

## Phil Boyle

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**From:** Michael Weiss <m\_weiss@comcast.net>  
**Sent:** Wednesday, August 13, 2014 3:19 PM  
**To:** 'Mark Kelley'; Phil Boyle; Diane Henderson  
**Cc:** 'Kelley, Sheila Doyle'; 'Scott Sanchez'; 'Robin Bitner'; 'John Poppy'; 'Katherine Poppy'; 'Scott Williams'; 'dianebroderick'; 'Irene Anderson'; 'David Anderson'; artxlynndah@comcast.net; 'alan stesin'; 'Heather Herrington'; 'Rob Lay'  
**Subject:** RE: Following up on meeting re 476 Laurel Avenue project

Hi Mark,

Thanks for the summary and the follow up from last night's meeting. I will have a chance this evening to sit down with the plan and see if I can incorporate the suggestions regarding the mass on the east side of the property. Would it be possible for you to approach Chief Bastianon regarding the pool issue this week and get a feel for what his parameters might be? I do not want to have to have the occupancy of the house delayed due to MMWD or their schedule.

I will get back to you tomorrow regarding the possibility of postponing the DR meeting.

Thanks,

Mike

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**From:** Mark Kelley [<mailto:mkelley@dwkesq.com>]  
**Sent:** Wednesday, August 13, 2014 2:09 PM  
**To:** Michael Weiss; [pboyle@townofsananselmo.org](mailto:pboyle@townofsananselmo.org); [dhenderson@townofsananselmo.org](mailto:dhenderson@townofsananselmo.org)  
**Cc:** Kelley, Sheila Doyle; Scott Sanchez; Robin Bitner; John Poppy; Katherine Poppy; Scott Williams; dianebroderick; Irene Anderson; David Anderson; [artxlynndah@comcast.net](mailto:artxlynndah@comcast.net); alan stesin; Heather Herrington; Rob Lay  
**Subject:** RE: Following up on meeting re 476 Laurel Avenue project

Mike, I realize that I left out one important suggestion: that if the pool is removed, the house can be shifted to the west somewhat, which may ameliorate some of the massing concerns as seen from the street. Let us know what your thoughts are on that, and on the letter, when you have a chance.

Thanks

Mark

Mark W. Kelley  
Attorney at Law  
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## Phil Boyle

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**From:** Michael Weiss <m\_weiss@comcast.net>  
**Sent:** Tuesday, August 12, 2014 10:15 PM  
**To:** 'Mark Kelley'  
**Cc:** 'Mark Kelley'; Phil Boyle; 'Kelley, Sheila Doyle'; 'Stesin, Alan J M.D.'; artxlynndah@comcast.net; 'David Anderson'; 'John Poppy'; 'Irene Anderson'; Diane Henderson; 'Katherine Poppy'; 'Scott Sanchez'; 'Robin Bitner'; 'Rob Lay'; swilliams@williams-law.net; DianeBroderick@aol.com  
**Subject:** RE: Objection to development at 476 Laurel Avenue (Planning Commission hearing 8/18/14)  
**Attachments:** references.doc

Hi All,

It was nice meeting the rest of you tonight, and seeing the familiar faces from the first meeting. Here is a list of past work. Please note 171 and 179 Sacramento ave, 42 Miwok, 101 Ridge in Fairfax.

My civil engineer is Jay Hallberg from JL Engineering.

I will digest all the info from tonight and consider all the concerns and suggestions. Feel free to contact me if I can answer any questions.

Thank you,

Mike

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**From:** Mark Kelley [<mailto:mkelley@dwkesq.com>]  
**Sent:** Monday, August 11, 2014 8:53 PM  
**To:** Michael Weiss  
**Cc:** Mark Kelley; [pboyle@townofsananselmo.org](mailto:pboyle@townofsananselmo.org); Kelley, Sheila Doyle; Stesin, Alan J M.D.; [artxlynndah@comcast.net](mailto:artxlynndah@comcast.net); David Anderson; John Poppy; Irene Anderson; [dhenderson@townofsananselmo.org](mailto:dhenderson@townofsananselmo.org); Katherine Poppy; Scott Sanchez; Robin Bitner; Rob Lay; [swilliams@williams-law.net](mailto:swilliams@williams-law.net); [DianeBroderick@aol.com](mailto:DianeBroderick@aol.com)  
**Subject:** Re: Objection to development at 476 Laurel Avenue (Planning Commission hearing 8/18/14)

Thanks for the response. I look forward to our discussion tomorrow night.

Sent from my iPhone, sorry about the autocorrect

On Aug 11, 2014, at 7:01 PM, "Michael Weiss" <[m\\_weiss@comcast.net](mailto:m_weiss@comcast.net)> wrote:

Hello Mark et al:

I have attached a response to Marks letter. I am looking forward to tomorrow night.

Thanks,

Mike

**From:** Mark Kelley [<mailto:markkelley55@gmail.com>]  
**Sent:** Monday, August 11, 2014 7:27 AM  
**To:** [pboyle@townofsananselmo.org](mailto:pboyle@townofsananselmo.org)  
**Cc:** Kelley, Sheila Doyle; Michael Weiss; Stesin, Alan J M.D.; [artxlynndah@comcast.net](mailto:artxlynndah@comcast.net); David Anderson; John Poppy; Irene Anderson; [dhenderson@townofsananselmo.org](mailto:dhenderson@townofsananselmo.org); Katherine Poppy; Scott Sanchez; Robin Bitner; Rob Lay; [swilliams@williams-law.net](mailto:swilliams@williams-law.net); mkelley  
**Subject:** Objection to development at 476 Laurel Avenue (Planning Commission hearing 8/18/14)

Please see the attached letter. We can be reached at 460-5468 if you wish to discuss, or call my cell at 515-2614. Thank you for your consideration.

Mark Kelley

<Response to Objection to Development at 476 and 482 Laurel Ave.doc>

# Western Construction

## Past Projects

### Houses Built on Spec

8 Golf st.	San Rafael	1993	
15 Elm St.	San Anselmo	1995	
38 Sunset Way	San Rafael	1997	
101 Ridge Road 415-577-9081	Fairfax	1999	Cynthia Romanov
719 Alta Vista	Mill Valley	2001	
42 Miwok Ave	San Anselmo	2002	
171 Sacramento Ave	San Anselmo	2004	

### Houses Built for Contract

1166 Highland Dr.	Novato	1994	Don Berman
9 Tara Lane	Novato	1996	Don Berman
200 Los Angeles Blvd.	San Anselmo	1998	David Tallman
290 Corte Madera Ave	Corte Madera	2000	Don Berman
34 West Nicasio Rd 415-218-1219	Nicasio	2003	Gaylyn Dimartini,
179 Sacramento Ave 415-454-8632 wk 415-456-2070	San Anselmo	2005	Pete Pedersen
305 Highland Drive	San Rafael	2006	Shad Smith
1334 Lincoln 415-716-1550	Calistoga	2006	Robert Miller
265 Molino Ave	Mill Valley	2007	Richard Ryan
118 Francis Ave 415-497-8366	Fairfax	2008	Miranda Maas

### Major Remodels

210 Elm	Mill Valley	1995	John Smeltzer
35 Latham st.	San Rafael	1998	speculative
85 Walnut St.	Mill Valley	1997	John Smeltzer
500 Vista Grande	Greenbrae	2006	Stephanie Ahlberg
236 Via La Cumbre	Greenbrae	2007	Tom Ahlberg

27 Millbrae	San Anselmo	2009	Richard Childers
7150 Woodrow	Montclair	2010	Steve Seagal
914-843-7615			
290 Corte Madera Ave	Mill Valley	2010	Charlie Ballentyne
702-267-8335			
118 Francis Ave	Fairfax	2011/2012	Miranda Maas
415-497-8366			
550 Montford	Mill Valley	2012	Thomas Hildebrand
415-519-6378			

#### Clients

Pete and Vicky Pedersen 415 454-8632

171, 179 Sacramento Ave. San Anselmo  
New homes

Richard Ryan 415 888-8344

265 Molino Ave Mill Valley

Stephanie and Tom Ahlberg 415-925-9675

500 Vista Grande Greenbrae  
2 kitchens, Cabana, bathroom, family room

236 Via la Cumbre  
Deck and dining room repair, foundation  
Stephanie also was the real estate agent for the buyers at 171 Sacramento Ave

Robert Miller 415-716-1550

1334 Lincoln Calistoga  
historic building- foundation, framing, windows and siding only

Miranda and Cornelius Fitzgerald 415-497-8366

118 Francis Ave Fairfax  
Total remodel including foundation

Current clients

Rob and Mary Massey 415-710-7721

97 Santa Rosa Ave Sausalito  
Retaining wall, repairs and remodel

Mark and Heather Dunn 415-310-5570

40 West Blithdale ave Mill Valley  
Addition, decks and foundation/drainage repair

## Phil Boyle

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**From:** Mark Kelley <markkelley55@gmail.com>  
**Sent:** Wednesday, August 13, 2014 10:58 AM  
**To:** Michael Weiss; Phil Boyle; Diane Henderson  
**Cc:** Kelley, Sheila Doyle; Scott Sanchez; Robin Bitner; John Poppy; Katherine Poppy; Scott Williams; dianebroderick; Irene Anderson; David Anderson; artxlynndah@comcast.net; alan stesin; Heather Herrington; Rob Lay; mkelley  
**Subject:** Following up on meeting re 476 Laurel Avenue project  
**Attachments:** Weiss.476 Laurel.Aug12mtg.doc

Mike, thanks again for meeting with the group last night. I was asked to summarize the neighbors' concerns and suggestions, so see the letter attached. You will note that we suggest continuing to work together on developing the project, and in the interim that the Planning Commission hearing be postponed.

Talk to you soon.

Mark Kelley

MARK AND SHEILA KELLEY  
479 LAUREL AVENUE  
SAN ANSELMO, CA 94960

August 13, 2014

VIA EMAIL

Michael Weiss  
Western Construction  
P.O. Box 145  
Fairfax, CA 94978

Re: 476 Laurel Avenue  
Neighbor concerns meeting August 12

Dear Michael:

Thank you for attending the meeting last night with us and some of the other concerned neighbors, and for bringing with you updated plans for the project. As you know, the group met after you left, and I was asked to summarize our collective thoughts and suggestions. To remind you, the attendees included Sheila and me from 479 Laurel, Scott Williams and Diane Broderick of 475, Scott Sanchez of 472, Irene (and Dave) Anderson of 468, and John and Katherine Poppy of 462. As five of the seven houses in the immediate area, we believe we represent the general neighborhood sentiments about the project, but of course can't formally speak for the other owners.

The issues and suggestions can be grouped as follows:

1. Design: The massing of the project as seen from the street needs to be reduced. The suggestion is to lower the right side of the house to the first level, as discussed last night. You may have other suggestions.
2. Pool: The pool is a feature that you feel is needed for fire suppression purposes pending installation of the new fire line up Laurel in 2016. You agreed with our suggestion that if the pool is not needed for that, you would prefer not to have it as part of the project. We request that you take the pool out of the design, and we will work with you and the authorities to allow permitting to go forward without it.
3. Landscaping: You are having a vegetation management plan prepared, and had some ideas for how to screen parts of the house and the retaining walls, and soften the look of the retaining walls. Your ideas were encouraging, but we would like to see the plan and have input into specifics as you work to soften the significant visual impact of the project from the street.
4. Construction management: We would like to see and have input to a construction management plan that addresses topics such as hours of work, truck and equipment traffic, parking, and the like. This end of Laurel is a constricted area, to say the least, and we will work with you to keep the work going while preserving quality of life.

We were encouraged, as we think you were, by the collective desire to work out a project design that fits with the neighborhood and also allows you to build a house that is a good business result for you.



We want to get to a place where you can tell the Planning Commission and the Town Council that the neighbors support the project, and we will be happy to do that once these suggestions are implemented. In the meantime, we request that you contact the Planning Commission (and the Planning Department) to request continuance of this item to a later date to allow time for us to work together to resolve these outstanding issues. We appreciate the supplemental information you provided after the meeting, and we can meet to discuss the above soon.

Thanks for your continued attention to this important matter.

Very truly yours,

Mark and Sheila

Cc: Neighbors  
Town of San Anselmo Planning Dept., attn: Phil Boyle, Diane Henderson

MARK AND SHEILA KELLEY  
479 LAUREL AVENUE  
SAN ANSELMO, CA 94960  
(415) 460-5468

August 11, 2014

**VIA EMAIL**

Town of San Anselmo  
Public Works Department  
Attn.: Phil Boyle

Objection to Development at 476 Laurel Avenue

Dear Mr. Boyle:

Please include this letter in the information to be presented to the Planning Commission for the August 18 hearing on the 476 Laurel Avenue development project. We live at 479 Laurel, directly to the south and downhill from the project. We have serious concerns with the proposed project which do not appear to have been addressed in the planning process. We have set a meeting with Michael Weiss, the developer, for August 12 to discuss our concerns.

**Project Setting (Bald Hill Area Plan)**

The proposal for 476 Laurel is a speculative construction project. The developer has told the neighbors that he has no intention of living in the house, and in fact has an investor for whom he is doing the work. Accordingly, any promises made to ameliorate the impact of this project must be assessed in the light of a commercial enterprise. The developer's stripping the hillside of more than 30 trees around and in front of the house two months ago, immediately eliminating all screening of the existing house, is an indication of what can be expected absent terms explicitly incorporated into approved design documents.

The site at 476 Laurel is at the end of the road. It borders on open space on its west side, above the heavily used recreation/fire trail that divides the site from our property. The site is very steep, on a hillside that continues down sharply through our property to the creek at the bottom of the hill. It has neighbors close by on almost all sides, including to the northwest further above the fire trail.

This part of Laurel climbs partway up one side of the canyon, with Redwood Road ringing the upper level. The canyon is wooded and quiet. Aside from the pack of coyotes that travels through on occasion, the neighborhood is very quiet most days and silent after dark.

Visually, this end of Laurel is heavily treed, with houses generally well screened from the road. Until the developer removed most trees from this site, it was almost impossible to see the existing house from the road. With the regrettable exception of a relatively recent project at 456 Laurel, retaining walls are not visible and the houses are modest in scale.

The Bald Hill Area Plan ("BHAP") includes this area. Among its guidelines are:

1. Section 4: Drainage - New development shall not result in an increase in storm water runoff during a peak 100 year storm or exacerbate soil instability;
2. Section 5: Visual Impact - It is intended that careful consideration be given to new house design, building materials, colors, tree retention, and proposed landscaping to ensure that the home minimizes visual building mass from nearby and distant views; minimizes removal of mature trees and minimizes visible grading;
3. Section 5.5.2: Tree protection - Outside the building envelope - Removal of non-heritage trees, or trees and plants required for screening may occur outside the building envelope only for reasons of disease, or the need to maintain fire or human safety;
4. Section 5.2.3: Retaining Walls - Any retaining walls should be screened through the use of native vines and/or other vegetation; long continuous expanses of walls are discouraged.

### **Incorrect Representations In Design Document**

Presumably by an innocent oversight, or perhaps because the properties are separated by a narrow fire trail, the Proposed Site Plan (sheet A1.1) states "no neighbors to south of house". If this representation played any part in the design review process, it was a serious oversight. Our property is directly to the south of the project, adjacent to its entire length across the fire trail. The proposed swimming pool, for instance, would be located approximately 50 feet directly up this steep hill from our property line, and, perhaps more importantly, the same vertical distance above our house. Along with the large retaining walls planned to face to the south and east, it is misleading at best to infer that the visual and noise impacts of the project will not face any neighbors.

### **The Project Is Out Of Character For The Neighborhood**

Our neighborhood is characterized by trees, vegetation, and houses screened from view to the extent possible. The existing house that is to be demolished, for instance, was for all purposes invisible from Laurel Avenue and from the fire trail that runs below it: it was set well back, and had a significant number of oak and laurel trees screening it from view.

Section 5 of the BHAP stresses that new building should minimize visual building mass, minimize visible grading, and minimize removal of mature trees. This project will create a massive visual impact, will require a significant amount of grading to almost entirely recontour the very steeply sloping site, and already has removed numerous mature trees. The resultant development will feature artificial grades, large blank retaining walls, and little mature vegetation to screen it from the neighbors and people going past the site.

According to the scale on the design drawings, the project includes more than 300 linear feet of retaining walls, ranging in top height from 3 to 7-1/2 feet. Most of the walls will be visible from the street and the fire trail. Element 5.2.3 of the BHAP requires not only that retaining walls be screened, but states that long continuous expanses of retaining walls are discouraged. The front side of this project has no provision for screening - in fact, the developer already has removed the trees that provided screening for the existing residence. The design features three retaining walls facing the street corner of between 16 and 42 feet long, each ranging up to 4 feet high. The south side, facing the street and the fire trail, and our neighbor's property, includes four additional retaining walls from 10 feet to 36 feet long, with top heights of 3 feet, 5 feet, and 7-1/2 feet.

The developer has verbally indicated that the retaining walls will be stained concrete. This is not specified in the proposed plan but, regardless, would be insufficient to adequately

reconcile the impact of concrete walls, stained or not, as much as 7-1/2 feet high and 42 feet long with the intent of the BHAP.

### **The Project Fails to Adequately Address Drainage Impact**

The site, even before it was stripped of much of its mature vegetation, was the source of a significant amount of water flowing offsite onto and across the fire trail, and onto our property and the neighboring property to the southeast of the site. We have taken to installing a straw bollard across part of the fire trail to divert water back into the drainage area below the site; the water otherwise flows onto our property behind a rock wall above our driveway, and under the driveway itself. The plans we have seen for this project do not show drainage improvements necessary to address the impact that the proposed enlargement of the structure and addition of a paved patio and full size swimming pool will have on storm water runoff.

In addition, the pool itself poses safety and engineering issues unaddressed by the proposed plan. It is well understood that hillside pools are ill advised. Downslope support needs to be on a solid foundation, preferably rock. Soil and structural engineering reports are needed to ensure the safety and integrity of the pool, and surface water needs to be routed around the pool to the downslope area to prevent water from seeping into the ground around the pool and compromising its integrity. We do not see how this can be accomplished without exacerbating an already troublesome drainage condition. Neighbors at the bottom of our hill, at 445 Laurel, have in years past, experienced flooding due to excess storm water runoff. This is a significant issue for this neighborhood that appears to be entirely unaddressed by this plan.

Furthermore, the proposed plan fails to address the safety risks it presents to all downstream properties. The planned swimming pool would put 9,900 gallons of water directly uphill from our house, with no natural or other protection from a flood into our house or into the homes downstream from us in case of failure. Given the issues this neighborhood has faced in the past with storm runoff, this is a risk that cannot remain unaddressed.

### **The Project Is Inconsistent With The General Plan**

General Plan Objective 9 directs that projects should protect, maintain, and enhance the natural characteristics of the land which contribute to the open space qualities of the land. While it is too late to save the large group of laurel trees that characterized the site before the developer removed them, there is no question that the size of the house, the amount of retaining walls, and the noise of a swimming pool, among other features of the plan, will significantly affect the open space qualities of the adjoining property.

Objective 11 directs preservation of neighborhood character, image, and quality of life, with section 11.1 directing that new development be on a scale and of a design that integrates with the existing character of the surrounding neighborhood. As discussed in the previous section of this letter, the proposed development violates both the spirit and the letter of this part of the General Plan. It would provide a massive blank face to the street, it has resulted already in the loss of a sizeable grove of screening trees, and would create an artificial contour on a sloping site.

General Plan section 9.7 states that hillside development shall minimize grading and disruption of natural contours. The proposed design for this site (sheet A1.2) shows some

570 cubic yards of cut, 140 cubic yards of fill, and an offhaul of 430 cubic yards – hardly minimal disruption of the (steep) natural contours of the site.

### **Swimming Pool: Inappropriate For The Setting**

We were frankly stunned to see a swimming pool in the design for this project. With the exception of an abandoned pool at 437 Laurel, we are unaware of other pools in the area. Putting in the swimming pool would violate General Plan Objective 11 and section 11.1, as it is not in keeping with the neighborhood and would detrimentally affect the quality of life of everyone in the canyon, not just immediate neighbors.

Living directly adjacent to, and straight downhill from, the proposed pool obviously puts our personal interests in quiet enjoyment (and safety) of our property in the forefront of our minds. According to the current plan, the pool and pool area would be directly above and look directly down into one of our bedrooms, our kitchen, and an outdoor entertainment area and would encroach upon the privacy that we previously enjoyed in these areas.

However, the impact of the swimming pool goes well beyond us personally and even beyond our immediate neighbors. The noise level that comes along with a residential swimming pool has been well documented and is inherently inconsistent with the peace and quiet of a private, wooded, hillside neighborhood adjacent to open space and a nature trail. It is instructive that the noise from just a hot tub at one house across and up the canyon, well above our home, on Redwood Road (infrequently used, fortunately) echoes throughout the entire canyon. Although hundreds of feet further away from our home than the proposed pool and spa, when this hot tub is used we are able to hear sounds associated not only with raucous play but with personal conversations at normal voice level.

Put simply, a pool for the benefit of one family is not in keeping with the tranquility of the existing environment. Further, the frequent users of the fire trail, who look for a quiet time in the woods, would be subjected to noise and disruption that have nothing in common with an outdoor experience.

### **Conclusion**

The focus of the General Plan and the BHAP is on construction projects fitting in with the neighborhood and not disrupting the quality of life in the surrounding area. This project, by contrast, would set up a place for enjoyment by the few who live there, to the detriment of the neighbors, others in the canyon, and everyone else who comes to the area. Accordingly, we ask that the plan be revised to address our concerns and bring the project in line with the objectives of the General Plan and the BHAP.

Very truly yours,

/S/

Mark and Sheila Kelley

Cc: Neighbors  
Michael Weiss

## **Response to Objection to Development at 476 and 482 Laurel Ave**

8-11-2014

To all my neighbors and the town planners:

The following is a response to a document by Mark and Shiela Kelley delivered by Email this morning. I have met once with most of you in this thread and have scheduled a meeting for tomorrow night. I wanted to respond in writing as per the request of Phil Boyle at the town .

These are the concerns brought forth in Mark and Shiela Kelleys letter.

### **Project Setting (Bald Hill Area Plan)**

The first lines of this section questions my intentions and the integrity of my promises.

I have been forthcoming that I am building this house on speculation and will not be residing in the proposed house. This does not mean that my integrity is compromised. Nor will I be immune from the abundant requirements and restrictions that are in place to insure a safe and conforming design. I am not a large developer. I am not building the house for an investor. I am lucky enough to have my wife's Godmother lending me some money to develop a project. She does not share in the profits, just the loan fees. I am a Marin County Native who has been brought up in a family of home builders. I have built several homes within the Ross Valley. I live here too. I understand your concerns. That is why I am proposing to combine the two lots and build only the one house in place of the existing dilapidated, unsafe, and poorly maintained house. I could build two homes, one on each lot. I think this would not serve the neighborhood well. It would be more profitable. I think you should consider the very concept of my proposal if you question my intentions and the integrity of my promises.

### **Treework:**

Although it is a shock to see so much change so quickly, the tree work was done at great expense for the vitality and safety of the remaining trees, and structures including the neighbors'. The trees had been poorly maintained- top heavy prone to falling, or low brushy growth, and a fire hazard. The oaks were diseased and needed to be removed to promote health of others in the valley. The bay trees below the retaining wall were just topped to reclaim the view and light. All work was done under the guidance of a licensed arborist and with permits. In short time the canopy will grow back safer and healthier.

### **Retaining walls:**

All retaining walls will be of concrete and stained a brown color. The walls on the downhill portion of the lot have been broken into two or three walls in order to facilitate shorter walls and increase the planting areas to help minimize the impact. I have retained Studio Green to produce a Vegetation Management Plan. This plan includes a great deal of screening for the walls and the house. We sourced some mature Laurel bushes that are 7-9 feet tall at delivery. The plan will be in writing and part of the upcoming Design Review Hearing.

The BHAP guidelines are well considered in the design of the property. I am substantially under all FAR requirements, the patios and all added driveway will be pervious pavers so not to add to the runoff. The design takes into account section 5 of the bald Hill Plan and conforms to WUI guidelines and design review guidelines. I have already addressed sections 5.5.2 and 5.2.3 - tree protection and retaining wall appearance and minimization

#### **Incorrect Representations in Design Document:**

This was an oversight in the Design review set dated 6-25-2014 and corrected in the re-submission dated 7-23-2014. I apologize for the confusion. I have reached out to all the neighbors regarding the design and encouraged concerns be voiced from the onset. I have also presented plans as they were in progress. The plans do not yet show the plantings which in retrospect, I should have presented at our get together on 7-29. I think you will feel better about how the project relates to the neighborhood after seeing what I am planting.

#### **The Project is Out of Character for the Neighborhood**

I strongly disagree with your statement. The proposed house sits where there is an existing house. The new decks sit only 1 foot to the south of the current deck. There are new one story elements on the east and west side which protrude 28' and 21' respectively. The proposed pool and yard area currently is a bald scar where the previous owner attempted to level an area. Most of the grading necessary for the project is for a garage which will be completely subterranean under the existing house. This is one of the largest expenses for the project. I designed it that way to minimize visual building mass.

#### **Drainage impact**

All of the retaining walls proposed will be engineered with proper drainage. The subterranean and surface water will be collected and will be dispersed in a bio retention area as per the towns requirements. I believe the current plan denotes the bio retention area just uphill of the driveway approach. The result will be an improvement to the problems experienced to the Kelley property if not the elimination of drainage issues from the current run off.

#### **Pool**

The pool has been added as part of the fire flow requirements demanded by the Fire Marshall. Currently the existing hydrant is gravely underpowered in order to battle a fire. The alternative to the pool would be two massive holding tanks above ground to hold 10,000 gallons. The pool will be properly engineered under the supervision of a soils engineer and a structural engineer. It will have two drains that feed a hydrant at the bottom of my driveway. This hydrant will be next to the existing hydrant that has a very inadequate fire flow. All this is at my expense, will serve the entire neighborhood and could prove to be invaluable in fighting a fire. The other option, large tanks, would potentially be a hazard and a visual blight. There are existing swimming pools in the Bald Hill area. I believe that these pools are not excluded in the BHAP and the General Plan. I do understand Mr. Kelleys concerns. I think that the

elevation of the pool and the proposed screening will make the impact of this pool minimal; both visually and sonically.

Concluding, I would like to say that I have put a lot of thought into this project. I feel that once you understand what the final product will be you will be supportive of the proposed project. Please keep in mind that the trees were all inspected by an arborist and the proper permits were obtained. The property was seriously overgrown and a potential fire hazard. Just in clearing the acacia trees at the bottom of the lot made a huge impact. There is actually more clearing that needs to take place on the upper northwest area of the lot. I decided to wait on this area after I found out how upset you were about the trees. I also had the arborist come out a second time to look at the damaged bay laurel at the driveway approach. You have mentioned that my "stripping the hillside" was "an indication of what can be expected absent terms explicitly incorporated into approved design documents". That is unfair, and untrue. I am in no way looking for loopholes and vagueness to take advantage of within the design documents. As we go forth in making these design documents please keep in mind that I am not a large corporation, I do not have a team of lawyers, I am not looking for a battle and my design reflects that. I am looking to build a beautiful house in the most non-confrontational way, one that raises property values for the entire neighborhood, a house that I can be proud of, a house that will become a home with a family living there who will be part of your neighborhood. It is my intention to set the tone for that neighborhood in a most positive way. So I'm looking forward to tomorrow night, and addressing your concerns in person.

Sincerely,

Mike Weiss