

**PLANNING COMMISSION MEETING**

**THE MEETING WAS CALLED TO ORDER AT 7:00 P.M.**

**ROLL CALL**

Dan Schroder	Rodney Allen	Michael Bertaux
Jim Lamb	JB Katz	Dave Pringle

Leigh Girvin was absent.

**APPROVAL OF MINUTES**

With the no changes, the minutes of the March 17, 2009, Planning Commission meeting were approved unanimously.

**APPROVAL OF AGENDA**

With no changes, the April 7, 2009, Planning Commission agenda was approved unanimously (6-0).

Mr. Neubecker mentioned the change in date for the Locomotive Train Park which was listed on the agenda, and recommended May 5<sup>th</sup> for the potential hearing.

**CONSENT CALENDAR:**

1. Miner's Candle Unit 6 Window (CK) PC#2008119; 106 Broken Lance
2. Equipped Fitness and Cross Fit of Breckenridge Change of Use (CK) PC#2009008; 1805 Airport Road

*Commissioner Questions/Comments on Item 1, Miner's Candle Unit 6 Window, PC#2008119:*

Mr. Pringle: The reason that the dormer was rejected in the first application was because it didn't fit with the comprehensive plan and neighborhood compatibility. What makes this window better? Was there a staff reason why we can approve this rather than the previously proposed dormer? (Mr. Kulick: At a planning staff meeting there was consensus that the threshold of architectural compatibility was met by the proposed window design.) On a multi-family building where there are multiple units that may be affected by this. For future applications, recommended that the HOA would need to determine a technique for other window or roof additions to agree on a style for future and create an agreement. (Mr. Neubecker: Not sure we can require HOA to do an agreement, but can contact them to discuss.)

Mr. Bertaux: Shouldn't there be a way to make future proposals consistent with this proposal?

Mr. Allen made a motion to call up PC#2008119, Miner's Candle Unit 6 Window, 106 Broken Lance. Ms. Katz seconded, and the motion was carried unanimously.

Mr. Bertaux: As Mr. Pringle said, if there is a proposal to update a multi-family building there should be a way to ensure that the theme is established for the building and other future proposals for future units.

Mr. Lamb: Windows with uniform units aren't likely to have dissimilar patterns. Wouldn't be surprised if future units come in with the same request. Seemed like a simple solution.

Ms. Katz: We can make this a precedent and mention that this proposal was precedent.

Mr. Allen: Problem was with the asymmetry of the proposal because there won't be another window to balance.

Mr. Schroder: Talking about Policy 5/R, architectural compatibility. This is held together by Policy 5/R, because the window will be the new architectural standard for the building. We have regulations in place.

Mr. Pringle: We need an agreement that other units in the building will be modified in the same way if they decide to pursue a similar application. (Mr. Neubecker: We are establishing a precedent for this building and will review future applications with regard to Policy 5/R.) Go to the HOA and establish that the unit proposing this window is creating the precedent for future HOA proposals.

Mr. Allen opened the hearing to Public Comment.

Marianne Cohn, Miner's Candle Unit 6 (Applicant): In point of fact, our proposal has been voted on and passed significantly strongly in the HOA. One of the units recused himself because he was on the board, the other unit

threatened a lawsuit if they weren't allowed to have what we are proposing, and another unit supported it. The lower units supported it. What we were allowed to submit to the Town was negotiated with the HOA. The entire complex voted on putting in a window anywhere on the building, and letting us have our window, and the parameters in which we were allowed to have our window. The impact to our unit is unique. There are 12 units total, and only 2 units were impacted. We had to fight for this. There are minutes for the meetings if needed. Five windows have been individually added over the years, and previous Planning Commissions just approved those proposals.

There was no more public comment and the hearing was closed.

Mr. Pringle: Do we have an HOA sign off on this proposal? (Mr. Neubecker: Yes we have a sign off with the original application; this was a modification to the original. It is still part of the original application.)

Mr. Pringle made a motion to approve the Miner's Candle Unit 6 Window, PC#2008119, 106 Broken Lance. Mr. Lamb seconded and the motion was approved (5-1) with Mr. Allen voting no.

With no other motions for call up, the remainder of the consent calendar was approved as presented.

***PRELIMINARY HEARINGS:***

1. Silverthorne House (JP) PC#2007004; 300 North Main Street

Ms. Puester presented an application to construct one duplex building, one single family building, relocate and convert the existing barn to a deed restricted residential unit, move the Silverthorne House 20' west, add a parking area in the rear of the lot, install landscaping, remove the curb cut from Main Street, install a new trash enclosure, and locally landmark the Silverthorne House and barn.

*Changes from the November 6, 2007 Submittal:*

The applicant has proposed the following changes:

- The Silverthorne House is proposed to be moved 20' west (previously 10' was proposed).
- The new single family rear structure has been altered to resemble a barn type of structure with natural stain rough sawn siding.
- The duplex, building B, has been made slightly larger.
- Both the duplex and single family structures have lower plate heights to achieve density in the roof and steeper roof pitches and better meet Historic Standards.
- Eaves have been pulled out of the side setbacks.
- Solar hot water panels have been proposed to be located on the new single family structure and solar PV panels have been proposed on the duplex.
- Additional landscaping has been added, including balsam poplars.
- The varied wood fence has been modified to have a guardrail on the south side to prevent parking issues at the adjacent property.
- Site perspectives were included in the Planning Commission packet.
- The letter regarding the deteriorating health of the trees by A Cut Above Forestry (from the May 20, 2008 worksession) was included in the Planning Commission packet.

This application has been advertised as a preliminary hearing. Staff appreciated the changes made since the last application; however, Staff believes that the application may be failing a few priority policies including the policy regarding module size. The application appears to pass a preliminary point analysis which was included for Planning Commission review with +5.

Staff had specific questions on the following:

1. Did the module size of 1,670 square feet meet the intent of Priority Policy 178?
2. Was the building height/material of the duplex appropriate on this site?
3. Did the Commission find that the revised site plan met Policies 4, 103, 104, and 108 regarding the relocation of the historic buildings (per May 20, 2008 worksession discussion)?

4. Was the material for the new buildings acceptable in this Character Area? Should rough sawn be used for both new structures to achieve an outbuilding appearance?
5. What comments do Commissioners have on the proposed fence (height and spacing)?
6. Did the Commission have any comments regarding the landmark status of the house and the barn and renovation plans for the historic structures?
7. Would the Commission be supportive of granting a waiver to the parking standards with the removal of the Main Street curb cut?
8. Did the Commission agree with the preliminary point analysis?

Staff also welcomed any additional comments from the Commission.

Mr. Bobby Craig with Arapahoe Architects presented on behalf of the applicant. In response to Staff's presentation, the duplex is 9' taller than the Silverthorne House, believes that other projects have been approved over the maximum module size such as Legacy Place, Great Western and his own building. Concerned with the -5 points for relocating the structures because those policies do not apply to this project as the structures are still on site. Also concerned with negative points for no buffer when other projects do not receive negative points. The snow stack meets the square footage requirements and does not believe that negative points should be assessed for functionality.

*Commissioner Questions/Comments:*

- Mr. Bertaux: Can we take a closer look at the employee housing unit? There are currently no windows in the historic outbuilding, and this is a major change that we need to understand. (Ms. Puester: Provided the existing barn elevation and explained restorations and window additions. There are glass additions on the south side. No windows on the north side. On the west side (facing Main Street) there would be two windows added.) Why can't the buffer area on the north side of the duplex be a snow storage area? (Ms. Puester: Buffer was intended to screen from the adjacent property. Not able to access that area for snow storage.) Are there some other projects that we have approved that exceed the module of 1,600 sf? (Ms. Puester: We haven't typically approved variances in module size.) (Mr. Mosher: Building is rated as contributing; Priority Policy 76 suggests no added windows.)
- Mr. Pringle: Concerned that proposed windows / doors are not functional. Would be better off to build it functionally for unit, and not pursue a true historic preservation and for a more reasonable adaptive reuse. Is the rough sawn siding to differentiate between primary and secondary proposed to be painted? (Ms. Puester: Stained, and to meet Priority Policy must switch to four.) Are primary and secondary buildings categorized separately? Code is in conflict. We'd like to see adaptive reuse, but according to the code we can't add windows to it. Can we landmark the Silverthorne house without the barn? (Ms. Puester: yes.) Priority policies must be complied with to comply with 5/A. How to make the secondary building less predominant? Is there proper drainage in place for a heated driveway? (Ms. Puester: There will be dry wells in the snow storage areas.)
- Mr. Lamb: I was under the impression that adding windows to a historic structure was not recommended. (Ms. Puester: You shouldn't do it, but we wanted to promote adaptive reuse. We haven't done something exactly like this before. With proposed changes, we might not be able to landmark the historic building.) How much taller would the duplex be than the main house? Five to six feet? (Ms. Puester: I don't know. There are perspectives provided that show the roof peaks of the buildings.) Are there any solar heated parking areas in town? (Ms. Puester: One of the banks is looking at it.) Concerned with size of solar panels to heat that square footage of parking. (Mr. Neubecker: Providing solar which is positive points; negative points for heating the driveway. The points offset each other.) (Ms. Puester: New solar panel policy has stipulation that it regarding maintenance.)
- Mr. Schroder: Landmark status and density were also in conflict. Questions about fencing, snow stack, and parking. The fence runs along the property line three feet from parking; concerned with cars pulling in far enough and snow storage from adjacent property. (Ms. Puester: There is a snow storage issue at the adjacent property.) (Mr. Neubecker: parking requirement is 9' x18', and 25% for snow stacking.)
- Mr. Allen: Are there historic buildings in the area that are over 1,600 square feet? What is the "typically" in the policy? (Mr. Mosher: There is a range in the handbook.) The range is the high and low. Density will count if it isn't historic? (Ms. Puester: Yes, density would count and it would probably be over

density.) What is the natural grade on the site? (Ms. Puester: The site is flat and the fence steps in height.)

Mr. Allen opened the hearing to Public Comment. Present for Public Comment were Bobby Craig, Arapahoe Architects (Architect and Applicant) and Dave Hartman (Owner).

Ms. Katz disclosed that the Hartman's have been clients. Currently nothing is pending. The Planning Commission agreed there was no conflict since the previous relationship between the Owner and a member of the Planning Commission was disclosed.

Mr. Craig (Architect and Applicant): Started project in 2006 and have done several iterations to date. There has been an incredible amount of discussion with staff and consultants. Applicant explained existing conditions plan; including existing access, gravel, beetle kill trees, etc. Over 60% of the site is already disturbed with the existing condition. By relocating the building forward, able to increase landscape on Main Street and streetscape. Historic building location provides view to Main Street and a better contribution to historic character. (Mr. Berteaux: Will Silverthorne house have basement?) Yes there will be a basement. Historic building conversion to deed restricted unit. There are a few approvals in this specific character area that exceed the module size - Great Western Lodging (2,400 sf), my building (1,871 sf), Legacy Place building exceeds also. The duplex building footprint is smaller than module size; the additional 1.5 story puts the square footage over the module. Duplex is 23'-10" to mean height on duplex. (Ms Puester: 29' to top). Silverthorne House is 20' or less. (Mr. Pringle: Difference is 9' or more.) 3D model shows the height difference accurately from alley, adjacent property, Main Street. (Mr. Berteaux: Is there an over main there on the building?) Yes, it should be a foot to 18". Sandborne Map (fire record map) shows that a two story building was once on site, no longer there. Regarding materials, we can change siding to 4" if necessary. We wanted two buildings to have similar but subordinate look to main structure. Regarding point system, had concern with negative five (-5) points for relocation. Referred to page 25 in the staff report (page 103 in the packet). Relocate the building within its original site is what we're doing here is second item and benefit to community. Also meet policy point 4. Also concerned also with negative points for lack of buffering. Existing condition show no buffer at all. Adding landscape and fence makes buffer better between adjacent project. We would be willing to change fence height, pickets, etc. Went and surveyed building heights and couldn't find a new building that wasn't taller than existing structure. Last negative point concern was the snow stack. We met snow stack minimum square footage, and all within 10' of where it would be plowed from. Also included heated parking for maintenance. (Mr. Allen: Address concerns with pushing up against barn.) Currently the barn is against the alley and getting beat up already. The relocation helps improve the existing condition. Also the drainage is away from the barn, and dry wells would be located in storage area. Best way to protect and landmark two historic structure, and improves streetscape and provide deed restricted housing.

*Commissioner Questions/Comments for Applicant:*

Mr. Pringle: Policy 103 is a good point regarding relocation. (Mr. Mosher: 103 is a Priority Policy and is either pass or fail – no points.) Mr. Craig: 108 and 104 do not apply with our interpretation. (Mr. Mosher: Idea is to move the building as little as possible to improve.) Is the original site the lot it sits on? Then 103 and 108 don't apply. (Mr. Mosher: Disagreed. Relocation is supposed to be as little as possible. Specifically says don't move the building so far to accommodate other development. Keep it as original as it is.) (Mr. Neubecker: Site = original lot.) Yellow color would need to fall within the chroma and hue. (Mr. Neubecker: That is what the current code says, but would prefer to follow historic settlement patterns.)

Ms. Katz: Have to read the entire policy – talks about moving it to another site. Goal would be to keep them on the original lot, not moving them to a different physical lot. Kind of agreed with Mr. Craig because the policy was ambiguous. (Mr. Mosher: Passing policy 103.) Need to look at the intent of the policy – doesn't say you can't. (Mr. Mosher: There is precedent to move it as little as possible.) (Mr. Neubecker: moving it to the front yard wouldn't be appropriate.) (Mr. Craig: Had considered moving it off property to accommodate a bigger building, but didn't.) (Mr. Mosher: Best way is to leave it where it is. Staff interpreted 104 with negative points due to relocation to make room for parking lot.) (Mr. Hartman: I'm trying to look for a use for this structure that will help the community, and employee housing is better use that just putting it on the alley. Moving is makes it more functional.) When you come back for final, please provide height survey, Sandborne survey to Planning Commission. Could minimize the damage to historic building with snow melt.

Mr. Schroder: Great adaptive reuse – great place to live. Can you please reconsider the yellow color?

- Mr. Allen: Snow stacking potential for a couple extra feet of heat for snow melt. (Mr. Hartman: Am doing this in other locations in town. Will look at extending heated concrete / asphalt. Snow stacking is the correct amount for blacktop that's there, and heating half of lot.) How do plows get in and out? (Mr. Craig: Straight in and out.)
- Mr. Lamb: Concerned with snow melt against historic structure. Snow will get stacked up and pushed with the plow. Can we add trees / bollards to protect structures? (Mr. Craig: Will look into it.)
- Mr. Berteaux: What is the current surface? (Mr. Hartman: Could heat grass instead of turning it concrete / asphalt.)

There was no more public comment and the hearing was closed.

*Commissioner Final Comments:*

- Mr. Berteaux: Concerned with points, 5/R should be negative five (-5) points. Solve fence problem to deal with point issue. Don't create a conflict with your neighbor. Fence is going to make snow on both sides of the fence, and little to no maintenance on neighbor's side. Bigger issue is the negative four (-4) points for buffering. What could they do to avoid the negative four (-4) points? Have to have those egress window wells due to code requirements. No landscaping and pedestrian way in that area that would be at the applicant's disposal. They are doing the right thing and getting negative points. If they increase the heat melt system there is more potential for point change, maybe / maybe not. Cementitious is not a good appearance, rough sawn is better. Consider potential for other materials – rough sawn or other barn wood. Agreed on local landmarking, not sure if State would go. A real door would be more in keeping with historic district rather than glass. 1,600 square feet on module should be met. Building height difference between duplex and primary building was great. Denial for Summit Foundation storage building for only one foot. Policy 104, 108 was no. Parking waiver would be fine.
- Mr. Pringle: Need to hit 1,600 square feet for module. Height requirements should be met. Materials siding should be 4" lap. Another discussion needed for semantics for relocation of building, seems like relocation was being met because it is on the same site it is on currently. Policy 108 is same orientation of original setting because it is behind and to the side as its original orientation – meet that. Didn't agree that rough sawn siding should be allowed for new buildings in the historic district that will have the same architectural detailing as the original structure. Maybe use board and batten. Wanted to prohibit painted rough sawn. New buildings should be 4". Differentiate between primary and secondary with other techniques – combination of horizontal and vertical board and bat, different material, introduce a different dimension would be counter to what we've done in the past. Fence should stay at 3', but can ratchet up to provide privacy, but not necessary to screen for 60'. Allow height taper – would like to see a greater spacing than 1" for pickets. Would like more criteria met for landmark status for house. Can we go for landmarking for changes in barn, hope that we can with proposed changes to promote adaptive reuse? Sliding doors would not be functional – put a real door in the building that functions. Grant waiver on parking. Concurrent with staff on preliminary point analysis. Can the fence be a wider spacing the whole length, and then double side it where the unit would be in conflict? (Mr. Mosher: We'll look at it.) (Mr. Neubcker: We have precedent for height.)
- Mr. Lamb: Get to 1,600 square feet for module. Landmarking information is needed. Would like to make sure if windows aren't cut on side facing road then policy is met. Agree with staff's point analysis. Policy 103, 104, and 108 thinking you lose the points if you move the historic building. Module size should be met and reduced by 70 sf. Building height no issue. Okay with material. Make siding 4". Okay with parking waiver. Concerned with tandem parking. Concerned with snow stacking and historic building damage from plow. Would prefer fence to be 3', 6' seems high. Transition from 3' - 5' would like to see what that looks like.
- Ms. Katz: Start at the end – we need to understand landmarking regulations for adaptive reuse / addition of windows / density. Can staff provide the answer? If it is up to the Planning Commission, then I can live with the windows because of adaptive reuse and we want people living in town. Benefit on site outweighs negative. Building is too tall, but would like to see survey from Mr. Craig. Module size difference is okay off 70 square feet. Policy 103 – overall the benefit of relocation on the site is agreeable. Okay on 108. Policy 90 – wanted 4" lap and preferred rough sawn materials, particularly if we give on the height. Don't want 6' fence (too high), 5' is better, 3' is historic. Ok with different heights. Barricade would be purpose of fence? (Mr. Hartman: Trying to provide privacy for

employee unit with taller fence.) We can decide if it can have a window and be landmarked? (Mr. Neubecker: Staff can look into it.)

Mr. Schroder: Module size doesn't meet Priority Policy 178, but there is a caveat that 9 UPA comes into play (could be some leniency). Overall it is only excess of 70 square feet so ultimately meets the intent of 178. Building height was too tall to meet settlement patterns. Liked perspective but too high. Policy 103, 104, 108 concerned with moving a historic structure with intent to develop policy 104. Historic patterns are being applied to site plan, so Policy 108 would be met. The historic structure was being left on the lot, so it would be meeting the relocation policy 103. Materials in character area – there is precedent for cementitious siding. Want siding to be at 4" and would prefer rough sawn. Fence height is 3' for historic pattern, but proposed 6' is too high, maybe 5'. Okay with differentiated heights on fence. Landmark status was encouraged for both house and barn. In favor of curb cut from Main Street, but concerned with parking layout (tandem spaces). Preliminary point analysis is overall positive five (+5) recommendation, and comfortable with staff analysis.

Mr. Allen: Policies 103 and 108 were met / not applicable. Policy 104 not applicable because it wasn't being moved from the original site. Architectural 5/R - need to have building materials match historic buildings, work hard on differentiating between primary and secondary structures. Can live with building height, because would prefer building to go up rather than out and adjacent properties are possibly higher. Thinking of it contextually from Main Street. Would like to look at precedent for other buildings square footage for module size. Probably okay with 70 square foot difference. Requested staff look at Great Western and Arapahoe Architects buildings. Materials agreed with Mr. Lamb and Mr. Pringle, maybe no rough sawn siding for duplex but secondary color instead. Didn't like yellow. Find a way to make it look secondary. Fence okay with higher in middle, but right around the building not so long. Achieved objective with minimal segment of height. Provide more spacing between pickets. Opposed to solid fence. Not opposed to stepping of fence. Landmark status of house – great job. Struggled with barn. Policy 76 states no windows visible from street, violation of that policy. Windows may need to be hidden from the street. If it met that policy okay with it. Door versus slider – liked the way the slider looked like a barn, but concerned with slider never being closed. Preferred matching historic regular door. Parking waiver okay. Didn't like tandem, but met code requirement of parking space. Snow stacking issue – need to protect the barn and then points can be updated. Point analysis 5/R concerns, snow storage points if barn was protected. Biggest comment – you guys are almost there. It was a disaster a few years ago, nice job with improvements. On landmarking of barn with windows, what is position? (Ms. Puester: Locally landmarked – not state, etc. Planning commission decides.)

2. Lot 5, McAdoo Corner (MGT) PC#2009009; 209 South Ridge Street

Ms. Katz disclosed that she represented Andrew Johnson (property owner of Lot 5, McAdoo Corner) on a case in 2008, and not doing any work for him currently. The Planning Commission agreed there was no conflict of interest since the previous relationship between the Owner and a member of the Planning Commission was disclosed.

Mr. Thompson presented an application to construct a new 3,365 square foot restaurant on Lot 5 of McAdoo Corner Subdivision.

Staff Questions

1. Did the Planning Commission find that the application met the criteria required to exceed 9UPA (Priority Policy 158)?
2. Did the Planning Commission believe that Priority Policy 80A (use of modules and connector width) was being met?
3. Did the Planning Commission find that the building height was similar to nearby historic buildings as required by Priority Policy 163?
4. Did the Commission find that the application met Priority Policy 164 related to façade width?

Applicant Presentation: Janet Sutterley, Architect

Original design intention dealt with square footage and context of historic buildings. Started with idea that it would step up from small building in front, and wanted upper level seating that looks to west side, so provided a two story structure on rear alley side. Talked with staff about how it won't meet 80/A. Ms. Sutterley provided a sketch of what connector could look like and will make it work. 89 square feet over with the rear module. Didn't redesign yet because wanted to revisit after addressing some other issues first. Provided plan with dimensions showing McAdoo,

Ridge Street Dental office, and the proposed restaurant. Building design is in scale with two adjacent buildings. Same height and module width as blue building at alley. There is a three story building beyond that. Blue building isn't historic but height starts to climb in rear. Question for commission – Policy 80/A what do we use to constitute a module? Provided a north elevation and streetscape showing McAdoo and McAbee which shows a change in scale. Most important is that it is based on overall historic mass and scale of the block – dealing with McAdoo corner, dentist office, the Cellar building. Overlaid the Cellar building on our elevation to show size comparison as well as with McAbee. (Mr. Pringle: McAbee was brought in from a different location.) Looking for ways to mitigate this and meet Policy 158. Third is Policy 163 - primary facades. Policy is very specific to primary façade of the building and it is clearly met. Across the façade it is one story so satisfies both policies. Policy 164 satisfying the intent of what the policy is trying to do. Does call out that you can't exceed the 31' in façade width, but what wasn't specified is how far back you step before you aren't calling it the primary façade anymore. Explained offsets of building façade of historic building compared to new building. Design matched to historic building with design. The real intent of this guideline is looking at the shape of a gable building. Respect the context and align with McAdoo house. Would also like some feedback on the upper story windows. We'd like as much glass on the second floor as possible it is a part of a feature.

*Commissioner Questions/Comments:*

- Mr. Pringle: Did not agree with Ms. Sutterley's argument about the façade width. (Mr. Thompson: It is clearly similar to the McAdoo, but it appears to be wider than 30'.) McAdoo is 40'. (Mr. Thompson: is the 6.5' setback enough to make it look like another façade?)
- Ms. Katz: Would it be fair for us to compare it to the one next door or the one a few blocks over? (Mr. Thompson: The Planning Commission needs to look at only Character area #3.) (Mr. Grosshuesch: Will look at this in more detail into the precedent on dealing with Priority Policy 164, Façade widths).
- Mr. Schroder: Was there a place where façade width was defined? (Mr. Thompson: No, neither are modules.) Where did we measure from 37? (Mr. Thompson: From one side of the building to the other, foundation to foundation.)
- Mr. Allen: Policy 164 – are the primary and front façade the same thing? (Mr. Thompson: Yes.) Stated that it cannot exceed 30'. (Mr. Thompson: Correct.) Are there any other buildings that have that offset? (Mr. Thompson: Look at Main Street dental.) (Ms. Sutterley: Can look at that.)

Mr. Allen opened the hearing to Public Comment.

Jan Radosevich, Owner of little blue building on alley side, Lot 6, Block 13, Abbett Addition: As the zoning in this area allows for residential and commercial, intent was to eventually turn her building back into a residence. Guidelines say that residential was preferred. She is concerned with parking and density of 12 UPA. She believes 12 UPA is overwhelming the property. She does not think four parking spaces will be enough for a restaurant. Concerned with outdoor seating and is that included in parking requirements? (Matt Thompson: No our parking regulations do not consider outdoor seating). Putting money towards parking district hasn't been successful. Snow stacking has been plowed towards blue building, and sees an issue with it. Compatibility of restaurant and outdoor seating on the deck may not be compatible with residential uses. She knew it was going to be commercial but didn't anticipate a restaurant there.

Separate subject, there is a cardboard dumpster that isn't enclosed and it is supposed to be. Thought it was town owned.

Jason Swinger, Owner in Wendall Square Condos: Similar concerns with mass and density. Also concerned with parking. On the air quality issue was there a negative point? (Ms. Katz: Negative two (-2) points.) Was the grease trap built incurring negative points? (Mr. Thompson: Will need to meet code.)

Ms. Sutterley: Item of clarification on density, not anywhere near the 12 UPA, we'd be at 3,375 of above ground density. Above ground density is 2,830, rest of density is underground. Density overall at 11.18 over entire property (if Lot 1 builds maximum above ground). The applicant is trying to avoid kitchens and bathrooms in the basement. Preferred to have it all above ground, but that would not meet the Town's Historic Guidelines.

- Mr. Lamb: Heard comments from neighbors, but it comes down to 12 UPA would meet code and this proposal would actually be less than that. Can't keep people from reasonably developing their property. Will look into parking concerns. Ms. Sutterley will work with modules. Showed that building height was similar to those in context. McAdoo building is least "historic looking" historic building in Town. Real gray area with Policy 164. Solid to void areas in windows needs to be addressed.
- Mr. Pringle: Possible to add more downstairs to reduce above ground impact? (Ms. Sutterley: Yes more density could be put below grade). Agreed with Mr. Thompson on reducing amount of glass on back and strengthening solid to void ratio. Façade width was a good argument with the step back of façade. Would there be a way to redo roofing plan to strengthen the separate façade width argument? Asked about moving more density to basement to make square footage balance between front and back. Could the rear module roof line be subordinated a little more, rear roof module seems to dominate too much.
- Mr. Bertaux: Policy 164 argument regarding 6.5' offset makes sense, and agree with Mr. Pringle about strengthening of the front façade. Height of back element bothers me, and seemed like the building was taking off in the alley. Potential to heat parking area to reduce snow stack issue. Agreed with staff regarding reducing the amount of windows and stone elements. Waited to hear more on 164 before decision is made. When there are historic policy decisions to make, a brief history is beneficial to support decision. Liked the architecture. Potentially overwhelming on the block, not crazy about the bay window on the second story. Proceed.
- Ms. Katz: Why was density a question if it is approved? Density fits with other buildings in area. Connector module issue can be dealt with. Solid to void agreed with staff that we need less windows. Streetscape was helpful for Policy 164 and looked okay. Mr. Pringle's comments were helpful to façade changes.
- Mr. Schroder: Feels this application is meeting Priority Policy 158, building scale. The density is allowed under the master plan per square footage and massing seems to fit. Connector module will be met with the changes Ms. Sutterley has agreed to make. Height met maximum without incurring negative points, encouraged it to come down. Smaller building to the right architecturally matches. Appreciated extra research on façade width, and liked the way it was broken up. Continue forward motion on project.
- Mr. Allen: Policy 158 talks about module size and is in violation of this priority policy. Need to get under the 1,300 square feet, could move some density from back module to front module to meet policy. Anything that is usable space should be counted in module size. Policy 80/A on the right track. In scale with area and historic character area, also in scale with height. Façade width leaning towards okay with more information. Something between 6' and 12' will do it, and on the right track with stepping it back. Liked the windows on the east side, match those and add more solid space. Look at other historic buildings in area for context. Answer comment about parking from public. (Mr. Thompson: outdoor space was not included in parking calculation.) (Mr. Mosher: Outdoor would be seasonal.) Looking good and should be able to make it work. (Mr. Thompson: Need to figure out when parking needs to be paved per master plan. Currently not paved and not striped, so you aren't getting the correct number of spaces. Needs applicant to determine the trigger point for paving the parking lot.)

***PUBLIC PROJECTS:***

1. Locomotive Train Park Site Plan (JP) PC#2009007; 123 North Main Street

Mr. Lamb motioned to continue this item to the May 5<sup>th</sup> Planning Commission meeting. Mr. Schroder seconded, and the motion was carried unanimously (6-0).

***WORKSESSIONS:***

1. Historic Structure Setbacks

Mr. Thompson presented. On February 3, 2009, the Planning Staff brought a proposal to the Planning Commission considering a modification to Policy (9/A) and (9/R) "Placement of Structures." The discussion revolved around waiving negative points on proposals to move a historic structure encroaching on an adjacent property back on to the subject property, but not meeting the required setbacks. The Commission generally supported the proposal, but offered ideas on how to implement the policy. The Code currently discourages placing structures within the recommended setbacks on site. The importance is such that a 3 times multiplier is associated with the negative point



assignment, which indicates a policy of average importance. Mr. Thompson presented changes to the language on Policy (9/A) and (9/R) “Placement of Structures” for Commissioner comment.

For the record, Mr. Allen motioned to continue this item to a future Planning Commission meeting.

***TOWN COUNCIL REPORT:***

No Town Council representative was in attendance at 10:37 pm to present a report.

***OTHER MATTERS:***

None.

***ADJOURNMENT***

The meeting was adjourned at 10:37 p.m.

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Rodney Allen, Chair