

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF AUGUST 7, 2006**

A. CALL TO ORDER

Commissioners Present: House, Harris, Krebs, Schinner, Zwick, Overberger, Sisich

B. OPEN TIME FOR PUBLIC EXPRESSION

None.

C. CONTINUED PUBLIC HEARING ITEMS

1. **DR-0621/V-0642 - Paul and Martina Hughes, 57 Indian Rock Road, APN 177-250-25**, hillside design review of a 420± square foot first story addition, 102± square foot second story addition, and 652± square foot porches; height variance for the additions to match the height of the existing dwelling, which would exceed the height limitation by 23' (Code: 18' above ridgeline of 318 msl elevation); and setback variance for the proposed porch to be within 6' of the driveway easement (Code: 8' from easement) on property located in the R-1 zoning district above 150 msl elevation. (staff person: Wight) **CONTINUED TO THE MEETING OF AUGUST 21, 2006**

**D. PUBLIC HEARING ITEMS
CONSENT AGENDA**

1. **Minutes – July 17, 2006**
2. **DR-0615/V-0636 - T. J. Cotugno, 51 Belle Avenue, APN 007-302-01**, Setback Design Review to raise the dwelling 3'± in height to clear the December 31, 2005 flood elevation in conjunction with raising the roof line for an overall height increase up to 10'± within 5' of the west and east side property lines, a 244 square foot living addition and an uncovered deck within 5' of the west side property line, and a covered porch within 5' of the east side property line; and a Setback Variance to raise the garage roof up to 4' within 18' of the front property line (Code: 20') on property located within the R-1 zoning district. (staff person: Wight).

M/s Harris/Overberger and unanimously passed (7-0) to approve the consent agenda.

REGULAR AGENDA

3. **DR-0604/V-0604 - Brian Clark, 190 Scenic Avenue, APN 007-063-15** (across from No. 203 Scenic Avenue), Hillside Design review of a new 3,590± square foot, two story single family dwelling, a 784± square foot pool house, a 642± square foot carport, and uncovered deck terraces; and a Parking Access Variance to access the property via an easement over 007-063-11 (undeveloped lot known as 186 Scenic Avenue (recently obtained Town approval to construct a new dwelling), on property located within the R-1 C zoning district. (staff person: Wight)

Planning Director Wight introduced the staff report, when she discussed the changes to the project since the last hearing. Ms. Wight said that staff believes that the colors remain unsuitable, noting that actual color chips have not been provided. She discussed the items requested at the last meeting in more detail, noting that some information has not been provided. She gave the Commissioners direction this evening.

Brian Clark, applicant, handed materials to staff and Commissioners. He discussed his project in more detail, noting that he has a large lot that supports the design, and he explained the changes that have been made to the project. Mr. Clark believes that his house will be adequately screened and will not be seen from surrounding areas, and he noted that the dwelling does not exceed height limits. He discussed the solar roof system and landscaping, and he presented color boards.

Mr. Clark and Commissioner Zwick discussed building materials, in particular those pertaining to the roof, road widening, and tree removal.

Mr. Clark and Commissioner Sisich discussed the 'pool house', and Mr. Clark confirmed that it would include a bathroom, but be called 'a tea house'.

Jonathan Braun, 479 Scenic Avenue, said that they will overlook the property, of which they will see a good portion. He liked some of the ideas being employed in the design, but he said that it is still the wrong house for the site. Mr. Braun noted that data is not available which includes the overall scale of the property, but that he believes the project is very large and that the scale and intensity does not integrate with the neighborhood. Mr. Braun is further concerned that excess grading will be necessary because the dwelling will be pushed to the edge with steeper slopes, and that it will intrude upon beautiful oak trees. He also said that a great deal of impervious surface will result, and that mitigation measures are needed for a nearby culvert which overflowed during the past winter, flooding Scenic Avenue. Mr. Braun said that the landscape plan is sketchy in that plant species are not provided, or irrigation details. Furthermore, the construction mitigation document is not one that is suitable for a condition of approval, and he suggested that it should be similar to the construction management plan submitted for a neighboring property, which included the construction hours of the Bald Hill Plan. Mr. Braun also addressed problems he believes exist with the retaining walls, color board, and the use of a road that runs beyond Foothill.

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In response to Commissioner House, Mr. Braun discussed the culvert that overflowed during this year's rainy season.

Edwin Brown, 99 Scenic Avenue, agrees with Mr. Braun. He said he was flooded, this year, and he remains concerned that storm water run-off has not been addressed.

Larry Santucci, 69 Foothill Road, is concerned about access. He said that there has been no reference to handling construction for the project and that the road has already been damaged.

Bob Snyder, 11 Plumas, lives directly below the property, and he said that he is also concerned with water run-off, which he believes has increased in recent years. He is pleased that the swimming pool is no longer part of the design, and he said that the trees should not be removed. He applauds the use of photovoltaic roofs but believes they are pointing the wrong way.

Nancy McCauley, 18 Plumas, agrees with Mr. Braun's comments. Furthermore, she agrees that drainage was at its worst this past winter and she is concerned that too many trees are being removed that will result in more run-off. Ms. McCauley said that water will be directed down their street, which concerns her, and she commented on the photovoltaic system.

In response to comments, Mr. Clark said that much of his property will not be built upon, and that he will have to remove trees at the behest of the Fire Department. Furthermore, he does not believe that grading will be necessary to the extent anticipated by a previous speaker. Mr. Clark provided a letter of support from a neighbor and he discussed the Streamlining Act in relation to this project.

The Planning Director said that the Commission must make a decision this evening, and she discussed the reasons why the project could be denied without prejudice.

In response to Commissioner Krebs, Mr. Clark discussed the trees that are slated for removal. He confirmed that no heritage trees have been removed, but that he has removed dead trees and stumps. They also discussed run-off and how it will be diffused, and the color board. Mr. Clark said he has provided different color scheme options and he will use the one that is considered the best by the Commission.

Commissioner Schinner and Mr. Clark discussed the impervious surfaces. Mr. Clark said the courtyard will be landscaped, and they further discussed tree removal.

Commissioner Harris and Mr. Clark discussed the removal of bushes and trees that is desired by the Fire Department on one side of the property. Mr. Clark believes that about 10 trees need to be removed.

Commissioner House said she appreciated the outline of the house being identified with tape so that she could ascertain the scope of the project.

Commissioner Zwick and Mr. Clark discussed tree removal at further length. Commissioner Zwick explained why he found the arborist report confusing, and he is concerned that the house is being built into a canopy of trees, albeit that the decision rests with the Fire Marshall. The Commissioner acknowledged that the size of the project has been reduced, but he remains concerned that the dwelling has been pushed to the brows of the hill, which makes it difficult to hide the mass and will increase grading. Furthermore, he remains unclear as to the number of trees that are slated for removal, and the drawings need to be more complete in terms of tree removal. Commissioner Zwick would like the applicant to consider an alternative design to building a dwelling into a tree canopy, adding that he likes the pavilions and crafted home, but not on this site as it will involve a lot of cutting. He suggested that confirmation is obtained that the drainage system is acceptable to allay the fears of the residents. Commissioner Zwick said that the site is not easy to develop but that he questions the size of the house for the lot, although it seems to meet the criteria.

Commissioner Zwick noted that there are discrepancies between the house and contours on the plans. He said that if a schematic design has been provided when drawings are needed, and he explained the problems of understanding the plans. He noted the difficulty of ascertaining the makeup of the retaining walls, and thus he questions the amount of fill that will be removed. An example was that a 6' retaining wall has been left out of the photomontage. Lastly, Commissioner Zwick would like better visual materials to be provided, showing the impact from surrounding areas, to enable him to make a decision.

Commissioner Sisich said that he is struggling with the site. He said there are privileges that accompany a large site but, in this case, it is difficult to determine the look of the project. San Anselmo tends to be conservative, and this project design is very different. He believes that by spreading the dwelling over the envelope, the house size is exacerbated and a larger impact is created on the hill. In summation, a lot of effort has been put into an interesting design but the scale and spread are problematic.

Commissioner Harris believes that the courtyard should be utilized for the dwelling, and that a design exists to produce a courtyard effect that does not necessitate building structures on four sides. He suggested that landscaping could be used for one side, for example. Commissioner Harris likes the design and understands that it is aesthetically dissimilar to many dwellings, but the design is innovative. However, he is surprised that having been requested at the last meeting to reduce the size of the project, the pool house has been enlarged. This structure probably causes the most impact, visually, and he

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suggested that some of the footage is transferred to the main house. However, he noted that the overall size has been reduced, as requested at the last meeting.

Commissioner Harris noted that drainage is a problem throughout Town and he does not believe the burden of rectifying a problem with a culvert should be placed on a property owner, although impacts should be minimized. He appreciates the flexibility in the choice of color scheme, and the design appears to be environmentally friendly, albeit the presentation remains a concern. Commissioner Harris suggested that a drainage expert could have addressed some of the issues raised. However, he believes that there are many qualities to the project; the design is unique; the mass is spread out and the rooflines provide a greater sense of privacy. He appreciates the use of solar, and he said that the quality of the presentation should not impact the way the project is perceived.

Commissioner Schinner said that this is the first time he has heard this application and, based on past minutes, it appears that the applicant has substantially complied with every request the commission has made: There has been a substantial reduction in the overall square footage, with over 600 sq ft being removed, and he appreciates the flexibility with the color scheme. The applicant has made an effort to deal with the issues and is basically gutting his dream proposal in order to pass through the gauntlet. Nonetheless, he is concerned with the process in which it has been presented. He believes there could have been a greater flushing out of some of the issues the neighbors have raised, such as drainage. Although an expert is not present this evening, the Public Works Director has addressed the issues. He believes that there are positive qualities that have been viewed negatively, such as the unique design of the house, which he believes is not inconsistent with the quality of the neighborhood. Furthermore, the mass is spread out and the rooflines provide a greater sense of privacy. He commented on a different project in an area which he considered is more environmentally sensitive, and he believes that many of the qualities of that project, which was approved, possessed some of the qualities of this project, such as a large footprint and a unique architectural design. He believes that the quality of the presentation should not impact the way a project is perceived, and he would support this project. The Commissioner said that he appreciates the use of solar, which should be encouraged.

Commissioner Overberger said that she believes there is some prejudice against the property because of the uniqueness of it. She thinks it is a fabulous design, although she preferred the original design with glazing, but she understands the reasons the neighbors do not care for it as well. She will not support the project one hundred percent, not because she believes the applicant cannot get there, but because the design is new, and she hopes that San Anselmo does not pressurize people to conform to a certain type of design, which would be bad for us. However, she does think that because the applicant is on the edge of something new, and because there is lot of open space, anything else will not be so nice. Thus, for these reasons, the applicant should return with better documentation, and integrate the plans with the comments of the Fire Chief and arborist, and provide a good, clear landscaping plan with elevations, etc., and provide the color materials, including the roof, which the applicant would like to use and which should be made as conservative as possible. Commissioner Overberger believes the applicant has moved towards all of this, but that he has not done quite enough for a design that is unusual.

Commissioner Krebs said that the drainage plan needs to be more specific, although the Town Engineer has approved it. He wants to be sure that this project will not exacerbate the problems that already exist, but he agrees with Commissioner Harris that the applicant should not have to solve all the drainage problems. Commissioner Krebs said he would like to know why the Town Engineer approved the plan. Furthermore, he would like a better landscaping plan, and further details of any plans the applicant might have for the road that continues along Foothill Avenue. He likes the design, but has mixed feelings about the structure being pushed out to the sides of the building envelope. He agrees with Commissioner Harris that the extent of the dwelling could be limited whilst gaining a courtyard effect.

Commissioner House said that she likes the 'broken' effect of the structure, providing a different kind of façade. The design is different, too, which is not a problem, but the directions on the plans are not consistent, which made it difficult to decipher at the site where the buildings will be placed.

The Planning Director noted that, all along, the applicant has had good intentions to present his project as best he could; it has gone through many submittals to get to a place where it could be presented to the Planning Commission. All along, since the first review, she has suggested that he employ a professional to produce the plans or review them with one to ensure the information is correct. Ms. Wight said reasons must be stated for denying the project; that there are inconsistencies with the project, such as the cut and fill information and architectural elements, and specific trees to be removed and to be planted; specific color samples and names of those samples; the photomontage is incomplete; that the recommendation be that any future submittal, the plans and photomontage be prepared by a licensed architect or professional designer; that a certified arborist study the existing trees in relation to the proposed building. Once the plans have been reviewed by a professional, the information will be clear for the arborist to make decisions. Ms. Wight said she could ask the Town Engineer to write up something for the next meeting or else ask the applicant to have his engineer do that. She noted that a problem exists with the information, which is received piecemeal or at the last minute, although it is ultimately received. Furthermore, it would be helpful to receive a complete construction management plan after the applicant has reviewed it with the Town Engineer.

Chair House noted that, not only do such plans help the Commission, but it also helps the neighbors to have a better understanding of the project, which is more beneficial to the applicant.

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M/s Overberger/Harris and moved (6-1 no: Schinner) to deny the project without prejudice based on a lack of evidence of information needed to make the findings for approval, including:

1. Finalization of the color scheme for the roof and house;
 2. The photomontage does not accurately reflect the drawings, in addition to being incomplete;
 3. A detailed landscape plan must be provided that integrates the arborist's proposals for trees with the Fire Department's requirements for both brush coverage and canopy;
 4. The drainage plan should be written up and certified by the Town Engineer with differentiation between the problem with the culvert and the applicant's property;
 5. A detailed construction management plan should be provided, and the package be complete, at least 2½ weeks before the public hearing;
 6. A schematic grading plan to be provided;
 7. The construction management plan should include a discussion about the use or non-use of Foothill Road, and should be consistent with the Bald Hill Plan.
 8. The arborist/landscape plan should address specific species, size and irrigation.
4. **V-0614 - Chris Simenstad, 5 Hillcrest, APN 007-121-49**, Setback Variance to construct a ±2 square foot roof over the deck within 3' of the east side property line (Code: 6'), located within the R-1 zoning district. (staff person: Chambers)

Planner Chambers gave a brief staff report. She explained that, although the structure is a roof, staff was able to consider this as an eave, thus permitting the structure to be closer to the property line. However, 2 square feet requires a variance.

Scott Couture, architect, provided background information on this project relating to the previous staff report, and he discussed the findings he believes exist to grant the variance

Ms. Chambers said that she could find no special circumstances to support the variance.

Commissioner Harris and Ms. Chambers discussed the previous staff report, and Ms. Chambers read aloud staff's recommendations regarding the findings from that report. She suggested that those findings could be used in this instance.

M/s Harris/Krebs and unanimously passed (7-0) to grant the setback variance with the findings being the slope, in addition to the project not being detrimental to the neighboring property.

5. **U-0613/DR-0618/V-0638 - Cathrine Franklin, 79 Scenic Avenue, APN 007-081-07**, Use Permit to demolish a ±1,735 square foot single family dwelling; Flatland Design Review of a ±833 square foot second floor of a new 2,950 square foot single family dwelling; and Setback Variances for: 1) two 9'x19' parking spaces to be located within 13 feet of the front and 4 feet of the west side property lines (Code 20' and 8' respectively); and 2) carport to be located within 11 feet of the front and less than 1 foot of the west side property lines (Code: 20' and 8' respectively); located within the R-1 zoning district. (consulting planner: Vazquez).

Consulting Planner Vazquez presented a brief staff report. She said that no changes have been made to the project since the last meeting, and that the applicant preferred that a decision be made by the majority of the Planning Commissioners. Ms. Vazquez explained that staff believes there is no reason to angle the parking that requires a variance because the lot is large enough to accommodate parking that meets code requirements. Thus, staff's advice is to deny the project and continue the application for redesign.

Cathy Franklin, 79 Scenic Avenue, explained that it is more cost-effective to retain the spirit of the house, whilst making it more modern and accessible.

Ada Fernandez, 77 Scenic Avenue, said that she grew up in the house and that they wish the new design to replicate the current home as much as possible. They also wish to preserve privacy and ensure their neighbors are not impacted. The current location of the home has served them well over the years.

Scott Couture, architect, said that the home possess history, spirit and family ties, and that the structure is in such a state of disrepair that it would be better to tear it down. Mr. Couture used the plans to explain why the present orientation of the house should remain, and noted that the neighbors' privacy will not be impacted. Furthermore, the present design negates the need to remove trees and he believes he has utilized the shape of the lot to the best of his ability. Mr. Couture discussed the parking situation and site constraints, which include a hedge and a utilities easement. He went on to explained which part of the project would be most affected by having to conform to the Code and the reasons this would not work well. Mr. Couture said that a substantial number of existing houses have non-compliant parking and he suggested that one of the parking spaces could be redesigned to conform to code but that they wish for a variance for the other parking space.

In response to Commissioner Harris, Mr. Couture explained why the design could not be changed to meet parking setback requirements; a heritage tree would need to be removed and the rear portion of the dwelling would be too close to the property line.

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In response to Commissioner Zwick, Mr. Couture said that the house has too many problems relating to it being so old that it needs to be torn down.

Brian Clark, 190 Scenic Avenue, supports the project.

Commissioner Zwick said that his thoughts are similar to those he had at the last meeting. He likes the house and the design makes sense in many ways. Furthermore, changes are being made to the zoning codes that will make it smoother. However, if the existing house is precious for historical reasons, then it should be saved in its present configuration. However, this house is significantly larger than the existing. If everything on this site is equally precious, including the hedge and the tree, which the arborist's report says is dying, it makes no sense to cut them down to put in a driveway. If the new house were built next to the tree, it would struggle to survive, but the tree would probably live if the new design were the same size as the present house. Commissioner Zwick agrees that this is a good design but he has trouble with the findings because a new house is being constructed that must be held to the zoning standards for a new house.

Commissioner Harris sympathizes with the applicant, but echoes the previous Commissioner's comments. Furthermore, the proposed project is close to the lot coverage maximum, and it could be reduced, perhaps, to fit within setbacks.

Commissioner Sisich believes that the utilities easement and the necessity of removing a tree in order to meet the Code constitute site-constraints for which a variance should be granted.

Commissioner Schinner believes that there are special circumstances to grant the variance, which include the existing landscaping, and the trees whose roots could be damaged. He does not believe that the parking issue should take precedence over the removal of landscaping.

Commissioner Krebs said that he is unable to support the parking variance for the reasons stated at the last meeting. He does not favor intrusions into setbacks and special circumstances cannot be found with regard to the utilities easement.

Commissioner Overberger loves the project and would like to approve it. However, rules exist that require new dwellings to conform to current codes and special circumstance findings do not exist for this project. She will, therefore, not support the variance.

Commissioner House will support the project, making special circumstance findings that include the heritage tree, smaller oak tree and the slight constraint of a brook at the back of the house, in addition to the retaining wall.

A role call was made for the following motion:

M/s Harris/Overberger to adopt the staff report and thereby deny the setback variances for the carport and parking spaces.

Ayes: Krebs
Overberger
Zwick
Harris

NOES: House
Sisich
Schinner

The project was denied and Chair House reminded the audience of the 10-day appeal period to the Town Council.

6. **U-0616/V-0641/DR-0620 - Karreen Fairchild, 16 Richmond Road, APN 007-302-32**, 1) Use Permit to demolish more than 50% of the existing dwelling; 2) Setback Variances to relocate, raise and reconstruct the existing 1,243 square foot single story dwelling $\pm 5'$ to the north, within 6" of the street side property line (fronting Richmond Road) and within 8' of the rear property line (Code: 12' and 20' respectively); and to add a ± 792 square foot second story addition within 8' of the rear property line (Code: 20); and 3) Flatland Design Review of the second story, located within the R-1 zoning district. (staff person: Chambers)

Planner Chambers presented a brief staff report, and discussed the reasons staff is able to support the use permit, setback variances and design review of the second story. She said that the second story bedroom windows that face 14 Richmond Road are not considered 'view' windows because of their height. She noted that findings are based on significant adverse impacts and staff believes the project will not create significant impacts to privacy.

Joey Edelman, 44 Bolinas Avenue, presented a letter from the owner of 2 Richmond Road, and said that he echoes its contents. The ridgeline is too high, which compromises the light and views of 14 Richmond Road. He noted that the maximum allowable lot coverage is 35%, and that it should be illegal to exceed this limit. The lot is too small for the project, and he believes that residents are pushing the building limits.

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Catherine Gant-Bradley, 24 Durham Road, supports the comments of the last speaker. These are troublesome trends and she believes it is important to maintain setbacks. Property surveys should be required for every project.

Dirk Stennick, architect, explained why shadowing will not affect the property at 14 Richmond Road. Furthermore, the dwelling will be moved further from their property line. He noted that the lot is substandard and that a variance is necessary however it is developed. Mr. Stennick noted that the bungalow style will be retained and the second floor has been designed to cause the least impact to neighbors. He explained how the massing has been reduced on the first floor.

Mr. Stennick and Commissioner Sisich discussed the design of the second floor. The Commissioner believes that for this lot, the size, shape and location are findings that allow him to support the variance.

Commissioner Schinner and Ms. Chambers discussed the parking. She explained that a variance was granted for parking that runs in perpetuity, and that it is not affected by the present application. Commissioner Schinner said that a special circumstance does not appear to exist to grant the variance.

Chair House said she would approve the project because the lot is almost unbuildable if a dwelling were to remain within its setbacks.

Commissioner Krebs said that he understood the neighbors' concern about building the maximum sized dwelling. However, the addition is fairly modest and he is able to approve it.

Commissioner Zwick noted that the lot is oddly-shaped, and that the second story has been lined up with the first story, thus creating flat walls. The design is therefore not articulated, and he would favor a better looking design in return for which he could grant more variances. He would also allow for a little more room on the first floor to make the design more interesting.

Commissioner Harris spoke further on the house reaching maximum lot coverage and he said that he is unable to support the variance. He acknowledges that a variance would be necessary, but this project is pushing the maximum limits.

Mr. Stennick and the Commissioners discussed the project further. Chair House asked if the applicant would consider redesigning the project, and Commissioner Harris suggested that the house be reduced in size.

M/s Overberger/Sisich and failed (2:5 Noes: Harris, House, Krebs, Schinner, Zwick,) to move the staff report.

A discussion ensued regarding the lot coverage variance. Ms. Wight explained that staff would have a difficult time making the findings to support a variance for lot coverage. The consensus was that the Commission would not be able to support a lot coverage variance.

M/s Schinner/Harris and unanimously passed (7-0) to revoke the previous motion and to continue the project to the meeting of August 21, 2006, to enable the applicant to make design changes.

7. **U-0617 - Lance McCardle, LCBiofuels, LLC 14 Greenfield Avenue (at Green Fusion), APN 006-251-07**, Environmental Review (recommended Negative Declaration) and Use Permit for the installation and operation of an above ground 1,000 gallon storage tank and pump for bio-diesel fuel (blend of 30% recycled vegetable oil and 70% virgin canola oil, biodegradable, nontoxic) on property located in the C-3 zoning district. (staff person: Wight)

The reading of the staff report was waived and the hearing was opened to the public.

Mohamad Aljundi, 13 Smith Lane, is concerned that dumpsters and garbage are left on the corner of the property by Smith Lane. He does not believe a residential area is a suitable location for a fuel tank, and he is concerned that it might be a fire hazard. Mr. Aljundi explained that a fence has been removed from the property, which encourages more traffic to use Smith Lane, and he is further concerned that his property will be blocked. He believes there are too many businesses using the property.

Lance McCardle, applicant, explained their proposition in more detail. He said that the fuel is environmentally friendly, and that they believe the business is a good match for Greenfusion. Mr. McCardle addressed traffic-flow problems that were raised by the previous speaker, and he noted that users of the service will be limited to members. Furthermore, this is not a residential area.

In response to Commissioner Sisich, Mr. McCardle discussed the flammability of the product and how spills will be dealt with. He said that the product is not regulated because it is non-hazardous, and that it is odor-free.

Mr. McCardle discussed the chemical make up of the fuel in response to Commissioner Harris. He also discussed the hours of operation in response to Commissioner Schinner, and said that they would like to provide normal business hours. He said that there should be sufficient ground lighting already on the property.

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Mr. McCardle and Commissioner Harris discussed the position of the tank, which Mr. McCardle said would be screened by a fence. They also discussed the berm.

In response to Commissioner Zwick, Ms. Wight confirmed that there is sufficient parking.

Commissioner Zwick and Mr. McCardle discussed the size of the tank.

Ms. Wight explained how she processed the application. She confirmed that various government agencies, including State Regional Water and the County Waste Management Department, did not require permits. She said she will contact Greenfusion regarding containers that are not included in their Use Permit.

Ms. Wight discussed the conditions she believes should be made part of the Use Permit.

Commissioner Overberger believes this is an unsuitable location for the project. She is concerned that traffic flow will be disrupted and that the conditions will be difficult to enforce.

Commissioner Harris made a motion to move the staff report to continue the project to the next meeting on consent to allow the applicant time to explore lighting, the length of the berm and for the conditions to be presented in writing. The motion died through lack of support.

M/s Zwick/Sisich and passed (6-1 Noe: Overberger) to approve the project with the following additional conditions:

1. One 1,000 gallon tank and a pump may be installed with an anticipated monthly goal of selling 4,000 gallons. Any increase in size to the tank or the number of gallons sold per month would be subject to Planning staff review, the purpose being to identify whether or not the increase would necessitate further review by the Planning Commission. A substantial increase in deliveries and vehicular traffic could trigger the need for further Planning Commission review.
2. Membership cards shall be distributed to all members with the statement that "all vehicles shall enter and exit via Greenfield Avenue, not Smith Lane."
3. All deliveries and pick ups shall be via Greenfield Avenue, not Smith Lane. Signage shall be installed on site near the tank and pump directing motorists to turn left to Greenfield Avenue. Such signage shall be subject to approval by the Planning and Building Director.
4. Exterior lighting shall be designed to eliminate off-site spread of light through the use of hooded, low level, low wattage light fixtures, which cast light in a downward direction and not off-site. Such lighting should be permitted for safety and security purposes only and must be unobtrusive and maintain privacy. All exterior lighting shall be subject to approval by the Planning and Building Director.
5. The rear fence along Smith Lane shall be maintained at all times and the gate only opened for deliveries.
6. Hours of delivery shall not be late at night and subject to approval by the Planning and Building Director.
7. A spill prevention plan with an emergency contact 24 hours a day shall be submitted and subject to approval by the Planning and Building Director.
8. Screening, by either a fence or vegetation, shall be installed on the south side of the tank and pump and subject to approval by the Planning and Building Director.
9. The berm shall be installed as shown on the plans, but extended to have the ability to catch spills flowing in each direction on the pavement.
10. The applicant shall have the responsibility for keeping the area clean of waste and rubbish.

Chair House announced the 10-day appeal period to Town Council.

E. ITEMS FROM PLANNING COMMISSION

F. ITEMS FROM STAFF

The Planning Director provided an update on the forthcoming Subcommittee Meeting on August 9, 2006.

G. ADJOURNMENT TO THE MEETING OF AUGUST 21, 2006

The meeting was adjourned at 11.25pm.

Joanne O'Hehir
Senior Admin. Services Asst.