

PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

ROLL CALL

Kate Christopher Trip Butler Dan Schroder
Gretchen Dudney Jim Lamb Dave Pringle arrived at 7:16pm
Gary Gallagher, Town Council Liaison
Eric Mamula was absent.

APPROVAL OF MINUTES

With no changes, the December 4, 2012 Planning Commission meeting minutes were approved unanimously (5-0).

APPROVAL OF AGENDA

With no changes, the January 2, 2013 Planning Commission meeting agenda was approved unanimously (5-0).

CONSENT CALENDAR:

1. Veber Residence (MGT) PC#2012098; 95 Westerman Road
2. Schroeder Addition (MGT) PC#2012102; 228 Cottonwood Circle
3. Spruce Island Townhomes Exterior Remodel (MGT) PC#2012105; 1386 Broken Lance Drive
4. Hatton Residence (JP) PC#2012104; 41 Cottonwood Circle
5. Wellington Lot 16, Block 9 (CN) PC#2012106; 5 Logan Road
6. Wellington Lot 17, Block 9 (CN) PC#2012107; 7 Logan Road
7. Wellington Lot 18, Block 9 (CN) PC#2012108; 11 Logan Road

With no requests for call up, the Consent Calendar was approved as presented.

WORKSESSIONS:

1. Solar Panels in the Historic District (JP)

Ms. Puester presented. Solar panels in the Conservation District became a topic of discussion with a recent application to install solar panels on a flat roof within the District which mounting structure would be visible from Ridge Street. At the November 13th joint Town Council/Planning Commission meeting, it was directed that Staff return to the Planning Commission to work on a modification to Policy 5 Architectural Compatibility regarding solar panels in the Conservation District. The Town Council recently indicated with a 4 to 3 straw vote that solar panels should not be visible from a public street or alley.

A majority of the Town Council voiced that solar panels should not be visible from the street or alley within the Conservation District. Following these comments, staff did field research on the visibility of existing solar panels in the district and has reviewed *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings*, 2011 regarding solar installations as well as the *Design Guidelines for Solar Installations from the National Trust for Historic Preservation*. Staff found that all existing solar installations followed the existing roofline (none were mounted at an angle on flat or sloped roofs) and were at least visible from an alleyway with some visible from a public street. Staff presents these as existing conditions to facilitate the discussion as to whether they negatively affect the historic context of the Conservation District. No negative feedback from the public has been received on any of the existing installations.

Staff has attempted to modify the policy based on Planning Commission and Town Council direction and has

provided additional research. Staff believes that solar devices can be sensitively installed without negatively impacting historic structures or the integrity of the Conservation District. This policy can balance both the goals of renewable energy use and historic preservation. As a result, Staff recommended changes to the policy that focus on visibility of devices from a public right of way. Staff welcomed input from the Commission on the direction we should head with this policy, and what changes are needed.

Commissioner Questions / Comments:

- Mr. Schroder: Would diminishing the mounting distance from 9” to 6” make it more difficult to install? (Ms. Puester: It is workable. Wanted to give some flexibility when we did 9” but 6” seems to be pretty standard in the field, from roof to bottom of the panel. Talked to Innovative Energy who agrees.) One other; my perspective of the last photos from Ski Hill overlook, we are seeing the north side. Is this a viable view, is that drive null? (Ms. Puester: It depends on where you are looking at. Applicant needs to know where we are expecting to view it from. Helps to have it more defined in the code. Wanted to show from conservation district which is in the valley that you are going to see it from some public right of way, somewhere, depending on where you go. These parameters can be changed.)
- Ms. Dudney: Should our discussion focus on what you think is visible one block or 400’ away? (Ms. Puester: We wanted to throw a starting point out there for reaction.) In the context of communication with Town Council, they requested we differentiate code comments versus our personal opinion. This seems like a good segue into that. If Town Council voted “not visible”, that means not visible, we could make comments on whether this adheres to that, but we may feel perhaps visibility needs to be defined in some other way other than it is in the dictionary. If you do comment, please label your thoughts as an opinion as to what visibility should mean (you can see it or not versus one block or 400’). Confusing when I read it.
- Mr. Butler: Hard to do. Pictures really make it clear. Good example is County building where they are visible but in my opinion acceptable. Need to indicate here an example of what is visible.
- Mr. Truckey: Ms. Puester put photos of view from overlook. The 400’ is in order to put some parameter on what is visible, otherwise any rooftop in town would be “visible” from some vantage point.
- Ms. Dudney: I was confused as to whether Town Council wanted us to put some parameters on this or not. If visible means seen from anywhere then maybe they want “not allowed in the historic district”, then the language makes it more clear.
- Mr. Gallagher: At the time, the Town Council voted to limit solar devices visibility from public right of way. I think as Mr. Truckey points out, depending on where you are standing in Town, just about anything can be visible. I agree language we have before us is not 100% consistent with Council decision. Divided Council vote didn’t really drill down on this issue. When the Council discussed, we didn’t get into if it’s from a block or from anywhere. I would not be at all against Planning Commission having your own feelings or thoughts and going back to Town Council because I think we do need to have a definition of visibility from some distance. I am interested in the Planning Commission views on is the language proposed by staff is reasonable or not? Also, some inconsistencies with definition of public right of way; there is some language cleanup that needs to be done. I had a question on 2nd page; you talked about sloped roofs then next you talked about flat roofs, with flat reiterated “can’t be seen from 400’ or a block away”. Why not put in paragraph before (sloped roof)? As the reader, it is confusing. Different for sloped roofs? It applies to all solar applications? (Ms. Puester: Might be best to redo that language to say “not visible from a public street or alley”). I note a few inconsistencies I could get with you on. (Ms. Puester: Yes.)
- Mr. Butler: Pictures are pretty much, all good examples of what you would hope implementing solar panels in the historic district would look like. Example we had on the flat roof was the scary

- thing, the big metal mechanical sail. That's what I think we would want to avoid. These ones in the packet are pretty innocuous, blend in.
- Ms. Dudney: If Council wants to not see from public right of way?
- Mr. Butler: Then if Council doesn't want to see them anywhere, they should not be allowed in the District. You can certainly see it.
- Ms. Dudney: Would you be in favor of defining visibility?
- Mr. Butler: How would you define visibility? In the long range shots, only a sail would stand out. Nothing you can see from Ski Hill on the same plane as a roof; you would have a hard time picking that out. They blend. On 106 North Ridge it is big, but to me does not look offensive because it looks like part of the roof. The 203 ½ (Abbett Placer), even the Haney Building, you would really have to walk around to deliberately find them. How would you make that part of the visibility definition?
- Ms. Dudney: If visible is one block or 400', Summit County building would not be allowed, but then what would?
- Ms. Christopher: That was my question; if not to be visible, then none of these would be allowed.
- Ms. Dudney: If you define as 400', would Abbett Placer? (Ms. Puester: No.)
- Ms. Christopher: None would. (Mr. Truckey: These criteria are very tight as presented. Very few cases would get approved under this.) (Ms. Puester: Could work for some. You would need a building with just the right location and roof indentation.) (Mr. Truckey: As written visibility is from both streets and alleys, which will be very limiting.)
- Mr. Schroder: This is the conservation district; there are already a lot of rules. Maybe it is ok solar is disallowed in the conservation district when it is allowed in other locations like the rec center.
- Mr. Pringle: I think we decide what we want and then make that be the definition of visibility. We step back from this a little bit to identify where the indigestion is coming from; it is the roof mounted arrays. That's where we have had the problem. Code did not contemplate the large roof mounted arrays. So we go back and say no roof top mounted, only flush mounted in historic district on non defining roofs or gables toward the back of the property and get it out of the visibility realm.
- Mr. Schroder: Maybe that's the way to go, I had been thinking percentages.
- Ms. Dudney: Council voted 4-3 "not visible".
- Mr. Pringle: They did not drill down; I think it is the roof mounted arrays. Items out there are non defining; they don't destroy the context of the historic structure. However, roof top mounted array or tilted, we don't want to see. It may just not be acceptable.
- Mr. Lamb: I meant example of something that is highly visible (County Building). What is driving this conversation is array on top of flat roof that is highly visible. These examples of what we have in the District are good examples. County building, size of it, if three solar panels, size is something that is worth discussing. Not sure how we define that. (Ms. Dudney: Percentage of roof coverage.)
- Mr. Gallagher: Realistically if someone puts a number of panels on, how does that affect them energy wise? Also, if solar garden is put in; they have option to purchase there. Other comments I am hearing are valid as well. What I would like is the Planning Commission to come together with a recommendation. If this were 6-1 or 7-0 Council vote, we would not be having this conversation. But it is very close.
- Mr. Pringle: Is the 4-3 vote the one we took in the joint meeting about this whole policy or after? Has there been a presentation by staff?
- Mr. Gallagher: No, we took a second straw vote when we heard some of the minutes coming out of the Planning Commission meeting that we did not think that the Commission heard the Council. As we now drill down into it is it visibility from a distance or sensitivity that pictures shown are not so bad with the exception of the County building. Interest in getting somewhere

logically where we want to be as a Town. Town Council needs to go through this again maybe look at these pictures.

Ms. Dudney: Let's hear from the public.

Ms. Dudney opened the worksession to public comment.

Mr. Eric Westerhoff, owner of Innovative Energy. I am always curious to discuss aesthetics. I take moderate approach. If it is sticking up, erector set look, looks odd, I strongly recommend to people to reconsider. Keeping to 6 vs. 9 inches if flush, it is relatively benign. The reason I am here today is to clarify if there are any questions. Also have a customer one building to the north of Abbett Placer who is interested in solar. He actually might be a case that would be able to work. I think there is a building between his roof and the alleyway. You would only see if you were on the deck of the building in the alley way. If the Council said "invisible" panels, you will see it from anywhere if you look hard enough, and maybe that is the intent of Council is to prohibit it and that would just be the way it is. I don't know what the response would be, if the Town of Breck prohibits solar panels. Might reverberate somehow. Small historic district, so not a huge market being removed. Looking for clarification if I should move forward with this customer? It might add some clarification as to what is going on. (Mr. Gallagher: If you wait a couple of weeks, you will get some clarification.)

Mr. Lee Edwards: I have properties in all the locations you are talking about and I am a little bit discouraged. When I built my all electric radiant house in the conservation district, I designed it and installed conduit in order to place solar panels on the roof when I would be able to afford to do it and when the technology was available. Now we are at that time. The comment that you can see a roof from anywhere in Town is accurate. Why the Council has directed Planning Commission to change this, I am unsure. I am resolutely against the change. This works except maybe the County building which I don't think was reviewed since it is the County and they are exempt. I agree with the Commissioners and the Staff that the examples shown are appropriate. We are a forward thinking community. I have proposals on all my properties from Mr. Westerhoff and his staff; I will have to put my applications in pretty quick to get underneath this before the change. I think we are doing a disservice by saying solar is not appropriate. (Mr. Pringle: The conversation came from an application for a large array on the Lincoln West Mall.) That should not be allowed. Fix flat roof section.

There was no further comment, and the worksession was closed.

Commissioner Questions / Comments:

Ms. Dudney: No more public comment. Beauty is in the eye of the beholder. Can we all agree that free standing and not flush mounted should be prohibited?

Mr. Pringle: The only one I don't agree with is you could put a 4x6 panel in a back yard that is not visible and that could work.

Mr. Lamb: I agree it is something to think about. High Street, good point.

Ms. Dudney: I don't see any way to do this than a straw vote on each item.

Mr. Butler: Is there a way to do an installation on a flat roof that is not objectionable? I see that as a start.

Ms. Dudney: A flat roof cannot be visible from any street or alley? (All agreed.)

Mr. Pringle: Can we put this as the same as roof top mechanical?

Ms. Dudney: Sloped roof not be allowed unless flush mounted with sloped roof? (All agreed.)

Mr. Pringle: And follow the slope of that roof? (All agreed.)

Ms. Dudney: Free standing pole mounted?

Ms. Dudney: Must not be visible from road or alley. (All agreed.)

Mr. Schroder: Allowed. I like seeing them but that is my personal opinion.

- Ms. Dudney: I am not entirely in agreement, should have additional regulations.
- Mr. Lamb: Mr. Schroder, I hear you but I think we need to send something palatable to Town Council.
- Mr. Pringle: All of these still need to be reviewed. Applications still need to come to the Planning Commission.
- Mr. Butler: Hierarchical.
- Ms. Dudney: If Planning Commission has final review of polar array?
- Ms. Christopher: If Planning Commission can review and if they can do on roof first, that is preferable. Pole mount a low preference placement.
- Ms. Dudney: Certain percentage of roof?
- Mr. Pringle: It can't be the defining element. Like a skylight. Don't want it to be like Summit County building with the whole roof covered.
- Ms. Dudney: I see it as a slippery slope, like non natural materials.
- Ms. Christopher: I would rather see percentage than eliminate them.
- Mr. Butler: Abbett Placer did the whole non character defining roof and it is visible but it is the back, they are going to get some bang for their buck. Can't see it from the street but can see it from the alley.
- Ms. Dudney: Are you in favor of forbidding its visibility from a public street and alley? (All said No, not in its entirety in all cases.)
- Mr. Lamb: Mr. Westerhoff, the average house in the historic district is about 2,500 square feet. How much to supply the whole house? Could you get that by covering the roof of that size building? (Mr. Westerhoff: You would not offset 100% covering the south roof. More like 50%. It is rare that we get a south roof that offsets 100% unless usage is low or area is large.)
- Mr. Pringle: More codified than just visibility.
- Mr. Schroder: Distance just doesn't help at all.
- Ms. Dudney: Any questions?
- Mr. Pringle: Percentage available or measure whole roof and say you can use 25%? We have to be careful of defining percentage if that is the way we go.
- Ms. Christopher: I am not for percentage, but would rather have percentage than nothing at all. (Ms. Puester: It might be helpful to look back to applications to see percentages.)
- Ms. Dudney: Mr. Pringle makes good point percentage of character defining roof.
- Ms. Christopher: A lot of times that part of roof is very visible.
- Mr. Lamb: Example of deck on front of historic house. Put it in the back. Someone's alley is front of someone's house as well. That is how I thought we would do this. (Ms. Puester: That is under our current code and how we would steer an applicant now and consistent with the Secretary of Interior. I would not steer you toward being real visible from a public street.)
- Mr. Gallagher: Get details to the typist to summarize for the Council what your thoughts are.
- Mr. Mosher: What is character defining roof? We don't have that in our code.
- Mr. Lamb: What is the percentage of roof that is acceptable? That is a tough one. These are going to come to us. Need to allow Planning Commission to have discretion to look on a per application basis. It is subjective.
- Ms. Dudney: Percentage idea is not what we are taking to the Council.
- Mr. Pringle: One follow-up comment: we have to have discussion on solar panels in Town, not just in the historic district. Imagine the solar panels across from tennis courts, and not screening them. (Ms. Dudney: Please note Mr. Pringle is making a personal comment.) You can't draw the line that they look good at rec center but not elsewhere. I think they look horrible up on the roof of the rec center but we need to have a come to Jesus moment saying they're good here, there bad here, I am fuzzy. Do we screen them all over Town or only in certain areas?

(The Commission took a ten minute recess.)

2. Moving Historic Structures (CN)

Mr. Mosher presented on behalf of Mr. Neubecker. Staff last presented on the topic of moving historic structures during the Planning Commission meeting of October 16, 2012. At that time, we heard support for revising Policy 24/R-(Social Community/Historic Preservation) to clarify when negative points would be assigned, and also allowing more flexibility for moving historic secondary structures such as sheds, barns and outhouses. The Commission supported more negative points for moving primary structures than secondary structures, and wanted to avoid “double dinging” between the allocation of positive points for restoration, and assigning negative points for moving structures.

Also, during the joint meeting with Town Council on November 13, 2012, we heard support from the Council for allowing the maximum flexibility for moving structures without lowering the rating of structures or reducing the designation of the Historic District. The Council supported connecting secondary structures to primary structures if there is no loss of rating of the structure or the district. Staff indicated that we would research these issues with the State Historic Preservation Office (SHPO), and/or National Trust for Historic Preservation, and report back. We expected to hear back from SHPO the week of December 31st.

A modified policy on moving historic structures was presented in the packet. The key changes to the policy from October 16th include:

- Increased negative points for moving primary structures.
- Prohibit moving historic structures to another lot, unless a variance is granted.
- Negative points for changing the orientation of a structure (rotating the structure).
- Consideration for changes required for public safety or for improving “save ability” of the structure.
- New language added to clarify that final point allocations will be made by the Planning Commission based on the significance of the structure, visibility and size. This provides additional flexibility to the Commission.
- Policy on Above Ground Density is moved to Policy 24, to keep all Historic District policies together.

Staff had a few questions for the Commission on the proposed language:

- Should positive points for restoration of secondary structures be allocated separately from primary structures? (Note that this may require a new point system for primary structures also, so that points are not allocated twice, since the current point system anticipates secondary structures.)
- Should moving a historic structure off site be prohibited? (In rare cases, a variance could be granted if there are practical hardships, and no other solutions for preserving structures on site.)
- Should applications that obtain a variance to move a historic structure to another lot also be assigned negative points for moving the structure?

To aid in discussion, Staff included four site plans from recent projects that received negative points for moving structures. The plans indicate the distance historic structures were moved and how many points were assigned for moving (negative points) and for the restoration (positive points).

Please let Staff know if this policy change is ready to go to Town Council, or if you would like to review these issues again.

Commissioner Questions / Comments:

Ms. Dudney: Did you hear back from State Historical Society? (Mr. Grosshuesch: No.) Would you mind talking more about negative points relating to a variance? (Mr. Mosher: Any variance is subject to a physical hardship, not created by the applicant, and is applicable to Absolute Policies. A variance allows you to not necessarily meet the absolute. But if there is

absolute and a relative policy and you request a variance from the Absolute Policy, you need to review the request with regard to the Relative Policy as well and incur negative points if applicable. Discussion tonight is about whether to have a variance request incur negative points also.) Do you have a recommendation on whether you should have negative points? (Mr. Grosshuesch: I think if you agree there is an egregious design sin, if you think it is such a bad idea to move historic structure, then you make variance policy and negative points.) Wouldn't you just deny variance? (Mr. Grosshuesch: We have not though that part through yet.) (Mr. Mosher: Variance is for hardship not created by the applicant.) Negative points to move structures primary and secondary; should we also have positive for renovating primary and secondary? (Mr. Grosshuesch: We have had where people have just moved primary and not secondary. The question is fairly complex. If they renovate both primary and secondary, that is a lot of positive points. They could commit some serious sins with that kind of positive points being awarded. Thought we would present to you but I am reluctant to give too many positive points.)

Mr. Lamb: Instead of getting positive 12, you're just doing primary, you get positive 9, doing secondary you get positive 9, that's now 18 positive points - more than the code currently allows.

Mr. Schroder: Moving historic structure is prohibited from one lot to another. But later on it allows you to incur -15 for relocating off the site. (Mr. Mosher: Three options are shown: Absolute no variance and variance with points or no points. Staff to work out with Mr. Neubecker.) (Mr. Grosshuesch: This is with variance and negative points. You can say variance now will cost you some negative points. If you stay with thought process and good historic practice, you want to keep historic structures on their original sites.) On past projects, for example the Silverthorne house. We were excited to see it get restored. Under the current process it passes; under the proposed, it gets nailed. Are we getting ourselves into a bind where we can't support with a policy change? (Mr. Grosshuesch: Since that approval, there are a couple of things they couldn't do now with Silverthorne house.)

Mr. Lamb: Can we build a point structure if we gave positive points for primary, then on secondary can we write something that can get us in a lot of trouble down the road? (Mr. Grosshuesch: Mr. Neubecker and I talked about scaling back the number of positive points for moving a primary structure, gets confusing when added to secondary structure. Don't really want to get more than 9 positive points, not sure we really want to go there.)

Ms. Dudney: Depending on whether you want to incentivize restoration. (Mr. Grosshuesch: We still are.)

Ms. Christopher: Are we separating the primary and secondary? (Mr. Grosshuesch: That is the conundrum. What if no secondary structure?) (Mr. Mosher: This could be addressed similar to the height policy; there are several types of roofs and different ways to measure them.)

Mr. Pringle: If you want to move secondary structure, this whole discussion is predicated on taking secondary structure and moving that thing. Can we say if you move secondary structure, we expect preservation? (Mr. Grosshuesch: Yes.) I think we have a very good code today; we just don't address secondary structures very well. If we had a carve out in standards that said if you want to move building 3 feet to accommodate something, we expect better than minimal restoration. If you move ten feet, we expect even more. If you move even more, we expect stunning renovation.

Ms. Dudney: But no negative and no positive points for secondary structure?

Mr. Pringle: I don't know, but if you move a little bit, you do a little bit, if you move a huge amount, you do a stellar amount. (Mr. Grosshuesch: One of flexibilities in code is ability to make up negative points.) That is why I am reluctant to comment on this. Maybe we make this special deal here. You can't mitigate this by planting a bush or a shrub; you have to mitigate this by doing this amount of renovation.

Ms. Dudney: Mr. Gallagher?

Mr. Gallagher: I am curious about what the public has to comment.

Ms. Dudney opened the worksession to public comment.

Ms. Janet Sutterley: I was feeling a lot better about it last time but all of a sudden it's gotten out of control. It is making me really nervous with all the unknowns. I liked where Mr. Pringle was going with this. I think write the flexibility in. What scared me was when I saw Mr. Neubecker's diagrams; -22 for Silverthorne House! How do you mitigate that? There could be others like that. On the Harris project, Mr. Neubecker had negative 8. -3 for moving the primary, -5 for moving the shed 16'; what about the outhouse? Are they counting that? Then Mr. Grosshuesch's comment about "we want to be careful about assigning too many positive points". On Harris and Stroble, we got 9 positive points and we heard "the reason I can't support positive 12 was because of moving structures around". Ceiling is not going up as much for restoration as it is for moving things. (Ms. Dudney: You mean negative points?) Right. You always have your precedent thing, but I think you can get out of that. I was feeling like we're not there and I don't have the answers, I just don't feel like we're there. This could be really restrictive in some situations where we might not want to be.

Mr. Lee Edwards: Historically lots of these buildings have been moved everywhere. Where they got placed was determined by a cute little tree they wanted to keep that has now been gone for 20 years. The building Twist is in is where it is because of a tree stump. That is how technical it got. Most buildings were put on north property line to put garden on south. Temp buildings; didn't all have foundations. I don't feel we need any more regulation or any more point analysis on the part of an application. It think we are doing pretty well. I think Karen West's old house is an example; that was substantially squished on a lot to put a larger building next door. That would never happen now. Let's keep with the flexibility that Mr. Grosshuesch has mentioned. Those are my thoughts. Thank you.

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

Commission Questions / Comments?

Ms. Dudney: Final comments? Mr. Butler?

Mr. Butler: Regarding positive points for restoration of secondary structure: I would think it should not be possible to exceed in this case 15 that you get for pristine restoration of property. If you were just doing the primary, you could never get 15, but if you are doing both, you could, if restoration is pristine. Mr. Pringle's suggestion makes sense. Shouldn't be get out of jail free.

Ms. Dudney: Let's all answer to the first question on positive points for secondary structure.

Ms. Christopher: Agree yes, no more than positive 15 for pristine restoration.

Mr. Pringle: I am not sure. My take is don't pass on a lot of negatives here and mitigate the problem you are causing.

Mr. Schroder: Tough one for me. First inclination each earned its' own, but that gets excessive. Don't have good feedback on this one.

Mr. Lamb: I definitely struggle as well. Would like to see proposed point analysis for what you get for what, perhaps compare to past and see on future projects. Not ending up the way we intended it to.

Ms. Dudney: If you are going to give negative points for a secondary structure, you are going to have to give positive points too. I hear Mr. Grosshuesch that we don't want to have so many positive points. I think Mr. Pringle's way is best: evaluation of secondary structure, but evaluation is looser. If they are going to move it, they have to do better renovation. Staff needs to look at historic projects and see how it would work. Can't be more than 9 points should be in the code. (Mr. Grosshuesch: It is in the code.) It is? Ok.

Mr. Gallagher: What about a connector? (Mr. Grosshuesch: That is an addition.)

Mr. Butler: Should moving an historic structure off site be prohibited? Yes.

Ms. Christopher: Yes, to move it off site you get -15 and you have to have a variance.

- Mr. Pringle: If I understand it would be absolute policy, no? (Mr. Grosshuesch: But you can get a variance.) I don't think you can prohibit, but it should be the last possible opportunity. (Ms. Dudney: Would you assign negative points even with a variance?) Sounds like it's prohibited but we'll allow it. I think it shouldn't be prohibited but I don't know how many negative points because it depends on the situation. (Mr. Grosshuesch: The way it should be said is that it violates an absolute policy.) I will go with that. Negative points may be assessed.
- Mr. Schroder: I am not in support of moving a structure off site. I would like to have flexibility to assess. Can't do it. But there may be a reason. (Ms. Dudney: Would you agree with Mr. Pringle? Negative points may be assessed?) Yes, I would.
- Mr. Lamb: Opposed to moving historic structure off site, but would treat primary more strictly than a secondary. I would like Planning Commission to have that discretion to grant a variance and may or may not assess points.
- Ms. Dudney: I agree with Mr. Lamb and Mr. Pringle, the way they said it.
- Mr. Butler: We have already answered negative points question.
- Mr. Pringle: Are we separating primary and secondary or are we still commingling? (Mr. Mosher: I need to discuss with Mr. Neubecker.) Mr. Gallagher raised a question I want to make a pitch one more time about connectivity. In historic context of site support. Primary building here, barn in back. Primary structure we want to be very careful with. Secondary, they were moved all around the lot, replaced, placed on neighbors' property. I think moving secondary is not nearly as important as maintaining it as secondary. If we connect secondary to primary, we have primary building with crappy addition to attach them and we lose their historic context. They have to remain separate. I think that will erode the historic district because we lose that historic context. More lenient about where to move secondary, but they still have to be secondary. (Ms. Dudney: Mr. Pringle is expressing a personal opinion.) (Mr. Mosher: What Mr. Pringle is speaking to is applicable to the next application, and is not how the code reads today.)
- Mr. Gallagher: The Town Council has all agreed that it would not be prohibited. Council would like to see how this moves forward.

TOWN COUNCIL REPORT:

Mr. Gallagher: No report.

COMBINED HEARINGS:

1. McCain Master Plan (JP) PC#2012095; 13221, 13217 and 13215 Colorado Highway 9 (Continued from December 4th, 2012.) **(Withdrawn at the Request of the Applicant.)**

FINAL HEARINGS:

1. Dodge Residence Restoration, Addition and Local Landmarking (MM) PC#2012074; 106 South Harris Street

Mr. Mosher presented a proposal to restore and add a full basement to the historic house, move the historic shed, connect historic shed to rear of existing house, and build a one-story addition to the south/rear portion (existing non-historic portion of the house). They have to have a snow melt system; there is no snow storage on site.

The purpose of the worksession was to discuss the general layout of the proposed site plan and the interpretation of the Policy 80A of the *Handbook of Design Standards for the Historic and Conservation Districts* as it applied to connectors. Policy 80A is a priority Policy and falls under Policy 5 Architectural Compatibility (Absolute) in the Development Code. The Commission was supportive of:

- Removing the attached outhouse (that had once been separate) and providing a new connector in lieu of using the outhouse for the connector.
- Placing the outhouse in the side yard, making it more visible.
- Moving the shed towards the north property line to allow a garage to be built.
- Removing the mature Lodgepole tree along the alley and mitigating its loss.

Changes since the September 18, 2012, Planning Commission Meeting

- Per recommendation from the Commission the outhouse has been moved east by 7 feet.
- Modified square footage slightly.
- The west facing window on the Master Bedroom has been modified.

Assignment of Points 9-1-17- 3: At this final review, Staff recommended negative fifteen (-15) points:

Policy 5/R (-5 points) for relocating the barn and removing the outhouse to accommodate development.

Policy 9/R (-9 points) for not meeting three of the suggested building setbacks.

Policy 33/R (-1 point) for heating the parking area.

A total of positive fifteen (+ 15) points were recommended:

Policy 18/R (+2 points) for screening the parking from public view.

Policy 22/R (+2) points for the landscaping Policy 24/R

Policy 24/R (+9 points) for the historic restoration/rehabilitation efforts.

Policy 33/R (+2 points) for providing a preliminary HERS report submitted by a certified HERS Engineer showing a rating of 61-80

Staff showed a passing score of zero (0) points.

This application has been advertised for a final hearing. Staff believes that the restoration of this historic house is a good public benefit for the community. The applicant and agent have responded to the concerns and direction provided in the last meeting. At this time we have the following question:

1. Did the Commission support awarding positive two (+2) points for the landscaping efforts?
2. Was the Commission comfortable moving forward with the engineer's letter projecting a HERS rating of 61-80 for +2 points?

Staff welcomed any additional comments.

Staff had three motions recommending approval for this application:

1. Staff recommended approval of the Point Analysis for the Dodge Residence Restoration, Rehabilitation, Addition and Landmarking, PC#2012074.
2. Staff also recommended approval of the Dodge Residence Restoration, Rehabilitation, Addition and Landmarking, PC#2012074, with the presented Findings and Conditions.
3. Staff suggested the Planning Commission recommend that the Town Council adopt an ordinance to Landmark the historic structure for the Dodge Residence Restoration, Rehabilitation, Addition and Landmarking, PC#2012074, based on proposed restoration efforts and the fulfillment of criteria for architectural significance as stated in Section 9-11-4 of the Landmarking Ordinance.

Ms. Janet Sutterley, Architect for the Applicant: On the west windows, we did a more historical array (pointed out on the large plans). On the landscape proposal, we are also restoring the historic fence. The HERS rating is based on similar detailing of two other historic projects; that's where they came up with that number. I feel comfortable with two points. That was all I had to add.

Ms. Dudney opened the hearing to public comment.

Mr. Lee Edwards: I did not see floor plans. Were floor plans included in the packet? (Mr. Mosher: No.)

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

Commissioner Questions / Comments:

Mr. Lamb: I support positive two (+2) points for the landscape, comfortable with HERS.
Mr. Schroder: I agree.
Mr. Pringle: I agree.
Ms. Dudney: I agree.
Mr. Butler: I agree.
Ms. Christopher: I agree.

Mr. Pringle made a motion to approve the point analysis for the Dodge Residence Restoration, Rehabilitation, Addition and Landmarking, PC#2012074, 106 South Harris Street. Ms. Christopher seconded, and the motion was carried unanimously (6-0).

Mr. Pringle made a motion to approve the Dodge Residence Restoration, Rehabilitation, Addition and Landmarking, PC#2012074, 106 South Harris Street. Ms. Christopher seconded, and the motion was carried unanimously (6-0).

Mr. Pringle made a motion to recommend the Town Council adopt an ordinance to Landmark the historic structure for the Dodge Residence Restoration, Rehabilitation, Addition and Landmarking, PC#2012074, 106 South Harris Street, based on proposed restoration efforts and the fulfillment of criteria for architectural significance as stated in Section 9-11-4 of the Landmarking Ordinance. Ms. Christopher seconded, and the motion was carried unanimously (6-0).

OTHER MATTERS:

Ms. Dudney: I am trying to go to the Town Council worksession, and I encourage any of you to attend if you can. They have been reading our minutes very carefully as hard as they are to reproduce, and sometimes it is difficult for them to understand them. It might be useful for some of us to go.

Mr. Lamb: The worksessions are really long; maybe we can do shifts as far as who attends which one?

Ms. Dudney: Regarding audio recording of Planning Commission meetings. I recommend we continue written recording of Planning Commission minutes, as no one wants to listen to two three or four hours of the meeting to hear the topic they are interested in. I don't know if that decision is ours? (Mr. Grosshuesch: We are going to see how Town Council does with beta testing first, and then deciding to move forward with other commissions.)

Mr. Pringle: My concern is that on occasion the minute taker records the minutes very differently from the meeting itself. The minute taker does not review the minutes, someone else does, and many times it is like the minutes don't even reflect the actual meeting at all, it is like it is a different meeting.

Ms. Christopher: My concern is the Town Council is not going to listen to the entire minutes. I really think the typist is for the Town Council to understand what is going on. (Ms. Brewster explained that the new system is such that the recordings are time stamped so that when a member of the public pulls the minutes up on the website, they can jump directly to the item they are interested in and hear the minutes starting at that point instead of having to listen to the hour or two or more prior to that point.)

Mr. Schroder: On a separate note, there is an on line petition that there is a protest against and active application. I want to confirm the process around that. (Mr. Mosher: For anyone to ask you about that is ex parte contact and you need to remind them you cannot discuss it.) I just wanted to confirm process, thank you.

ADJOURNMENT:

The meeting was adjourned at 9:19 p.m.

Gretchen Dudney, Chair