



# PLANNING & ZONING COMMISSION DRAFT MEETING MINUTES

TAOS MOUNTAIN LODGE, 1346 STATE HIGHWAY 150,  
TAOS SKI VALLEY, NEW MEXICO

MONDAY, NOVEMBER 7, 2016 1:00 P.M.

## I. CALL TO ORDER & ROLL CALL

Commission Chair Tom Wittman called the meeting to order at 1:00 p.m. Roll call was taken and a quorum was established. Commission members present: April Bender, Henry Caldwell, Richard Duffy, Tom Wittman, and Jim Woodard. Commission members absent: Susan Nichols and Chris Stagg. Staff members present: Administrator Mark Fratrack, Clerk Ann Wooldrige, Public Works Director Ray Keen, Planner Adrienne Anderson, Building & Construction Director William Jones, and Attorney Dennis Romero.

## II. APPROVAL OF THE AGENDA

Chairperson Wittman asked to add an update on the master plan, and a land swap for the realignment of Ernie Blake Road under Miscellaneous.

**MOTION:** To approve the agenda as amended.

**Motion:** Jim Woodard

**Second:** Richard Duffy

**Passed:** 5-0

## III. APPROVAL OF THE MINUTES OF THE OCTOBER 11, 2016 MEETING

**MOTION:** To approve the minutes as presented

**Motion:** Richard Duffy

**Second:** Jim Woodard

**Passed:** 5-0

## IV. OLD BUSINESS

## V. NEW BUSINESS

**A. PUBLIC HEARING:** Consideration to Approve Application for Conditional Use Permit for Wireless Communications Tower placement on Block N, Lot 1-C of O.E. Pattison Subdivision in the Village of Taos Ski Valley, by TaosNet, LLC

Director Bill Jones explained that Taos Net has had antennas mounted on the Walsh cabin for at least 8 years. Taos Net applied for this Conditional Use Permit on September 14, 2016. Part of the reason for the request was that the Walsh cabin roof was in serious need of repair. To insure continuity of internet service to Village residents and businesses, a building permit was issued to TaosNet on September 21 for a temporary tower 30 feet high attached to the side of the Walsh cabin deck. TaosNet wanted to proceed with an application for a conditional use permit for a free-standing new 40-foot antenna because of the unknown future development of larger cell towers in the valley. The proposed tower is going to be installed on a large metal base approximately 10' x 10' ballasted by large concrete blocks 2' x 2' x 6'. The tower will be readily removable, if other locations become available.

**PUBLIC HEARING:** Commission Chair Wittman opened the public hearing. Speaking against were Mr. Bill Haltom, owner of Block N, Lot 1-A, the first lot along Mineslide Road, and Ms. Gretchen Grogan, owner of Block N, Lot 1-B, the second and only other lot. Mr. Haltom said that this site is not one of the three sites identified for towers in the wireless communications master plan. He presented a letter and a plat to the Commission. Mr. Haltom said that the deed for the three lots to the original owner stated that there should be no commercial use on the land. He stated that the road is a private easement through his lot and the road is steep and narrow and

not suitable for commercial use. He is concerned that the tower would be higher than the existing telephone lines, that it would block the view to the south from all of these lots, and that it would be a safety hazard as it would be held in place by unsecured concrete blocks. He said that he was not aware that the previous tower on the roof of the Walsh house was being used for commercial purposes. He suggested that the application be deferred until more information could be gathered, or that the Village should condemn the road to widen it if necessary for use by TaosNet.

Ms. Grogan, who owns the house at 11 Mineslide Road with her husband Peter Donahue, said that they have owned the house for 20 years and have solely paid for road upkeep. She said that for the recent improvement necessary for the Frasier Creek crossing culvert, the Village offered to supply a plastic culvert but would not provide the work to have it installed. Ms. Grogan said that the lot owners paid for their own steel culvert and paid for its installation. She said that the Walshes have either had long-term renters or a family member living in the house over the years, but have contributed payment toward road upkeep in only 5 out of 20 years. She said that they had not been contacted by the Walshes concerning this project. Ms. Grogan explained that her husband had asked an engineer doing work in the ski valley for an estimate on improving Mineslide Road, and the cost was expected to be \$350,000. She said that she strenuously objects to the application.

Speaking for the application was Matt Thomas, an architect representing TaosNet, and Sam Lambie, a technician with TaosNet. They explained that the installation of the tower is an infrastructural issue for needed internet service. There was an immediate need to maintain this service for ski valley customers while the Walshes installed a new roof, so they were given a temporary permit due to time constraints. The temporary tower is 30 feet, but there is still a need for the larger 40-foot tower. Lambie said that the tower would not be visible from the residences, and would not be much higher than other structures nearby. He said that he has hiked up the road to service the tower when necessary, both in summer and in winter. TaosNet is interested in maintaining internet service for the public for the immediate future, he said, and they are willing to work with the neighbors and with other tower providers, both now and later.

The public hearing was closed.

**MOTION:** To approve the Application for Conditional Use Permit for Wireless Communications Tower placement on Block N, Lot 1-C of O.E. Pattison Subdivision in the Village of Taos Ski Valley, by TaosNet, LLC

**Motion: Richard Duffy**

**Second: Jim Woodard**

**Passed: 5-0**

Discussion followed with Lambie explaining that there would be no more antennas added on to the current temporary antenna. He thought that the current antenna could make it through the winter, and if the application for conditional use were to be denied, then TaosNet might ask for an extension of time for the temporary permit. Lambie said that he didn't know whether TaosNet would have to stop providing service if the permit application were denied. He said that they would be more than willing to move to another site as long as it worked for their service. The temporary tower is on a kind of sled so that it can be easily removed. The permit for the temporary tower is for 6 months, beginning in September 2015.

Mr. Haltom asked about the restrictions on the deed about not allowing commercial activity, but it was explained that neither the Village nor the Planning & Zoning Commission are the enforcing agents for such restrictions, nor for agreements on use of a private road. The conditional use permit could be approved without the Commission having to consider those items.

More discussion followed, with Lambie explaining again that TaosNet would be willing to work with the neighbors, but Lambie would need to speak with the owner of the company. He did not expect that TaosNet would be able to upgrade the road at an expense of \$350,000. If they were denied the permit for a new tower, then TaosNet would ask for a reasonable amount of time to move the temporary tower and maintain service. Attorney Romero said that rights on the road may have been waived for restricting the use of the private road since TaosNet has been using the road for 13 years already to service the rooftop tower.

**AMENDED MOTION:** To approve the Application for Conditional Use Permit for Wireless Communications Tower placement on Block N, Lot 1-C of O.E. Pattison Subdivision in the Village of Taos Ski Valley, by TaosNet, LLC, the conditions that:

1. TaosNet negotiates use of the road with the neighbors,
2. The exact location of the tower is identified as being outside of any rock slide area, and
3. That there is a two-year time limit on the permit from the date of approval

**Motion: Richard Duffy**

**Second: Jim Woodard**

**Passed: 5-0**

**VI. MISCELLANEOUS**

**A.** Administrator Fratrack explained that two residents had approached him with concerns that the new lot at the Al's Run condominiums, created by realignment of Ernie Blake Road in the future, could have room for a much larger building than would have previously been possible on the smaller lot. The residents live at 26 Twining Road, directly across from the former Al's Run. They are asking if either height restrictions could be placed on the lot when the land swap took place, or if the codes could be changed to require a step-down on buildings at the edge of the core Village zone where it abuts the more residential area. Administrator Fratrack said that this will be a heads-up for Staff to possibly take this into consideration when negotiating the land swap, or there may be possible consideration of zoning for the new parcel.

**B.** Committee Chair Wittman asked Village Staff about completion of the eight elements of the proposed master plan which have been under discussion for the past year or so. Staff will take this project up for possible review at the December P&Z meeting.

**VII. ANNOUNCEMENT OF THE DATE, TIME & PLACE OF THE NEXT MEETING:** The next meeting will take place on Monday, December 5, 2016 at 1:00 p.m. at the Taos Mountain Lodge. (This location was later changed to the Edelweiss Lodge Club Room.)

**VIII. ADJOURNMENT**

**MOTION:** To adjourn.

**Motion: Henry Caldwell**

**Second: Richard Duffy**

**Passed: 5-0**

The meeting ended at 3:05 p.m.

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Tom Wittman, Chairperson

ATTEST: \_\_\_\_\_  
Ann M. Woodridge, Village Clerk