

From: sam dunn samdunn184@gmail.com
Subject: Re: LUPC
Date: June 22, 2023 at 10:36 AM
To: Alex Elvin elvin@mvcommission.org
Cc: Rich Saltzberg saltzberg@mvcommission.org, Adam Turner turner@mvcommission.org



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Alex,

Please see my comments below .

You submitted more than 15 different site plans during the Stone Bank Condos DRI review. I don't know what plan you are referring to from the decision, Let's start with the ONLY plan you included in the actual body of the decision. Since it is the only drawing appearing in the decision it's hard to argue that it isn't controlling and definitive. It's on page 8. It is the "Walkways and Site Features" plan from 2/7/21 (later referenced in the plans attached to the decision) and it clearly shows the gates and fencing in virtually the same position in which they have been constructed. Moreover it is built using virtually the same design submitted in "Project Design Details." In my opinion this is conclusive and should be the end of the discussion. But there is more evidence of this throughout the file. Please read below.

but none of the following plans that were submitted as part of the review for 674-M indicate fences around the courtyard or around the town lot: The plans from the decision are:

[Site plan 3/24/21](#)

[Stormwater plan 3/24/21](#)

[Landscape plan 2/5/21](#) Please look again. This plan does show the fence and gates in the position they have been constructed in. The landscape plan is where one would expect to find this.

[Traffic and circulation 2/8/21](#). Please look again. This plan does show the fence and gates in the position they have been constructed in. A circulation plan is where one would expect to find this.

[Revised site plan 6/17/21](#) (post-approval)

The following plans do appear to show a fence around the courtyard only, but it is not labeled or clearly visible. I take issue with this. The standard notation of gates and fences is used. It seems you are saying you didn't notice them and somehow that allows you to allege they aren't part of the plan.

[Walkways and site features 2/8/21](#)

[Site plan 3/9/21](#)

[Project design details 6/2/21](#) (post-approval) – fencing concept photo and drawing were included, but not locations

A fence along the south side of the courtyard was shown in the [2/8/21 color rendering](#)

Again, I don't recall fences being discussed at the hearing, and they are not mentioned in the staff reports, staff-applicant communications, or written decision. It's my opinion that the commission was not aware that fences were part of the plan, This doesn't mean a lot because you were creating all of this material so it only reflects your memory and your spin on things. If need be we could go back to the recordings because I am certain it was discussed.

but even if they were, the fences that were shown do not reflect what has been built. As I have shown this is incorrect.

Perhaps the most conclusive document of all is the "Stone Bank Public Access Plan" of 12/30/20, which is referenced in the decision. This shows a clear delineation between the areas of public access shown in brown and so labeled, and the Residential Courtyard which is not colored and thus not open to the public. Further, the fence and gates are clearly shown, using standard notation, and in the position actually constructed.

A conceptual fencing plan was submitted after the hearing had closed for DRI 674-M3 (restaurant). This included the location of fences in front of buildings D1 and D2, and around the courtyard, trash areas, and part of the walkway connecting to the town lot. The commission excluded that from its decision, stating that it needed to be reviewed as a separate modification. This was covered at the hearing on 1/12/23 and at the deliberation on 2/9/23. **The fences in the vicinity of D-2 are clearly not related to the Taqueria, and I agree they require a separate modification. Not so the other fences. Fences are typically a part of the LUPC landscape review. It is only because you have implied to the Commissioners that this main separation between public and private space was not part of the original plan that this is even an issue. I hope that after reviewing this in light of the information above that you will set the record straight at tonight's meeting.**

Thanks, Sam

On Wed, Jun 21, 2023 at 6:29 PM Alex Elvin <elvin@mvcommission.org> wrote:

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Alex

Alex Elvin

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From: sam dunn <samdunn184@gmail.com>
Sent: Wednesday, June 21, 2023 10:02 AM
To: Rich Saltzberg <saltzberg@mvcommission.org>; Alex Elvin <elvin@mvcommission.org>; Adam Turner <turner@mvcommission.org>
Subject: LUPC

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Guys,

Attached please find the memo requested to accompany the approval of last night's landscape plan.

Also I remain confused about why the fencing was not considered as part of the landscaping plan. There was mention of a "fencing plan" that was requested from me but I don't remember when or why. Can you refresh my memory and send me the pertinent document that requested this?

Also I want to put to bed the notion that the wire fence between the courtyard and the pocket park was not on the original plans. Please see p5, p8, p11 and p14 of the plans included in the decision, all of which show the fence and gates. And also the one drawing that was in the body of the decision on page 8 of the decision. Finally the details show the wire construction as built.

Thanks,

Sam

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