the flyover is determined based on snow coverage and remaining leaves on trees. The fall season typically has very short windows of opportunities to conduct accurate data collection since the best time is between the time the leaves fall and before snow is remaining on the ground. The fly-over was conducted on Saturday November 14<sup>th</sup>.



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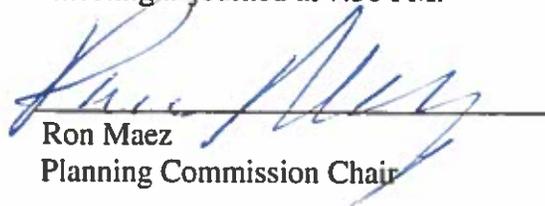
**NEW ASSOCIATE PLANNER POSITION:** Staff will be conducted interviews for the Associate Planner position on November 16<sup>th</sup>. We received 25 applications and interview 5 finalists. A second interview for the two finalists is expected within the next two weeks. The start date is expected to be the first half of January 2016. The second interview will include two members from the Planning Commission and two members from the Historic Preservation Board. Currently, the interviews are expected on either December 7<sup>th</sup> or 14<sup>th</sup>, both Monday's.

**SPRINGS PEDESTRIAN BRIDGE:** The Planning Director has submitted a GOCO grant requesting \$150,000 for the replacement of the Springs Pedestrian Bridge which has identified structure concerns. Grant award notifications will be in April 2016. If Awarded, replacement of the Bridge would most likely occur before July 4<sup>th</sup> weekend.

**SAFE ROUTES TO SCHOOL INFRASTRUCTURE GRANT:** Town Council approved on November 19<sup>th</sup> to proceed with applying for a Safe Routes to School Infrastructure Grant, due January 8<sup>th</sup>. Staff proposes new Sidewalk connectivity to the Eighth Street and Hwy 160 lighted intersection and push button pedestrian crossing, from the north Pagosa Residential neighborhood as a means to provide a safe walking and biking route for elementary students. The project total cost would be \$350,000 with a required \$70,000 match. This match amount is not currently budgeted in 2016 and would need to come from reserves.

**C. Upcoming Scheduled Town Meetings:** A meeting schedule was provided to the Commissioners that included meetings, through January 13, 2016, for the Planning Commission, Historic Preservation, Town Council and Parks and Recreation.

**X. Adjournment** - Upon motion duly made, the meeting adjourned at 7:50 PM.

  
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Ron Maez  
Planning Commission Chair