

## PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

### ROLL CALL

Kate Christopher            Ron Schuman            Dan Schroder  
Eric Mamula                Jim Lamb                Dave Pringle (arrived at 7:40pm)  
Wendy Wolfe, Town Council Liaison  
Gretchen Dudney was absent.

### APPROVAL OF MINUTES

With no changes, the September 15, 2015, Planning Commission Minutes were approved as presented.

### APPROVAL OF AGENDA

With no changes, the October 6, 2015, Planning Commission Agenda was approved as presented.

### CONSENT CALENDAR:

1) Lot 7, Cedars at Breckenridge Townhomes Addition (CK) PL-2015-0417, 505 Village Road

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

### TOWN COUNCIL REPORT:

Ms. Wolfe:

- We passed 2 resolutions 2A on parking and transit and 5A which is continuing the housing funding.
- James gave a report on transit, the Town was already planning on buying 2 more buses and the Town can wrap a standard bus and make it look like a trolley. This is an appealing idea because people like the look of the trolleys and it has wooden seats on the inside, and it doesn't have any of the safety concerns of the old trolleys. So the Council wants to go ahead and give the approval because the new busses wouldn't be here until next summer. The plan is to put this bus on the Orange Route maybe with some modifications.
- Had a discussion on golf, there is a lot of feedback from the community that they want to have a voice on suggestions and improvements. We discussed creating a separate committee for golf and we gave it back to staff to discuss and come up with a solution. The staff will send out a Survey Monkey survey and conduct a focus group to get some feedback on this issue.
- Mr. Steve Lapinsohn stood up in public comment to discuss concerns around homeless issues. This is a concern going on around our town and other neighboring towns. A lot of the pan handling and homeless issues, on where they may sit, sleep and access wifi. First amendment rights come into play and there are court cases nationwide right now. Our town needs to look at ordinances to find a direction. Ms. Shannon Haynes, Breckenridge Police Chief, held a session with local retailers to get some ideas and discuss the issues. A lot of the current laws are on the side on allowing people to hang out. The winter weather will take care of this in the winter but the summer is different.
- Sign code came up again from Mr. Lapinsohn. Our sign code will need to be revised because of some recent court cases. You can expect some more sign code discussion soon. This stems from staff getting out there and enforcing the ordinances. (Mr. Mamula said that he has only heard from Mr. Lapinsohn and some of the things he brings up are preposterous. There is not a unified response from the retailers. Some would like to see the sandwich boards and then there are others who think it was out of control.) (Mr. Lamb: I liked the citations about the trash that was published the other day; I'm sorry it had to come to that but it really helps with concerns around bears.) (Mr. Mamula: On the ballot initiative, why is the ballot listed at \$4 million dollars instead of \$3.5 million?) The reading of the ballot is unfortunate and is hard to read. I will need to look at this again and get back to you.
- Ms. Puester: The planning commission retreat date is October 22, so if you could please extend that to

Council members if they are interested in attending.

**PRELIMINARY HEARINGS:**

1) The Old Enyeart Place Renovation, Addition and Landmarking (MM) PL-2015-0361, 112 South Harris Street.

Mr. Mosher presented an application to renovate, restore and remodel the historic house, add a full basement beneath the historic portion of the house, build a new a connector and addition to the back of the lot and locally landmark the historic house.

Assessment of historic physical integrity related to significance:

This property displays a below-average standard of physical integrity, relative to the seven aspects of integrity as defined by the National Park Service and the Colorado Historical Society (setting, location, design, materials, workmanship, feeling and association). The following additions and alterations to the historic dwelling have significantly compromised the historic property's physical integrity: additions built onto the original east and north elevations in the early-to-mid-1970s; the application of square-cut shingle siding, over the original half-log siding in the 1960s; the alteration of some window openings, changed from multi-paned horizontal sliding windows to single-light fixed-pane windows. The original home's roof line has been altered, and little of the original exterior fabric remains visible.

The applicant is aware of the underlying cut log siding and intends to restore the original siding. Similar to other historic renovation and restorations, the condition of the underlying fabric is unknown. Additionally, the north addition and some later mechanical systems have compromised the exterior walls. If the fabric is too damaged for restoration, the exterior will be re-sided with 4 1/2-inch reveal cedar lap siding

Staff anticipates the applicant making revisions the plans to ensure that the project passes with a zero or greater point score. Staff will have more information at a future hearing.

Overall, staff is pleased to see the amount of restoration of historic structures along this block. Although this property does not fall within the Town's Period of Significance, it still represents part of the town's heritage for the "Interim Period" of the town's growth (1943-1960).

Section 4, Policy 80/A: The larger the masses to be connected are, the greater the separation created by the link should be; a standard connector link of at least half the length of the principal (original) mass is preferred, a minimum of six feet is required. (In addition, as the mass of the addition increases, the distance between the original building and the addition should also increase. In general, for every foot in height that the larger mass would exceed that of the original building, the connector length should be increase by two feet.) The verbiage states that these dimensions "should" be and "a minimum of six feet is required". The proposed connector is 17-feet long. Discussing this amongst Staff; we feel these are suggested tools to separate the masses, but do not need to be strictly adhered to. We would like feedback on that.

The rough point analysis does not currently show a passing score but staff anticipates changes to the drawings that would allow this project to pass a point analysis. Staff had these specific questions for the commission:

1. Would the Commission support allowing an encroachment no more than 12-inches into the absolute 5-foot rear yard setback?
2. With two historic log structures along this block, stained log finishes may be appropriate. Does the Commission concur?
3. Would the Commission support the option of re-sided the historic house with new 4 1/2-inch cedar lap siding if the logs and underlying fabric are too damaged?
4. Since the applicant is seeking to landmark the historic home, should the plans follow Priority Policy 77, "Maintain original window proportions"?

5. Staff is suggesting solid wood windows instead of wood clad windows for the historic structure. Did the Commission concur?
6. Did the Commission believe the visual impacts of this addition are back far enough on the lot to allow for the 23-foot 2-story height instead of the suggested 1-1/2 story?
7. With the height at 23-feet for the addition, does the Commission believe submitted connector sufficiently separates the addition from the historic house, or should the criteria of Priority Policy 80A-4 be strictly followed?
8. Did the Commission support awarding positive two (+2) points for screening the parking from public view?
9. Based on the criteria listed above, would the Commission support locally landmarking the structure?

Staff welcomed any additional comments. The Planning Department recommended this application return for a second review.

Applicant Presentation: Michael Gallagher, Applicant and Architect: I've lived in the house next door to this property since 1996 and I'm pleased to see all the planned improvements to this block. I was neighbors with the Enyarts and enjoyed hearing about the "old days". When they sold this house to me, they said they didn't care if I tore it down. But, I think that it is a good to preserve as it is worthwhile to celebrate who Bud and Martha were in our community. I also would like getting the landmarking density. It is a good property for a family home and the Town needs livable houses that can be functional for a large family to have room for themselves and their possessions. I want to go over a few issues.

The placement of the structure: I'm asking that the rear overhang be allowed to encroach no more than up to 12-inches into the alley setback. There are already a number of encroachments into the alley including the nonhistoric shed on this lot that will be torn down. As Mr. Mosher noted, we are going to move the cabin 5-feet. But, this will be reduced slightly to avoid the larger negative points.

The big question is what to do about the cut-log siding and the determination of what is historic for the original house. It is both able to be landmarked but, because it is not in the Town's Period of Significance, it is also able to be demolished. The cut log siding is milled log, not hand hewn as the Handbook suggests. We need to find a balance because it is not your typical historic structure. The log siding was never chinked there are no longer any corner boards. The log siding on the building is not really finished. It is not weatherproof. I know of a number of large gaps and holes but, there are other areas where we don't know what material is under the shake shingles. There may be sides that don't have any log siding at all. The proposed elevations were drawn with guidance from Mr. Mosher. Making the log siding a requirement was a surprise to me in the report. I understand the logs were there but I think new lap siding will look better. My request is that we go for the submitted elevations with new lap siding as they were drawn and later see what condition the log siding is in. If the log siding is good, then I would change the plans to keep it. The other staff idea was to use a stain on the proposed lap siding that makes it look more of a log color.

The existing window openings don't come up to Building Code. The existing horizontal orientated windows are original to the house but aren't appropriate for the character in the neighborhood. The module size for the new addition is within the suggested range but is relatively large at the high end of the range. The house in the front is relatively small and this is why the module size is relatively large. The idea of adding a second connector to break up the massing is not feasible. It seems to me that the staff has looked at the Policy and has come up with a new idea of a connector that could 31.5 feet long; I think it is a grammatical "and" not a mathematical addition. A 31.5' connector would push the project off the site. I think the connector I've drawn is completely proportional and is acceptable.

I think Mr. Mosher insinuated that this is not eligible for the positive six (+6) points for restoration historic structure as any points greater than positive three (+3) points require the building be within the Town's Period

of Significance. I read the Code completely differently and I think it is eligible for the positive six (+6) points. I don't think you can rule out positive six (+6) points because it isn't part of the period of significance. Under Policy 33(C), window well heating was for safety; this is strictly for safety of the inhabitants to keep window wells clear. If this is taken as a negative I will drop it.

*Commissioner Questions / Comments:*

Mr. Mamula: As this falls outside the Period of Significance, could he tear this thing down? (Mr. Mosher: Yes.) So this restoration and code compliance is really being driven by the desire to landmark the house for the basement density. That is a key issue tonight to discuss. Does the Handbook of Design Standards for the Historic and Conservation Districts come into play for a property like this? This is an important discussion for the Commission to have. If it is a Code change, obviously it does not affect this submittal.

Mr. Schroder: (To Mr. Gallagher) When you referred to the "particular moment of time" are you referring to the Interim Period? Could you clarify? (Mr. Gallagher: If you look at what is written it says "efforts which fall short" and this falls short of the Period of Significance which brings a structure to a point in time, not just the Period of Historic Significance. It says it can fall short of this period. The efforts I'm proposing aren't bringing it to a particular point of time.)

Mr. Mamula opened the hearing to public comment.

Ms. Janet Sutterley, 100 South Harris Street (Neighbor): I think this is a really good proposal. I like how it's coming together. The connector thing is an example of one size doesn't fit all. When I look at the proposed connector, it is the right height and length. I feel like we aren't going the right direction with the connector issues. I trust the Commission on making the right decision. I think it looks good and it's the right proportion.

With no further public comment the hearing was closed.

*Commissioner Questions / Comments:*

Mr. Mamula: There is an obvious clash in the Code between the 50 year old structures under Landmarking and the Period of Significance in the Historic Standards. What do we specifically want people to restore in the historic guidelines? We have a set of rules for properties that we don't want to have demolished, but after that period you can demo even if neighbors can't. Some of the things that Mr. Gallagher wants us to forgive are understandable but for historic guideline purposes you can't forgive them.

Mr. Lamb: I am a neighbor to this property. A while back, I had a small shed that I thought I would have to keep but, Staff didn't consider it historic because of the flat roof and the window shape, so I was able to tear it down.

Mr. Mamula: If there is a house in town that is built in 1960 and the applicant comes in and says I want to landmark this and lift the house and put in a basement. This has less to do with this project but we are getting to a point that we need to have some clarity going forward. This is close, but are we going to say to other properties, bring it to historic point and you'll get the density? (Mr. Mosher: The information in the Handbook of Historic Standards is not addressing any guidelines for this period. They are silent to this period of time.)

Mr. Schroder: We keep referring to a Code that is not specifically applicable to this project. (Mr. Grosshuesch: We looked at this in that if the applicant wants additional density for landmarking, then the quid pro quo would be let's get this property back to the historic period as far as the applicant can. We didn't think that the strict handbook design guidelines interpretation for the windows proposed would be ok. We have a building that will be taken back close to a period in time, that was our hope but it is your call.) (Mr. Mosher: There are provisions in the Handbook for new construction that apply to the back addition.)

Mr. Mamula: You could apply these to the front too. (Mr. Grosshuesch: I think we owe it to the applicant to move this project along without having numerous work sessions on possible Code changes.) I agree completely, but I want staff to note that we do need to deal with this in the near future.

Mr. Schroder: What happens in 10 years, we are getting newer 50-year old buildings? What do the standards say? (Mr. Grosshuesch: Years ago, the Commission looked at possibly expanding the Period of Significance and we saw that there were only a handful of buildings that met the timeframe after 1942. They weren't really great examples of the Tyrolean ski period. We have the 50 years for the local landmarking which rolls along and the 1942 Period of Significance.) (Mr. Mosher: Thankfully, when we get to the 70's and 80's we have a lot of photographs and other documentation.)

Mr. Schuman:

1. Support the encroachment if it is just the eave.
2. I support keeping the stained log siding as discussed.
3. I support the re-siding or repairing the logs if are too damaged
4. I originally said no, but I'm waffling a little on this no, I think we might need to increase the window size to the double hung.
5. I would support the solid wood windows.
6. I believe the visual impacts of the addition are far enough back.
7. I think the connector is appropriate at 17-feet long.
8. I support positive 2 points.
9. I support the local landmarking.

I think we need to try to maintain these properties versus a scrape off.

Mr. Schroder: Do we have negative seventeen (-17) points total? (Mr. Mosher: Yes, but we are really addressing the points as they are going to change.)

1. I support the encroachment.
2. I support keeping the log siding.
3. I support allowing the new cedar siding if the original logs are decomposed.
4. I support putting in larger windows.
5. I don't know the difference but, a non-metal version is what I support.
6. The new addition does seem large compared to other buildings in the area, but I support as presented because the Code says it is allowed.
7. Connector, I'm in support of way it is shown.
8. Yes.
9. Yes.

Ms. Christopher: I concur with all other comments except number 4. Number 4, I think we should keep the original window proportions, is this to the cabin or to what is historic?

Mr. Lamb:

1. Yes.
2. I would support keeping the log.
3. If logs are damaged, I'm fine with the siding.
4. I'm waffling too on the window proportions; I'm going to have to think on this.
5. Solid wood windows I support.
6. This is another tricky one for me, I'm torn both ways.
7. The connector proposed looks fine to me.
8. Support the 2 positive points.
9. Support landmarking.

Mr. Pringle:

1. I support.
2. I support keeping the cut logs.
3. Lap siding ok if logs are too damaged.

4. We have a big discussion of applying historic standards to non-historic homes. Maybe we shouldn't be applying these standards. I think we should put in the original window proportions not just what is looking historic per the handbook. I don't know if we want to apply a lot of historical techniques, when we should make it look like what it was when it was originally built.
5. I don't have a big problem with the wood clad because this isn't a historic building.
6. I think one of the biggest challenges we have is maintaining the visual mass, I'm not sure going to the 23-foot height. I think the District Guidelines are a story and a half. Does this have negative points or is it absolute? I'm reluctant to endorse this at this point, but I don't think it is a fatal flaw. (Mr. Mosher: The mass the building and how the connector plays, the code talks about 1-1/2 story at a primary façade. It is up to the Commission to decide if it is far enough back.)
7. I like connectors that work for the building so I'm in favor of this one as presented. I don't like the one size fits all.
8. I support the parking points.
9. I support the landmarking.

Mr. Mamula:

1. I'm ok with the encroachment into the setback.
2. This is still difficult; either this is a product of its own time, or its not. I'm ok with the landmarking but the building has to be brought to 1940's not the 1880's. So, the siding and the windows you want gets it to the 1880's. I would rather see the 1957 logs if they are there. I would rather see a window style closer to the 1940's. I would rather see the house get landmarked because it was a function of its time rather than looking like a house trying to be in the 1880's. These are my comments for 2-5.
6. I would rather see a story and a half, but you have room to go more.
7. As far as connector goes, I think the one-story the simple structure is the root of the connector direction we wanted. We have the latitude to determine if this connector is the correct size for the proposed project. I agree with the connector you've drawn.
8. I'm ok with parking.
9. I'm ok with landmarking as long as the front principle building is a function of its time.

2) Gallagher Residence Renovation and Landmarking (MM) PL-2015-0362, 114 South Harris Street

Mr. Mosher presented an application to renovate, restore and remodel the historic house, add a full basement beneath the historic portion of the house, and locally landmark the historic house.

At this initial review, Staff showed the initial point analysis as:

Absolute Policies: All have being met.

Relative Policies: Relative Policy 33: Negative one (-1) point for heating the window wells.

Staff anticipated the applicant making revisions the plans to ensure that the project passes with a zero or greater point score. Staff will have more information regarding the restoration points at a future hearing.

The proposed modifications to the house are modest but will strengthen the historic integrity. Staff is pleased to see the parking on the property too. The rough point analysis shows a passing score and we are requesting minor modifications at the preliminary review. Staff had these specific questions for the Commission:

1. Based on the criteria listed above, would the Commission support locally land marking the structure?
2. Did the Commission believe the front porch should be redesigned to reduce the size and impacts to the historic roof.

Staff welcomed any additional comments. The Planning Department recommended this application return for a second review.

*Commissioner Questions / Comments:*

Mr. Pringle: Are those original shingles? (Mr. Mosher: Staff believes so but, that is what we are trying to

determine exactly. They are true smaller cut-wood shingles. They aren't something that you would find in a hardware store.) It reminds me of old salt box houses around town.

Applicant Presentation: Michael Gallagher, Applicant and Architect:

I'm convinced the shingles are the original siding of the house. There has been a lot of discussion about when this house was built. There was a house here in the 1800's but it wasn't the house there now. Martha Enyeart said that her brother helped build the house in the 1930's. I would like to keep the shingles. This house was built in the 30's. The front porch is the same footprint of the stone porch that is there now. If it isn't covered it becomes a deck, covering it makes it more historically accurate. If I need to cut it back some I won't have a problem. The windows on the south side are historic which I worked on in 1997 and the storm windows have protected them since then.

*Commissioner Questions / Comments:*

Mr. Pringle: They are cedar shingles not asbestos? (Mr. Mosher: Yes.) (Mr. Gallagher: They are machine cut and they are covered with a lot of paint, I have a photo from Martha that shows them in the early 40's.)

Mr. Mamula opened the hearing to public comment. There was no public comment and the hearing was closed.

Planning staff had the following questions for the Commission:

1. Based on the criteria listed above, would the Commission support locally land marking the structure?
2. Did the Commission believe the front porch should be redesigned to reduce the size and impacts to the historic roof.

*Commissioner Questions / Comments:*

Mr. Pringle: I think it is a wonderful proposal and an interesting house. It does have its own distinct character and I would endorse this. I would support local landmarking. But, I think the form is wrong on the front porch and should be redesigned.

Mr. Lamb: I totally support the local landmarking and I also think the porch looks a little disproportioned. The heated window wells are a new concept for me; I'm questioning if these are necessary. If so, I support.

Ms. Christopher: I support landmarking and reworking the porch.

Mr. Schroder: Yes and yes.

Mr. Schuman: Yes and yes.

Mr. Mamula: Yes and yes. This is a really cool house.

3) Marvel House (MGT) PL-2015-0328, 318 North Main Street

Mr. Thompson presented a proposal to build a new 3,034 sq. ft. residence (New House) with attached 624 sq. ft. garage (The Barn) in the rear behind the historic Marvel House. Move the historic Marvel House 10' to the west (towards the front of the lot). Remove the non-historic upper level roof (east of the original ridgeline), and remove the non-historic west porch. Restore the historic windows, doors, siding, and architectural details on Marvel House. A new foundation, and full basement density is planned under the historic Marvel House to be used for commercial uses, mechanical needs and an employee housing unit, and to provide new mechanical, plumbing and electrical upgrades on Marvel House. Also planned is the restoration of the front yard with removal of a composite play deck.

The attached preliminary point analysis shows a tentative total score of positive three (+3) point. Negative points have been assigned under Policy 9/R, Placement of Structures (-3) and Policy 24/R, Social Community - Historic Preservation, Section F. (-10). Positive points are suggested under Policy 24/R, Social Community - Historic Preservation. There are positive ten (+10) for the Employee housing and positive six (+6) for the

historic restoration.

The Planning Department has concerns with the plans as proposed and would like Planning Commissioner input on the following questions for direction:

1. Is *Priority Policy 37, Additions should be compatible in size and scale with the main building*, being met?
2. With the average module size at 1,200 sq. ft. and the drawings showing 1,600 sq. ft., is *Priority Policy 178, New buildings should be in scale with existing historic and supporting buildings*, being met?
3. Is *Policy 179, Divide site functions into separate structures to reduce the mass of individual buildings*, being met?
4. Priority Policy 80 states, *Respect the perceived building scale established by historic structures within the relevant character area*. The proposed 1,600 sq. ft. module is directly adjacent to the historic 840 sq. ft. Swisher Cabin on the lot to the north, and the 1,550 sq. ft. Marvel House. Does the Planning Commission believe this policy is being met? Additionally, does the Planning Commission believe it is possible to add more sq. ft. below grade to mitigate the effects of proposing such a large addition directly next to a much smaller historic structure?
5. Would the Commission support the Barn being located on the side (not the rear) of the New House? (*Priority Policy 80A- section 1*)
6. Should the connectors for each of the modules be lengthened to meet *Priority Policy 80A- section 4*?
7. The drawings are showing a gap in the connector between the Marvel House and the New House allowing access to the north yard. Staff does not believe this portion of Policy 80A is being met with this design. Does the Commission concur?
8. The Marvel House is one-story and 6' lower than the proposed residence and the Swisher Cabin directly north of the proposed addition is one-story tall. Is *Priority Policy 81, Build to heights that are similar to those found historically*, being met?
9. Is *Policy 82, The back side of the building may be taller than the established norm if the change in scale will not be perceived from major public view points*, being met?
10. *Priority Policy 86, Design new buildings to be similar in mass with the historic character area context*. Staff believes the perceived size of the new buildings is larger than the neighboring historic buildings in the character area context. Does the Commission concur?
11. Staff believes the new building is not in scale with the historic buildings in the immediate vicinity or other historic buildings on the block. Is *Priority Policy 88, Maintain the perceived width of nearby historic buildings in new construction*, being met?
12. *Priority Policy 174, Reinforce the typical historic setback of buildings and the resulting alignment of facades along the block*. Does the Planning Commission find that 28' from the front property line meets the intent of this policy?

Staff suggested this application come back for a second review.

Applicant Presentation: Ms. Janet Sutterley, Architect:

I wanted to start by giving you background on this project. It is important to note that this property is 12,143 square feet; it is double most lot sizes. The owners initial objective is to be able to footprint these buildings with the plan that the front commercial building be sold. The second goal is to have a modest home and a garage built in the rear. It is worth noting that the owners intend to phase this project. First phase is to do the full restoration on the Marvel House and phase 2 would do development in the back.

I will discuss each question on the list: I feel that we can work through the siding questions with staff.

1. **Priority Policy 37 and Priority Policy 178:** I think the first issue is to determine whether or not that we perceive the new development on back as a 60' structure or two structures with a connector in the back. I drew a rendering that shows the different levels. I feel that it has been designed as two separate structures.



2. **Character Area 4:** The Marvel house is 1,762 sq. ft. Part of our restoration proposal is to remove non-historic additions which will take the house down to 1,550 square feet. We will be removing the non-historic roof addition and moving the mechanical into the basement. We are taking mass away that is noncompliant. The modules: The average size is 1,200 square feet, no where do we say that we have to conform to average size. We are clearly in the range; 1,600 is the top of the range of module size.
3. **Priority Policy 178:** I do agree that we can use landscaping to screen larger masses. I'm showing the south elevation. It is the same proposal taking out the super connector and replacing with landscaping. I'm going to make a case for this. This is the connector between the Marvel house and the new residence. I think landscaping would be helpful between these buildings.
4. **Policy 179:** Divide site functions into separate structures to reduce the mass of the buildings. I think this is an area where the super connector shouldn't be there. Staff is trying to eliminate the smaller connector, yet we should be applying this to eliminate the super connector. I do not feel that the rear of this property is an addition to the structure. This is a new development, we aren't trying to put an addition on the historic structure, and it is completely separate. We shouldn't need the super connector. I also don't feel like the new development is a secondary structure, is the residence proposed back here secondary; I don't think so. Removing the middle connector that staff is suggesting, connector really blocks the view of the alley.
5. **Priority Policy 80:** There is a change in scale with the Swisher house, but I don't think that the Swisher house is of the historic structures that we are trying to be aware of; it is more of an anomaly. I want to show the abrupt change in scale. The Swisher house is more adjacent to the Marvel house. It's set back far enough.
6. **Connectors:** Larger masses should be broken into smaller modules. I believe we are doing this in the rear with the small connector and I believe it is appropriate in this location.
7. **Priority Policy 80A:** I don't feel that this is an addition to a historic structure and I don't believe the super connector should be there. I don't think that one size fits all with connectors. There was also a question that the connector is too short on the proposed new building, but if you see the elevation drawing I'm presenting, you can see the proportions, because both masses step back on the sides you can see that the 8' connector works.
8. **Priority Policy 81:** Build to heights that are similar to those found historically. We are clearly one and half stories; I believe that we are preserving the historic scale of the block. It is varied where we see this character. The Judge Silverthorne house is similar to the Marvel house in appearance and character, 6' behind it we have a 2 story house that is 9' taller than the historic. Ours is 6' taller and we are set back from front property line and 124' from property line to the Barn. Also, the Judge Silverthorne house picture I've presented tonight shows that there is a lot of landscaping on it, but you can see the visual results. I don't feel that we are overwhelming the front house. It is 9.5' from the Marvel house from of the proposed new residence and it is 6' taller in the Silverthorne house case.
9. **Policy 82:** Views through the alleys: (Ms. Sutterley showed a photo of the view that we are obstructing with the connector between the two new proposed buildings.) I think it is a good thing that the connector is blocking this unsightly view.
10. **Priority Policy 86:** Design new buildings to be similar in mass with the historic character area context. Draw the building to match the historic character area, the historic buildings are sprinkled in and the character area is all over the place.
11. **Priority Policy 88:** Maintain the perceived width of nearby historic buildings in new construction. Swisher is 28' (original historic cabin was 15') wide and Marvel is 30' wide and my main house is 28' wide; this is my widest piece of the building. The Looney house is 18' wide the plate height and we are really close to this. This is the closest example of an actual; the Silverthorne house is 50' wide (front façade is 18', and then it steps back).
12. **Priority Policy 174:** Street alignment: this shows that the street alignments are all over the place; Swisher house is different, everything is different as we move up and down the street.
13. **Siding and Restoration:** I'm happy to wait a while on these; and would be happy to eliminate 13, 14

and 15 points.

Ms. Puester: The handbook of designs standards was implemented in 1992; hence projects approved prior to 1992 didn't meet the design standards we have today. The Silverthorne house did have footprint lots; the subdivision code was changed in 2012 in regard to footprint lots as they relate to secondary structures. There were a lot of concerns with the new residential structures like massing and proximity behind the Silverthorne House, they did some good things like remove the driveway and parking in the front. There are different rules now than when the Silverthorne house was approved. The Handbook was rewritten since then to address these concerns from that project. Now with the revised Design Standards, you can connect to a historic structure with new taller structures, but not have taller secondary stand alone building in the rear. If there is not a connector then the new structure must be subordinate to the primary historic building façade. One of the drivers to this project was a small historic building in the front, and the desire for a taller building in the rear. You could connect this structure and have a taller structure in the back or separate the buildings with no connector but this building in the back must be subordinate to the building in the front. The footprint lot goes back to subdivision code. If the applicant goes this way, then subdivision wise they could get rid of the connector, but again, the new structures would then need to be subordinate to the historic structure in the front. (Ms. Christopher: What policies were changed?) Policy 80 was changed. 80A, 80C, and 81 were also changed. We added another bullet point to Priority Policy 81 when we had the footprint lot discussion; as it relates to the secondary structures.

*Commissioner Questions / Comments:*

- Mr. Mamula: What is the reason for moving the Marvel house? (Ms. Sutterley: We felt it would help the parking to be screened or hidden behind the commercial structure.) What is the age of the barn? (Mr. Thompson: The barn is not historic; it is really a new garage that is supposed to be sympathetic to looking like a historic barn building.)
- Mr. Pringle: If she built this as proposed and connected it, the building in the back could be higher. (Ms. Puester: Yes, but if she doesn't connect it then it has to be subordinate.) This is a recent change, is this an unintended consequence? (Ms. Puester: This is like the Silverthorne house, and that is why the policies changed after the Silverthorne project. That is our interpretation. Also, there is a lot of program on the site. If you remember the Silverthorne house, also on a very large lot, that had a commercial space and then a house and duplex. If you connect the structures then it is functioning like one structure rather than a lot of buildings that have more parking considerations.)
- Mr. Mamula: Let's not argue about whether the Code is right or wrong. This is the Code we have to work with. (Mr. Mosher: When we add a connector it creates the mechanics to move the new addition further away from the historic building. What would stop an addition in the future to get closer to the Marvel house?)
- Mr. Pringle: Priority policies are absolute? (Ms. Puester: Yes.)
- Mr. Mamula: What's keeping you from doing a footprint lots? (Ms. Sutterley: If the super connector goes away, we can do footprint lots. If you have the connector then you can't do foot print lots; maybe a condo plat.)

Mr. Mamula opened the hearing to public comment.

Mr. Sam Riggs, Co-Owner of the Swisher House, 320 North Main Street:

We've been there 40 years, our concerns: the addition was added in the 80's and moved it very close to our house. What we have is an ice mess from what comes off the roof of 5-6' height; removing the non-historic addition from the 1980's would really help mitigate the problem. Moving it over will help, but moving it further away from our property would help even more. We shovel our flat roof 20-25 times a winter to remove water going over to form ice. Drainage through this lot; I hope it gets taken care of. We've looked since this has been paved, the water disappearing under the deck and we don't understand it. Our shed door is

on the side and we do need access to it but I don't have concerns.

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

*Commissioner Questions / Comments:*

Mr. Pringle:

1. I don't feel like this is an addition to a historic building but 2 buildings on a lot and the connector is there to satisfy something like an addition. I'm struggling why it is there. Maybe we should look at completely different design. We have 2 separate buildings that are connected by contrived connector. As far as the connector between the barn and the home; I would prefer to not see that connector. You might want to bisect the lot. You are asking a question that I don't know how to answer. (Ms. Puester: Maybe you could say if you agree with staff's interpretation to that policy. If you are doing a secondary structure it needs to be subordinate and it won't have to be connected, if the addition is proposed to be taller than the historic Marvel House then it needs a connector, per code.) I'm struggling why we would connect these two. We are being presented with 2 separate structures and it doesn't relate to the Marvel house as an addition. The connector satisfies the code but it looks contrived.
2. 179: Separate structures into separate functions to reduce the mass. It seems it would normally be that way except for the connectors.
3. If the Marvel House is ok, I wonder if the 1,600 is ok. I think it is still within the size of the scale in this character area, I think the size of the module is fine.
4. Barn being on the side? I don't know where else you would put it. I don't think it works behind in this case.
5. I don't think the connector should be lengthened to meet 80A.
6. Marvel house is 6' lower than the proposed addition, but I think the building heights are fine, it is below the recommended height.
7. 82: Is the major public view point the street or the alley? I think it is the street, so being proposed on the back of the lot is fine.
8. I don't think the size is in conflict with the historic area; I don't think you judge simply as next to the Swisher house.
9. The setback if you are going to judge what is there, the zero lot line is fine because the adjacent building is on the property line, I don't think you judge it on this basis.

Mr. Lamb: I understand that if we go by the code the house can be bigger, if there is a connector. I agree with all of the concerns that staff has raised related to the priority policies, I think it is too wide, too tall, too dense, and I think when you come here with 12 things that staff has problems with then you have too many issues. Maybe you should go to the foot print thing or back to the drawing board.

Ms. Christopher: I concur with Jim; I have the same concerns as staff. Without the connector I think it looks great but, then the proposal does not meet code. We need to follow the code.

Mr. Schroder:

1. The additions are not in compatible size and scale.
2. Module size is pushing the maximum. The new buildings are not in scale, this is not meeting the priority policies.
3. The barn should be separated from the proposed residence without a connector, as to meet Policy 179, dividing the site functions into separate structures to reduce the mass of the individual buildings.
4. 80 is a priority policy and this is failing.
5. It is a small primary house on a huge lot, and it is constrained by the priority policy. It is not in compliance with the policy.
6. Connectors: I support staff on their interpretation of the policy.
7. The proposed gap in the connector is confusing to me. Is this air? (Ms. Sutterley: That is what I proposed.) It looks like a false front of the building; it shouldn't be used. We need to follow the code.
8. Priority policy 86: The new building is so much bigger than the building that is adjacent to the lot to the

north. This priority policy is not being met.

9. I do think that this policy is being met as it relates to the proposed setback. There isn't a consistent setback in this character area.

Mr. Schuman:

1. I don't think it is compatible in size and scale with the historic Marvel House.
2. 178: I don't believe that the policy is being met.
3. 179: I don't believe it is being met either.
4. No, I don't believe that the building scale priority policy 80 is being met.
5. No, I wouldn't support the side connector to the barn.
6. I don't think so.
7. I concur with the staff on the gap, not appropriate.
8. Priority Policy 81: I don't think this is being met.
9. Policy 82: I believe the scale will be perceived from North Main Street.
10. Priority Policy 86: I do believe the size of the addition will be perceived as larger in mass than other historic buildings in the character area.
11. I believe the width is much wider than nearby historic buildings.
12. 174: I believe a 28' set back would be appropriate for this particular site and character area.

One other thing: on the Judge Silverthorne property, I have constant conflicts with this property because all of the program and activity and it adversely effects the neighboring properties.

Mr. Mamula: I think the staff has done their job in interpreting the code. I think you have to do the connector if the proposed buildings in the back are taller than the historic Marvel House. The commercial building is proposed to be under parked which is forcing you to move the structure forward, when the back two buildings should be closer to the Marvel house that will make the connector look smaller and then allow you to park in the back. The parking is messing this whole thing up. The code is the code. Maybe you should examine a different way to address this project, subdivide it or footprint. As far as we are concerned as a Commission our job is to follow the code. Two completely different uses on site in two effectively different buildings with shared parking which doesn't really work. I'm ok with the setback. If you want to build this you need to go by the code and build the connector with a taller building in back. If you want to do this another way then you need to research this before you come back and meet the code. Thank you.

**OTHER:**

Mr. Thompson: I've accepted a job with the Boulder County Planning Department, as my fiancée lives down there, but I have enjoyed working here for the last 10 years. I have learned so much from all of you. I have a tremendous amount of respect for all of you. I am going to miss you, but it is time for me to move in with my fiancé, and new challenges on the Front Range.

Mr. Mamula: As the Chairman, I would like to thank you for your service to the Town and you've done a great job and you've grown a lot and helped to shape our Town.

Mr. Pringle: The Town is a better place because you were here.

Ms. Puester: October 22 is the Planning Commission retreat. We are meeting here at Town Hall in the morning. I'll be sending out an agenda. We'll be leaving around 8am.

**ADJOURNMENT:**

The meeting was adjourned at 10:30pm.

---

Eric Mamula, Chair