

Aquinnah Planning Board Plan Review Committee Meeting February 12th, 2019

Members Present: Peter Temple, Chairman, Sarah Thulin, Berta Welch, Jim Newman, Jim Mahoney, Jo Ann Eccher, Isaac Taylor, Jim Wallen

Also Present: Tom Murphy, Peter Rodegast, Scott Bermudes, Larry Schubert, Kate Taylor, Reid Silva

Meeting opened at 6:35pm

The Committee reviewed the 11/7, 11/13 and 12/11 minutes. Peter entertained a motion to approve the 11/7 minutes as presented. Motion was moved by Sarah and seconded by Jim N. The Committee voted 6-0, the motion passed. Jim W arrived. Sarah made a motion to approve the 11/13 minutes as presented and amended. Motion was moved by Jim N. The Committee voted 7-0, the motion passed. Jo Ann arrived.

Sarah, acting chair, reopened a continued hearing to act upon a request from John Miller of 25 Old South Road Map 9 Lot 175 for Special Permits to site and construct a 144sf addition with a roof deck (hearing was continued from 11/13/18 & 12/11/18). Applicant requested to continue the hearing to March. The Committee scheduled their next meeting for Tuesday March 19th, 2019 at 6:30pm. Sarah entertained a motion to continue the hearing to March 19th, 2019 at 6:45pm. Motion was moved by Isaac and seconded by Jim N. The PBPRC voted 7-0, the motion passed.

The Committee discussed the upcoming bylaw review meetings: on February 19th, the Committee will review the proposed changes and the public hearing will take place on March 12th. There was brief discussion concerning the proposed Green Communities bylaw. Isaac informed the Committee of the town Climate and Energy Committee and noted that PBPRC may be interested in meeting with this Committee to discuss and potentially develop future concepts and/or planning strategies for climate and energy. Peter noted that the proposed bylaw changes he focused on were ones that will have the most impact on facilitating the project process, including appointing a Zoning Administrator.

PBPRC reopened a continued hearing to act upon a request from UMB Bank NA Trustee and Jessie Benton of 315 State Road Map 11 Lot 47 for Special Permits to site and construct a 675sf addition to an existing structure where total footprint of all structures on the lot will exceed 2,000sf and is within the Coastal DCPC (hearing continued from 12/11/18). Applicant requested to continue the hearing to March. Jim W left the room. Sarah made a motion to continue the hearing to March 19th, 2019 at 7:00pm. Motion was seconded by Jim N. The PBPRC voted 6-0, the motion passed.

Jim W re-entered the room. The PBPRC met with Peter Rodegast to discuss preliminary plans for Ann Berdy of 10 East Pasture Way Map 8 Lot 115, 116 and 117. Sarah recused herself from the discussion. Peter R presented the proposed plan to expand the existing residence by 220sf (currently 2 bedroom) with the addition of a single-story bedroom and removal of the existing garage (proposed swapping of footprint). The Committee found that the lot is within 500ft of Menemsha Pond and therefore in the Coastal DCPC which restricts expansion of weather walls. Wetlands also exist on the lot and restricts the proposed location of the addition. The Committee

found that if the addition were to be sited on the North side of the structure it would increase the mass of the structure from the pond, however, vegetation exists in front of the structure which will aid in screening the addition. There was discussion on the possibility of siting the addition on the South side of the structure (behind the structure and screened from the pond), which wouldn't increase the mass of structure from the pond (applicant had concerns of potential objections from abutters on this location). The Committee found that there are non-compliant exterior light fixtures which the applicant will change and in addition, the applicant is willing to change the existing white trim, which will help reduce visibility of the structure. There was discussion on archeology and the Committee felt, given the sensitivity of the area, that the applicant should submit a Project Notification Form to MHC once they determine the proposed site. There was limited objection to the proposed addition from the Committee. Applicant plans on submitting an application.

PBPRC opened a hearing to act upon a request from Jane Lancellotti of 2 Lobsterville Road Map 8 Lot 32 for Special Permits under sections 2.9 of the Aquinnah Zoning Bylaws to site and install a standby generator. Jim M recused himself and left the room. Isaac was assigned as an alternate. Scott Bermudes presented the proposed plan to site a standby generator 38ft from the property line, which is the right of way of Lobsterville Road. The Committee found that, given the topography of the lot, the generator will be below the road and not highly visible. In addition, the Committee found that the generator will be large but well insulated and will not produce much noise for abutters (location is far enough from neighbors and therefore unlikely to be heard). The Committee determined that the siting of the generator is close enough to wetlands and the applicant will need to submit an RDA to Conservation Commission. Based on these findings, Peter entertained a motion to approve the plans as presented. Motion was moved by Jim N and seconded by Sarah. **The PBPRC voted 6-0, the motion passed.** There was brief discussion concerning the appeal period. Jim M reentered the room.

The Committee reviewed the 12/11 minutes. The Committee again discussed what is required of a Committee member who is recused from a hearing. Sarah read a brief statement from State Ethics Commission from the 1990's which gives the opinion that there is no conflict in her position as a Land Bank Commissioner and Town Committee member because she represents the Town when sitting on the Land Bank Commission and Town boards. There had been question on whether there was a conflict in a recent hearing. Sarah made a motion to continue reviewing the 12/11 minutes to the meeting on March 19th. Motion was seconded by Jim M. Peter amended the motion to include the condition that everyone read the minutes before the meeting. Motion and amendment were seconded by Jim N. **The PBPRC voted 7-0, the motion passed.**

The Committee briefly discussed the Moshup Trail View Easement Committee. Peter and Sarah agreed to begin reviewing the Town's right of way. Peter felt that the Committee could request that the MVC talk to NHESP for a blanket approval (at a certain distance in) rather than each lot applying separately to NHEPS. The Committee agreed that the proposed cutting be mapped first. Peter and Sarah agreed to sit on the Committee and agreed to begin meeting in March.

PBPRC reopened a hearing to act upon a request from Hugh and Jeanne Taylor of 18 Lighthouse Road Map 6 Lot 32 for Special Permits to site and construct a 3,136sf event pavilion for commercial use with drive in basement and roof top deck on an open and highly visible location, and a registered Development of Regional Impact lot where total footprint of structures on the lot will exceed 2,000sf within the Gay Head Cliff DCPC and Coastal DCPC (hearing was continued

form 12/11/18). Berta and Isaac were recused. Jim W recused himself because he was not present for the first hearing. At the prior hearing, the Committee had referred the application to MVC and continued the hearing in event that MVC kicked it back to the Committee. As of now, MVC does not want to consider reviewing it until archeology is complete along with a list of other requests. Applicant is in the process of getting a survey done. The applicant agreed stop the clock and continue the hearing to April 2019. Peter entertained a motion to agree to continue the hearing to April 2019 and co-approve the decision to stop the clock on the matter while it is continued. Motion was moved by Sarah and seconded by Jim M. **The PBPRC voted 5-0-2, the motion passed.**

PBPRC opened a public meeting to review an MHC letter for Ann Tagge of Old Harvest Way Map 10 Lot 12. The PBPRC had approved a zoning determination to conduct a perc test with an archeological observer in the event that MHC did not recommend a survey, but should MHC recommend a survey, the applicant was to return to the PBPRC for a final determination on how to proceed. The Committee found that MHC recommend a survey (letter dated 12/13/18) given the sensitivity of surrounding areas and its environmental location. Chris Alley informed the Committee that the Tribe is comfortable with observing the two perc tests (to be done with a bobcat). The Committee discussed whether they should recommend a survey prior to perc tests. Chris noted that the Committee in the past has approved perc tests with an observer on lots where MHC has recommended a survey. The Committee was split on how to proceed: with an observer present there would be a site-specific analysis and it is unlikely that the survey areas will be where a perc test is done; however, in requiring a survey to be completed before any work, there is a chance for preservation of any resources. Peter noted that zoning determinations require unanimous vote. Isaac made a motion to recommend an intensive archeological survey before any work is completed. Motion was moved by Berta and seconded by Jim N. Peter informed the Committee that, as the bylaw stands, archeological determinations do not require a special permit and therefore only requires 4 votes to carry it (it is merely a determination) and the Committee can use a determination to make a decision. The motion was made to do the survey and that no other work was to be completed without the approval of PBPRC. **The PBPRC voted 8-0, the motion passed.** Peter entertained a motion to approve a maximum of two perc tests, before the intensive survey, in the presence of a qualified archeological observer who has the right to stop the work based on findings as they are doing the digging. Motion was moved by Jim M and seconded by Jim W. Isaac stated that he likes the idea of using local resources (Tribe Cultural Monitors) to mitigate unnecessary costs. **The PBPRC voted 8-0, the motion passed.**

PBPRC opened a hearing to act upon a request from Ann Leonard of 266 Lighthouse Road Map 5 Lot 31 for Special Permits under sections 3.3-5 and 13.4-7 of the Aquinnah Zoning Bylaws for additions to an existing structure and conversion of existing structure into an accessory apartment in the Coastal DCPC where total footprint on the lot will exceed 2,000sf. Chris Alley and Larry Schubert presented the plans to convert an existing structure into an accessory apartment with additions over existing deck footprint (on the North and East side of the structure). There was one minor change from the plans submitted: change of entrance to the structure from stairs to a ramp. The proposed additions would increase the interior wall dimensions by 129sf (existing is approx. 420sf). The Committee determined that the proposed footprint would still be under the maximum footprint allowed for accessory apartments. The Committee found that the proposed plans included a septic system upgrade and siting of a new well (in disturbed areas), both of which have been approved by the Board of Health and Conservation Commission. In addition, Con Comm has approved the additions to the structure.

The Committee found that a PNF had been submitted to MHC and an archeological survey was not recommend. There was brief discussion concerning the basement of the structure. The applicant assured the Committee that it will remain as unfinished space (to be used as storage and not living space), however, they will be sheetrocking the ceiling. The applicant will consult with the Building Inspector on sheetrock specifications to make sure the space is considered unfinished. The applicant confirmed that the owner understands the regulations sited in the accessory apartment bylaw. The Committee recommended that that applicant meet with the Housing Committee to review the regulations and set the percentage of AMI for the rental should the owner wish to rent in the future (per the bylaws). Based on the findings, Peter entertained a motion to approve the plans as presented. Motion was moved by Jim M and seconded by Jim N. There was brief discussion concerning the height of the structure above natural grade. The Committee determined that the ridge height is well within the allowable maximum height restriction and will not require a permit for modification of a pre-existing non-conforming structure. **The PBPRC voted 7-0, the motion passed.**

PBPRC opened a public meeting to act upon a request for a Special Permit Amendment from Steinberg of 264 Lighthouse Road Map 5 Lot 215 to increase the height of a previously approved structure by 4". The Committee found that the height increase is due to the addition of rigid insulation above the roof framing. The Committee determined that the proposed new structure height will be 5' to 7' lower than the existing structures ridge height and therefore found that the 4" increase is minimal and not significant. Peter made a motion determining that the requested amendment is not significant enough to require a hearing and approved the height increase of the proposed structure by 4". Motion was seconded by Jim M. **The PBPRC voted 7-0, the motion passed.**

The Committee and Tom Murphy briefly discussed a proposed application to site a 168sf shed on Tom's lot on Old South Road. Application will be heard at the March 19th meeting. Tom is planning on purchasing a pre-built shed. If he were to order the shed now, it would be ready by April but if he ordered in March (after the hearing) he wouldn't be able to get the shed until June. Tom was curious if the Committee saw any reason the shed wouldn't be approved. If there was no objection to the shed, then Tom was going to take the risk in ordering it. There was discussion on the exterior design and siting. The Committee agreed that they could not approve the shed until the hearing but would, based on what they know from the discussion. Isaac agreed to look at the proposed location and height once Tom has it staked out. This led into a discussion on the proposed bylaw changes and changing the regulations of zoning determinations: increasing the allowable footprint of a zoning determination from 70sf to 170sf if not visible and including a determination condition where an archeological findings form be filed for work done in the presence of a qualified observer.

There was brief discussion concerning residential solar panels and if there is a way for the Town to promote them and make them more affordable for residents.

The Committee discussed Peter's resignation from the PBPRC in May and the next steps for the Committee. Berta suggested that the Town hire a planner to focus on the zoning bylaws and needs of the PBPRC. Peter discussed the original job description of the Committee assistant and noted that there is money to upgrade the position to an administrator position (more responsibilities added). Currently the assistant position is split between PB responsibilities and Town Administrator assistance. Peter will talk with Sibel, Treasure/HR Admin, to discuss the process of changing the assistant position. Sarah asked Peter if he can stay longer on the Committee until

Sophia returns from maternity leave. Peter felt that the Committee should decide on the next chairman and have them start chairing now so that Peter can help before he steps down. Jim M and Jo Ann are up for re-election this year and the Selectmen will need to appoint someone for a year to fill Peter's seat. Isaac may be interested in becoming a full Committee member. Should he be appointed, the Committee will need to think about a new alternative Committee member.

PBPRC opened a meeting to review a Zoning Determination request from Raymonds Hill LLC of 1162 State Road Map 6 Lot 102.6 to conduct perc tests to design a Title V septic system. Berta was recused. Isaac was assigned as an alternate. Reid Silva presented the proposed plans to conduct a perc test in a disturbed area. There has already been one perc test done on the lot but there needs to be two valid perc tests for a septic system. The Committee did not feel that a qualified observer was needed because the area is disturbed. Peter entertained a motion to approve a zoning determination to conduct a perc test in the disturbed area of lot 6-102.6. Motion was moved by Jim M and seconded by Jim N. **The PBPRC voted 7-0-1, the motion passed.**

PBPRC opened a meeting to review a Zoning Determination request from Raymonds Hill LLC of 2 Raymonds Hill Map 6 Lot 102.5 to conduct perc tests to design a Title V septic system upgrade. Berta was recused. Isaac was assigned as an alternate. Reid Silva presented the plans to conduct two perc tests within landscaped areas. The Committee determined that a qualified observer be present at the time of digging. Peter entertained a motion to approve digging of test holes within the limit of work area identified on the plan in the presence of a qualified archeological observer who has the power to stop the work if necessary. Motion was moved by Jim N and seconded by Isaac. **The PBPRC voted 7-0-1, the motion passed.**

PBPRC opened a hearing to act upon a request from Domini Amy L TR and Stanley LIM TR of 42 Lighthouse Road Map 6 Lot 43 for amendments to a Special Permits dated December 24, 2018 under sections 3.8-4, 3.9-1-3 and 12.3-3 of the Aquinnah Zoning Bylaws to site and construct a curb cut and driveway within the Gay Head Cliff DCPC. Berta and Isaac were recused. Isaac requested to speak on behalf of his father, applicant Hugh Taylor, for the hearing. The Committee had no issue with Isaac's request. Peter noted that this lot is also within the Roadside District which sites a 1,000ft curb cut restriction. A Special Permit has already been approved for the construction of a residence on the lot. Reid Silva presented the plan to site and construct a curb cut along Lighthouse Road 490ft from the Outermost Inn curb cut, 255ft from the curb cut across the road and 895ft from Pilots Landing road. The proposed curb cut would be angled to mitigate disturbance of headlights on the property across the street.

The following concerns and potential issues were discussed: at the time of subdivision there was the implication that access to lot 6-43 would be via Outermost Inn Road; whether the lot is granted its own curb cut because it pre-existed MVC regulations when subdivided; there is no deeded access to lot 6-43 via Outermost Inn Road (which the applicant owns); whether easements can be relocated (i.e. Land Bank easement via Outermost Inn Road); concern with reviewing and approving the curb cut correctly; concern from the Town's view of putting in another curb cut if it is not necessary because of existing access; and public safety of the curb cut (curb cut angled so that vehicles won't cross the center line of Lighthouse Rd).

Isaac stated that the curb cut would be beneficial in multiple ways: if his father were to sell the Outermost Inn, it would be beneficial to not have to use that road for access; Land Bank and other property owners who have easement on the Outermost Inn Road potentially have the chance to change access to the new proposed road; and there is the benefit of possible frontage gain along the new road for neighboring properties. Peter stated that he would like to consult

Town Counsel on the interpretation and assumptions that were made at the time of the subdivision before making any decisions. Reid noted that the important point to remember is that the subdivision did not create two lots, rather it created one lot and one unbuildable parcel. Kate Taylor gave a brief overview of the history of the lots and explained the connection between the Trust (owner of lot 6-43) and Hugh Taylor (applicant): The Trust understands that Hugh is applying to build a residence on the lot. Dependent on Town Counsel opinion, if the curb cut is as of right, the Committee will need to consider public safety, visibility and cutting of vegetation for the proposed road. A letter from the Land Bank, abutter, dated 2/5/19 was read into the minutes. With no other questions or comments and the need of Counsel opinion, Sarah made a motion to continue the hearing to March 19th, 2019 at 7:30pm. Motion was moved by Jo Ann. **The PBPRC voted 6-0-1, the motion passed.**

With no other business, the meeting adjourned at 10:00pm.

Respectfully submitted,

Sophia Welch

Board Administrative Assistant