

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF NOVEMBER 20, 2000**

CALL TO ORDER

Commissioners present: Chair House, Vice Chair Jochum, Commissioners Couture and Zwick

Staff present: Planning Director Feagans and Senior Planner Wight

OPEN TIME FOR PUBLIC EXPRESSION

Jonathan Braun, 479 Scenic Avenue, stated that conditions that are placed on approved projects are vital to each project and the conditions are expected to be carried out. That has not always been the case and the Town looks upon the neighbors to identify the problems. The Town Council is proposing an ordinance to address those individuals that do not adhere to the conditions. Also, if abrogation of projects are brought back to the Commission, it is important to go back into the record to understand why a decision was made.

CONTINUED ITEMS

1. **DR-0038 - Huron Properties, L.L.C., 9 Indian Rock Court, A/P 177-250-55**, design review of a new single family dwelling, on property located within the R-1 Zoning District. (Staff person: Wight). **CONTINUED TO 12/4/00**
2. **V-0030/DR-0033 – Bruce and Kelly Krill, 1640 San Anselmo Avenue, A/P 5-191-23**, setback variance: to construct a 1,086 square foot first story addition within 6' of the northwest side property line (Code setback: 8') (this will necessitate removal of an existing shed, mud room, and bathroom); design review and setback variance to construct a 649 square foot second story addition within 12.5' of the rear property line (Code setback: 20'), and setback variances to construct a 420 square foot garage within 12.5' of the rear property line (Code setbacks: 8' side; 20' rear), on property located within the R-1 Zoning District. (Staff: Wight) **CONTINUED TO 12/4/00**

CONSENT AGENDA

1. **Minutes – November 6, 2000**
2. **DR-0028 – Frank Gobar, 120 Ross Valley, A/P 6-212-26**, design review of proposed colors and materials board for the remodel and addition. (Staff: Feagans) 1

M/s Jochum/Couture and unanimously passed (4-0), to approve the Consent Agenda.

Chair House advised all parties of interest of the ten day appeal period to the Town Council.

PUBLIC HEARING

1. **DR-0035 – Laura Merrill, 285 Redwood Road, A/P 7-097-06**, design review to construct a new 3,613 square foot house and 500 square foot garage in the R-1 Zoning District (Above 150' msl). (Staff person: Feagans)

Ms. Feagans presented the Staff Report.

In response to Commissioner Couture, Ms. Feagans stated that a preliminary drainage plan has been submitted and the project has been peer reviewed.

Laura Merrill, applicant, stated they have modified the design of the retaining wall by breaking it into sections and they were able to save three trees in doing so. In addition this retaining wall plan will give the oaks in the area a better chance for survival. They are also planting 82 shrubs around the retaining wall. They are abiding by the Bald Hill Plan with regard to the tree replacement. They are proposing a drip line irrigation system for the landscaping. They met with the Public Works Director and then met with their soils engineer, Larry Doyle with regard to drainage. In addition, they met with Lowell Dwyer's engineer who saw no problem with placing some of their drainage in the Dwyer pipe. They would first have to get approval from Rebecca Shute, who is out of town at this time but she supports this proposal because it would also improve her drainage. They will do the hybrid system if the Public Works Director wants that.

David Williams, architect representing the applicant, presented a model that represents ½ of the site. He explained that the shape of the house is broken up into a series of plans and angles, as well as stepping up the hill. There is very little way the house could be seen in its entirety. The roof also tends to follow the slope of the hill. Stepping back of the house reduces the vertical dimensions of the building as viewed looking up from Redwood Road. No trees would be removed down slope or up slope, with the exception of the building pad and the retaining walls. There is still a huge amount of tree coverage, and they would be adding more. He presented photographs that indicate the amount of tree coverage on the site.

Jonathan Braun, 479 Scenic Avenue, stated that there is a visual impact with this project. They are removing about 50 trees and changing the visual presence of the site. There are ways to lessen the visual impact. If you take the overall prospective of the house, it is really 43 or 44 feet tall. He would like to see the potential to consolidate the floors. There are 9 feet elevations on the lower

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stories and 13 feet on the upper story. He would like to see them reduced to 8 feet. There would also be a huge cut into the hill and the cut could be reduced by consolidating the elevation of the house. They have made an attempt to break up the mass of the retaining walls but maybe there only needs to be 5 sections and not as many as have been proposed. He also likes the fact that more trees have been retained. The verification and location of the building footprint should be a condition of approval. The lack of verification has caused problems in the past on other projects where the foundation has been poured in the wrong location. The layout of this building is critical to the layout of the trees. He would like to see a surveyor verify the footprint of the building. He would also like to see a deed restriction that the trees remain and are not windowed.

Gay Kagy, 280 Redwood Road, stated that many issues have been resolved but the drainage is still very much up in the air and not resolved. There is no idea at this point where the enclosed pipe system will go because there is a problem with getting permission. To approve a project of this magnitude on such a steep hillside with no drainage plan is premature. She would like this part of the hearing continued to the December 4th meeting when there will be a precise plan.

Stephanie Fine, 249 Redwood Road, stated that the Dwyer project is the perfect example of a plan that has not moved forward. She would like to see this drainage plan resolved before the project can move forward.

Commissioner Jochum said that the design was a thoughtful scheme and the siting is reasonable and a long distance away from any neighbor. With all the tree cover, the views of the house would be limited. The massing of the house is vine and broken up into volumes and provides a non-threatening structure on the site. The colors are fine as proposed. Regarding the cuts into the site, one has to realize that the purpose for minimizing excavation on projects is to minimize the change to surrounding land that would be visible. When the house is set down into the hill there would be a lot of excavation. Therefore, he is not concerned when it is within the footprint of the house. He is not familiar with the Dwyer drainage issues. He does however, see drainage as a more technical issue that would be worked out with the engineers. He has no problem approving a project without a finalized drainage plan at this time. He views the visibility of a project from a next door neighbor differently than visibility from across the valley. A house of this size will be visible, there is no doubt about it. However, he does not think that the picture that this is going to be from across the valley is something someone should have a problem with. It does not have large massing and they have broken up the facade. Therefore, the idea of lowering ceiling height to lessen its visibility is not a consideration for him. It would only be something he would consider if it was for the next door neighbor where the minimally reduced height would have a genuine impact.

Commissioner Couture agreed that the siting of the building is very well done and the architecture is well done and unique. The articulation of the building breaks up the mass. It steps back fairly substantially on the site and it helps from the site elevation and from looking up from Redwood. Regarding reducing the height of the rooms, looking at it from Scenic would still be seen straight on. The only way it would look different would be if it were a single story house. The top level and the garage would be visible from downhill. The living level would have some screening from the black oaks and the lower level has a series of bay trees and denser screening. He does favor a deed restriction to prevent windowing of trees because it would be very tempting to do. He is a little uncomfortable with not having a drainage plan in place prior to taking action. He agrees with a hybrid system but the only problem is there is no assurance that it will happen and it would be nice to have a back up plan. There is a 24-inch black oak that is mentioned in the evergreen report and he would like to lower the retaining wall so it would be below the elevation of that oak tree. He did speak with the owners and they seem agreeable to lowering the retaining wall by two feet. The colors are quite nice but it would be better to have the retaining walls a darker color.

Commissioner Zwick stated that the house is relatively small for the size of the lot. The house was done with a lot of care and there are many trees on the lot. Having said that, he said that he is a little concerned about the number of trees that are going to be removed. He can't tell where the replacement trees are going to be planted. Also, he does not know where the fill from the site is going? The two engineers will work out a drainage solution but this project is up on Redwood Road. There are many homes being built there now and it would be nice to know how the hybrid system would work or what the alternative solution would be. He agrees with requiring a deed restriction for windowing of trees. He noted that the arborist states the retaining walls would be on piers and not trenched. He did want to know what the retaining wall guard rail would look like.

Mr. Williams responded that the fill would be balanced behind the on-site retaining walls. The railing is of galvanized metal and painted, probably the same color as the trim of the house.

Ms. Merrill said they are willing to lower the retaining wall to help save the bay. She noted that they are putting in 65 new trees, mostly around the perimeter of the property.

Commissioner Zwick suggested that some of the oaks be planted closer to the house rather than at the perimeter of the property which would have a better way of screening the house. Also, the 24" tree would do better if that leg of the retaining wall were not there at all.

Chair House said that drainage is a key issue that they hear about all the time from neighbors. She would like to see the drainage plan come back to the Commission so she can get a general overview of how it would work.

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In response to a question by Chair House, Ms. Feagans explained that there is a \$ 2,900 assessment fee required that all new properties are subject to when they develop on Redwood Road within the Bald Hill area. This money is to be used for long term improvement on Redwood Road. She has spoken with the Public Works Director about smoothing out the surface on Redwood Road in front of the applicant's property but he is somewhat concerned about requiring it of this property owner. He does agree however, that it is a high priority to shave back the blind curve at some date in the near future.

Chair House stated that it has always been part of the Commission conditions of approval for a project to place these type of conditions on the applicant during development of a project and she would like to see a 12' roadway width in front of this property. She agrees with the suggestion of a deed restriction for windowing of the trees. The model really helps to show how the house is nestled into the hillside.

Mr. Braun commented that the predominant tree on the site is a black oak, which is a deciduous tree and that should be considered.

Commissioner Jochum asked about drainage on Redwood Road.

At the request of the Commissioner Zwick, Ms. Kagy, a long time resident of Redwood Road, provided an overview of the drainage along Redwood Road.

Lowell Dwyer, 289 Redwood Road, said he is still in the process of putting in his drainage for the new home he is constructing. With regard to the closed drainage system for his property, he is optimistic that he would have a solution soon. He stated that he has several different strategies about the drainage pipe, however he feels confident that he will come up with a solution with Rebecca Shute sometime in January. He suggested that the Commission approve this project subject to a condition that the drainage plan be approved by the Public Works Director prior to the issuance of the building permit. He does not think his drainage plan would be implemented until spring.

Commissioner Zwick stated that it has always been discussed that when this house was built they would improve the frontage on Redwood Road. He is therefore very comfortable requiring it with this house. He would like Staff to research the roadway improvements required and discuss this with the Public Works Director and the applicant.

Commissioner Couture said that \$2,900 is substantially less than what the widening would cost. He is not sure he wants to burden the applicant when there are other people using the road.

Chair House stated that this has been talked about every time the lot has been subdivided and developed. It is consistent to have the property owner pay for the street frontage. She would like to see the data from Staff but she is insistent that there be some substantial commitment by the owner.

Commissioner Couture said that piers should be used for the retaining walls. He would also like to see the replacement oak trees put more uniformly on the site, not just at the perimeter. He also felt that a survey should be provided indicating where the foundation would be placed, and that should be a condition of approval. That way, there would be no question of where the foundation should be placed during construction. It is in the applicant's best interest to research the conditions of approval for what is required for the road frontage.

Commissioner Jochum wanted to know how the Town would administer a condition limiting the windowing of trees if a condition were placed on this project. How would the condition be worded that would distinguish between unlawful "windowing" and regular pruning?

Ms. Feagans stated that most probably the neighbors would alert the Town if it happened, otherwise it would be difficult to monitor.

M/s House/Zwick, and unanimously passed (4-0) to continue the application to the meeting of 12/18/00.

2. **U-0011 – Talin Agharzarian for The Alaris Group, 921 Sir Francis Drake Boulevard, A/P 6-073-09, use permit to install two cellular antennas on the north elevation of the church building and one antenna on the south elevation. Antennas will be 5' in height and screened by a decorative shroud matching the color of the exterior building wall, on property located within the R-3 Zoning District. (Staff person: Feagans)**

Ms. Feagans presented the Staff Report.

Talin, Sprint PCS, stated that she was available to answer questions. In response to Commissioner Jochum, she stated that the cover for the antennas would match the existing color. The shroud is 4' high and 2' wide; and projects a little less than 2'.

Commissioner Couture stated that the plan indicates there will be an exhaust intake louvers and a fan but they are not on the renderings. He wanted to know if the louvers would change the look.

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Ms. Talin responded that she did not think it would change the look of the building but she was not certain. Ms. Feagans stated that one window would have to be removed.

Commissioner Couture wanted to know if they have other future sites proposed.

In response to Commissioner Couture, Ms. Talin stated that to her knowledge there are no other sites at this time. They chose the proposed design so they would not require a height variance.

Rick Millet, pastor, said the Church's position when the application was made, was positive. But they are now concerned about community relations, tenants of the building and with the information that they now have about health concerns. There was a contract that was signed with the previous pastor that a steeple would be built but he is not sure if there are still contractually bound to go forward because the steeple has been withdrawn. As the current pastor, he is opposed to the project.

Chair House asked if Staff could get legal advise from the Town Attorney as to whether or not they need to proceed.

Commissioner Couture stated that it is a private matter and the applicant should ask his own attorney.

Commissioner Jochum stated that he did not believe the screening for the antenna was an appropriate architectural solution and suggests the applicant make changes if they are going to go forward.

The Commission discussed whether or not the hearing should continue based on the comments by the owners of the building. The consensus of the Commission was to continue the application until the owner discusses the legal issues with their attorney as to whether or not they can proceed.

M/s Zwick/Jochum, and unanimously passed (4-0), to continue to the meeting of 12/4/00.

- 3. DR-0039 Andrew and Kathleen Sirkin, 49 Medway Road, AP 5-154-08, design review amendments: 1) to add screen/glazed windows, thereby enclosing the front and side walls to the new second story porch; 2) to extend the roofline of the new third story dormers to match the existing dormers; and 3) to install a planter box off the new third story dormer on the southeast side of the dwelling, on property located within the R-1 Zoning District. (Staff person: Wight)**

Commissioner Zwick recused himself for this application because he lives in the neighborhood and excused himself for the rest of the public hearing items.

Ms. Wight presented the Staff Report.

Chair House asked Staff's opinion about enclosing one side to screen them from the prevailing wind. Ms. Wight said that on the north side the neighbor is very close but she did evaluate it.

John Peterson, architect representing the applicant, presented an image of the existing house. He explained that the early drawings did show the dormer extenuation. Their goal all along was to extend the dormer out to match the existing profile. The other change was to create a depression in the window to add a planter box outside the master bedroom window. This is only along the south side. They also desire to have seasonal windows that are made of wood. It would not be heated space but they would be able to use the porch for a greater portion of the year. The porch is existing and they are keeping it in tact. The only permanent elements are the vertical support for the windows. From a massing standpoint, it acts as a scale break and because there is a roof above and a railing below, the building acts in the same way and helps to lighten the front.

In response to Commissioner Couture, Mr. Peterson stated that the frame of the window can be taken out and the frame would have pins that can be removed. They wanted the windows to be self-supporting. The windows are single glazed.

In response to a question by the Commission, Ms. Wight stated that FAR was 29 percent and after it was approved it was 41 percent FAR. With the enclosed windows it would be 42 percent FAR.

Commissioner Couture said he has no problem with the roof change and understands why they want to match the existing. He also has no problem with the window change to add the planter box. With regard to the proposal to put in seasonal windows at the porch, he noted that most owners would leave the windows in place although he understands the intention of this owner. The proposal does not add to the size of the house but it does increase the bulk. However, this house is well screened from the south and as you get closer to the property there are two trees that block the porch. There is another tree that blocks the second story, which makes it invisible from the street. He can support the project.

Commissioner Jochum said he could support the roof change and planter box. The proposed windows would not be his first choice for articulation of the front facade although he has no problem with it. He noted that the band of glass is grossly over scaled; if it was partially open or an offset porch it might be a little nicer but he would still vote to approve the project.

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M/s Couture/Jochum, and unanimously passed (3-0), to approve the application based on the findings and conditions as set forth in the Staff Report, and with the 4th finding for approval of the window as follows: The windows would be a de minimus addition to the bulk.

4. DR-0040 – Mr. And Mrs. Andrew Clare, 55 Austin Avenue, AP 7-266-12, flatland design review of a new 754 square foot upper floor to be within 5'6" of the southwest side property line, on property located within the R-1 Zoning District (Staff person: Wight)

Ms. Wight presented the Staff Report. She noted that she received a letter from the property owner at 38 Vineyard, who wanted to make sure the parking area was not on the street, and that it would not undermine the street and that the street would not be destroyed during construction.

Commissioner Jochum asked if they could access the site from Austin rather than Vineyard? Ms. Wight responded that it could be made a condition of approval.

Jim Malott, architect representing the applicant, provided an overview of the project. He explained that they are not removing any trees on the property and the house is almost invisible to the street. They have no problem widening the parking space into the property so no encroachment into the street would be necessary. They are proposing to remove bushes along the property line on Vineyard but would be replacing them. They are working with the neighbors to allow for screening for both parties.

Andrew Clare, applicant, said they have talked with the neighbors and are willing to accommodate them.

Pam Richards, 36 Vineyard, stated that her biggest concern is the maintenance of the street and that she does not want to restrict the water flow down the hill.

Commissioner Jochum said he would like to see a color board of the proposed colors otherwise he could support the project. The addition is screened from the street and in keeping with other houses along the street, and there is no concern with the adjacent neighbors.

Commissioner Couture stated that he is also in support of the project. The impact from both streets is minimal. His only concern prior to the public hearing was the privacy issue from the owner of 51 Austin but it appears to be worked out with the applicant and the neighbor.

Chair House stated that she would like to see a landscape plan and a color board.

Ms. Wight stated that because it is flatland design review Staff did not require a color board or a landscape plan.

Mr. Malott explained that the proposed color is a 50% blue gray, the composition shingles are dark green and the windows are 40% gray.

The consensus of the Commission was that they had no objection to color.

M/s Couture/Jochum, and unanimously passed (3-0) to approve the application based on the findings and conditions as set forth in the staff report and with the added conditions that Staff is to review: the parking spaces, and the landscaping plan that would screen 51 Austin. An addition condition is that construction access shall be prohibited from Vineyard and that the construction drawings shall reflect the roof height change for the carport.

5. DR-0042 - Daniel and Joan Carlson, 58 Yolanda Drive, AP 7-042-17, flatland design review of a new 547 square foot second story addition, on property located within the R-1 Zoning District. (Staff: Wight)

Ms. Wight presented the Staff Report.

Gary Millard, architect representing the applicant, explained the proposal, noting that the second story allows them the opportunity of tying the house together. They are following the line of the existing building and do not want to do anything to jeopardize the oak tree. They have kept the addition away from the setback on the other side to honor the privacy of the neighbors. The second story was placed as far to the rear as possible to consolidate the mass to the rear and tie together the gable roof lines. The concept of the deck is to break up the mass. Also, because of the difficult rooflines, the deck helped.

Joan Carlson, applicant, stated that they have no intention to ruin the oak tree and want the addition because they love the neighborhood they live in.

Commissioner Couture said the existing house is beautifully designed and the previous addition is unusual and does not fit in with the original design. He compliments the architect for tying the house back together. He does not see the deck off the master bedroom as an issue for the neighboring property and it is a good way to use the space. He can support the project. He thought the tree would create more shadow in the afternoon than the addition would.

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Commissioner Jochum said the project has been well handled and as far as privacy issues from the deck, there are already windows looking down on the neighbor.

M/s Jochum/Couture, and unanimously passed (3-0), to approve the application based on the findings and conditions as set forth in the staff report.

Chair House advised all parties of interest of the ten-day appeal period.

6. **DR Amendment – John Sorg, Pacific Planning and Construction, Seminary Estates, 575 Oak Avenue, 370, 376, 392, 394, 396 and 398 Redwood Road**, APN's 7-360-01 through 07, design review amendments: 1) add a new entry gate between the existing monuments at Redwood Road; and 2) exterior finish selections for all seven (7) homes, on property located within the R-1H Zoning District. (Staff: Wight)

Ms. Wight presented the Staff Report.

Comments regarding color change

Commissioner Couture stated that he did not want San Anselmo to be homogeneous. The original houses are very similar and he would like to see a variation in color. The proposed colors are very uniform, with very little variation in color. He was not opposed to the roof color. He would like to see more diversity in the colors. He has no problem with the house on Oak changing the color.

Chair House said she would like the houses camouflaged and these colors meet her goal.

Commissioner Jochum said that if it were a situation where there was a series of houses together it would look very production like. On the other hand, if there were very many colors close together it would look like a rainbow. He has no problem with the proposed colors.

John Sorg, applicant, said the original approval said there were at least 10 people that wanted the houses hidden. They also wanted to make sure they were in keeping with one another in the craftsman design. They have done their best to select colors that have responded to the community to camouflage the houses. Every house has been designed very differently so they will not look like a tract in anyway.

Jonathan Braun, 479 Scenic, does not have a particular objection to the colors except for the light value of stucco color. (Beige Stucco), which he would like to be a darker tone.

Mr. Sorg stated that lot A and lot 2 would have the beige stucco but the stucco is only on the underpinning section. He does have an alternate color that is a bit darker if the Commission wanted to look at it.

Commissioner Jochum stated that he tends to like darker colors due to their natural ability to recede and blend with the natural environment.

Commissioner Couture stated that because the houses are not visible, he would approve with the alternate, Moss color for Lot A and 2.

Mr. Sorg stated that the color selection for the individual homes are as follows:

- Selection 1: Lots 1, 3 and 4
- Selection 2: Lots 2 and A
- Selection 3: Lots C and B

M/s Jochum/ Couture, and unanimously passed (3-0), to approve the application of the color change with the alternate color (moss) for Lots 2 and A.

Comments regarding the gate

Ms. Wight stated she received a letter from Kathy Sanders, 310 Redwood Road, that states when the project was approved part of the approval was that there would be not gates. She was opposed to the gates because it indicates an exclusive neighborhood.

Ms. Wight noted that based on her research, there is nothing in the Resolution that prohibits a gate.

Mr. Sorg said the gate would add to the ambiance of the development. There is some confusion on access to the site and people actually access Redwood Terrace and then go to another person's property.

Jonathan Braun, 479 Scenic, stated that there has been a strong stand not to allow gated communities in San Anselmo. The Quarry Mountain subdivision was not allowed to have a gated community. He is also opposed to the pillars that are currently there. It is not an enhancement, it would be a clash with the neighborhood. If the commission wants to approve the gate, they should look at the gate on Oak Avenue, which has a low arc, rather than a higher arc, so it would be inconsequential.

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Richard Hym, 390 Redwood Road, stated that as you come down Redwood Road, the driveway gets wider but people naturally gravitate towards the wide driveway, which is his property. He put a chain across the road. There are skid marks on the roadway. He contacted the planning department and was told he could put in a gate himself with design review. It would help to have the gates for the Seminary Estate homes so people would be redirected away from his driveway.

Barbara Geisler, 405 Redwood Road, said that the main issue is that the neighborhood did not want the area to be fancy. She does not have a fence around any of her property and she wants it to look like they are open to the world.

Mr. Sorg stated that there is 14' between the two monuments, and the fence is the same size height as the monuments.

Commissioner Jochum said he tends to fall on the side of not having neighborhoods walled off. There is a real destination to wanting to define upscale neighborhood to exclude people and it is an unfriendly gesture. It does not provide a needed utility. He does however, agree that the owner of 390 Redwood has a problem. He noted that as a general rule he is against solid fencing at the street edges due to its anti social air.

Commissioner Couture has strong objections to a gated community atmosphere. The brass plaque address to that. There are other ways to de-mark edges and there are other signs that could be used to detour people from 390 Redwood.

Chair House stated that she was not in favor of the gate. Redwood Road is a rustic area and a gated community feel would not fit with the other houses. Perhaps the developer could put up a road sign. She would be supportive of the owner of 390 Redwood to installing a gate and suggests that he ask the developer for support because of the dangerous situation that has been created.

Commissioner Couture said that by placing a directional sign on the monument is fine and placing the mailbox for 390 Redwood on the road.

Chair House said she just thought just a simple street sign would be adequate.

Commissioner Jochum stated that he has no objection to placing a plaque on the monument.

M/s Couture/Jochum, and unanimously passed (3-0) to deny the gate.

GENERAL DISCUSSION

Ms. Feagans stated that the Town Council has asked Staff to put together an Ordinance for Conditioned Compliance to be reviewed at the Planning Commission. She was hopeful that it could be brought to the next Commission meeting for a study session.

REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

41-43 Tomahawk was appealed to the Town Council and is scheduled to be heard on 12/12/00.

ADJOURNMENT TO MONDAY, DECEMBER 4, 2000

The meeting was adjourned at 11:00 p.m.

**BARBARA CHAMBERS
PLANNING TECHNICIAN**