

Aquinnah Planning Board Plan Review Committee Meeting June 18<sup>th</sup>, 2019

Members Present: Sarah Thulin, Jim Newman, Jim Mahoney, Jim Wallen, Tom Murphy, Berta Welch, Jo Ann Eccher

Not Present: Isaac Taylor

Also Present: Phil Regan, Chris Alley, Mike Hebert, Eleanor Hebert, Geoff Thors, Ann Berdy, Peter Rodegast, Richard Guerin, Jessie Benton, Matthew Born, Jed Smith

Meeting opened at 6:38pm

The Committee reviewed the 5/20/19 minutes. Tom moved to approve the 5/20/19 minutes as presented and amended. Motion was seconded by Jim N. **The PBPRC voted 4-0-1, the motion passed.** Jo Ann abstained.

Sophia reminded the Committee of the All Island Planning Board meeting on June 19<sup>th</sup>.

Sophia gave a brief Zoning Administrator update/report: Peter Temple, Zoning Administrator, approved 1 Zoning Determination under the new bylaw for Sullivan of 1183 State Road for a 34sf entry way and replacement of trim with AZEK. Peter deferred two Zoning Determination requests to the Committee: window schedule adjustment for UMB Bank and Benton of 315 State Road and an emergency septic repair and upgrade for Fitzgerald of 3 Driftwood Lane.

Berta entered the meeting and the Committee reviewed the 5/14/19 minutes. Sarah moved to approve the 5/14/19 minutes as presented. Motion was seconded by Jim N. **The PBPRC voted 5-0-2, the motion passed.** Jo Ann and Tom abstained.

Jim M entered the meeting. The Committee opened a continued meeting from 5/20/19 for Richard Freeland of 4 East Pasture Way for window replacements. Sarah was recused. Geoff Thors, on behalf of the owner, presented the proposed plans to replace four existing jalousie windows (two facing the pond) with identical units with white vinyl clad frames (no change in rough openings). The Committee agreed that the project was minimal. Jim W entertained a motion to approve the jalousie replacement windows (white clad windows to replace existing with no change in size). Motion was moved by Jim N and seconded by Tom. **PBPRC voted 6-0-1, the motion passed.** Sophia will inform the Building Inspector of the Committee's decision.

PBPRC opened a continued hearing to act upon a request from David Herskovits of 10 Deer Path Map 6 Lot 106 for Special Permits under sections 11.8 and 13.10-2-B of the Aquinnah Zoning Bylaws for clearing and cutting of vegetation in the Moshup Trail DCPC (hearing continued from 5/20/19). Berta and Jo Ann were recused. Hearing was in response to a Tree Cutting and Brush Cutting Zoning Violation notice sent by the Building Inspector/Zoning Enforcement Officer. Violation needs to be resolved prior to permitting any development on the lot. Phil Regan informed the Committee that he had met with the Tree Warden on site to review the trees in question. Both agreed that the larger trees had been cut prior to Herskovits ownership. However, there was brush cutting within the Moshup Trail DCPC and one cedar tree had been cut due to poor health. Phil presented a restoration plan: allow all vegetation within the brush cut area to return naturally, return to the PBPRC in April 2020 with a plan for annual maintenance over the area in question inclusive of a "through" path(s), on-going removal of all invasive(s) and re-

removal of vegetation that may encroach on/over the two exposed boulders, and encourage the inclusion/enhancement of existing indigenous vegetation such as the high bush blueberry. Phil pointed out that invasive species (as defined in the Zoning Bylaws) had been removed and per section 4.3-4, removal of invasive ground cover and shrubs in uncleared areas in order to protect any species are allowed throughout the ADCPC including Moshup Trail.

The Committee reviewed before and after photos of the cut area and current photos showing current vegetative growth. The Committee discussed the following: planting of native species in the cut area (i.e. blueberry bush), removing the requested “through” paths from the restoration plan (to be submitted as a separate special permit application later), revisiting a maintenance plan in the Fall to see what has grown back including a site visit (October or November 2019), protection of the archeological resources on the lot (burial site), and screening of the new addition (to be addressed in special permit for the additions). After further discussion, Sarah motioned to approve the restoration strategy dated June 18, 2019 with the following amendments: return to the PBPRC in the Fall 2019 with a plan for maintenance over the area in question, removal of the following language “ “through” path(s), ongoing removal of all invasive(s), and removal of vegetation that may encroach on/over the two exposed boulders” and a landscape remediation plan to be submitted to the PBPRC in the Fall 2019 after a site visit. Motion was seconded by Jim N. The PBPRC voted 5-0-2, the motion passed. Jim W entertained a motion determining that the restoration plan for clearing and cutting as amended is sufficient and the Committee does not recommend any fines be enforced by the Building Inspector for the violation. Motion was moved by Jim N and seconded by Jim M. The PBPRC voted 5-0-2, the motion passed.

PBPRC opened a continued hearing to act upon a request from David Herskovits of 10 Deer Path Map 6 Lot 106 for Special Permits for renovation/replacement and addition to an existing dwelling, relocation of existing garage and upgrade of the septic system within the Moshup Trail DCPC and Special Places District (hearing continued from 5/20/19). Berta and Jo Ann were recused. Phil presented a brief history of the structure including the relocated Coast Guard station/Boathouse structure. He noted that MHC has requested, in addition to an intensive archeological survey, a residence historical survey. The Committee reviewed the proposed plans: rebuilding the garage further from the wetland set back (same footprint), raising the existing roof for insulation by a few inches, removing one dormer and construction of additions on the East-South side of the existing structure. There was brief discussion concerning the historical nature of the building and the exterior renovation including replacing the white trim with natural material and/or neutral color trim. The Committee was not opposed to the replacement of trim given that there is no historical record of the building and the structure will conform to current design guidelines. Phil noted that the excavated material from the addition will be used to build up the grade in front of the addition and planted with vegetation which will aid in screening. The Committee discussed the visibility of the additions from Moshup Trail and requested that a final landscape be submitted for review and approval. Neighbors requested that the applicant restore the road after construction.

The Committee discussed MHC’s recommendation for a historical survey on the building. After further discussion, the Committee determined that the applicant intends to preserve the Coast Guard Station and felt that the modifications to the structure were minimal. The Committee requested that the applicant submit any historical documentation of the building to the MVC.

Jim W entertained a motion to approve the plan as presented subject to the following conditions: intensive archeological review and determination, granting of a special permit for footprint to exceed 2,000sf (proposed new additions total 342sf), subject to the orders and conditions set by the Conservation Commission, subject to the orders and conditions set by the Board of Health, subject to PBPRC review and approval of a final landscaping plan (including screening of the new additions), all trim must be natural materials and/or neutral in color (no white paint), all exterior lighting must comply with the Town's Exterior Lighting Bylaw, any changes to the plan need to come back to the PBPRC for further review, notification of the historical relevance of the structure will be sent to the Martha's Vineyard Commission and access to the lot must be maintained in good standards for the abutters to be able access their property and any repairs will be done on an on-going basis to keep the road in good condition. Motion was moved by Jim N and seconded by Jim M. **The PBPRC voted 5-0-2, the motion passed.** There was brief discussion regarding the archeological survey process and time period.

PBPRC opened a hearing to act upon a request from Ann Berdy of 10 East Pasture Way Map 8 Lot 115, 116 & 117 for special permits for the removal of an existing shed and siting and construction of a 219sf addition within the Coastal DCPC. Sarah was recused and left the meeting. The Committee reviewed the proposed plans to remove the shed/garage (222sf), construct a 219.5sf addition on the North side of the existing structure (expansion of a bedroom and addition of a bathroom), upgrade the existing septic and site and drill a new well in the North-West corner of the lot with directional boring to the structure (existing well has failed). Board of Health did not require a septic upgrade but given the proximity of the proposed addition to the septic tank, applicant wanted to replace the existing tank with a 1500-gallon tank and move it slightly further from the structure. MHC did not recommend a survey for the addition project, however, siting of a well and septic upgrade were not included in the MHC project notification form. The Committee agreed that the drilling of the well and directional boring of the waterline should be done in the presence of a qualified archeological observer who has the power to stop the work. The Committee reviewed the addition floor plans. Addition will be approx. 5ft lower in height than the existing structures ridge height. The Committee determined that the addition will not be any more visible than the existing structure from the Pond. Berta motioned to approve the plans as presented with a qualified archeological observer during drilling of the well and any preparation for the horizontal boring, all trim will be neutral in color and/or natural material, any exterior lighting will be compliant with the Town's Exterior Lighting Bylaw, and any changes need to come back to the PBPRC. Motion was seconded by Jim N. **The PBPRC voted 6-0, the motion passed.** Because the well is an emergency situation, Jim W entertained a motion to allow digging of the well to proceed before the appeal period is up subject to the condition of having an archeological observer present who can stop the project. Motion was moved by Jim N and seconded by Jo Ann. **The PBPRC voted 6-0, the motion passed.**

PBPRC opened a meeting to review a Zoning Determination request from UMB Bank & Benton of 315 State Road Map 11 Lot 47 to amend a Special Permit for window changes. Jessie Benton and Richard Guerin presented the proposed plans to maintain the existing rough openings of the triangle windows on the North side of the structure (plans still include replacement of door units with smaller windows under the triangle windows). Previously approved plans included removal

of existing triangle windows and installation of triangle windows in the dormers. The Committee determined that the request was not a significant change and approved the change as a zoning determination. Jim W entertained a motion to approve a Zoning Determination for the proposed plans presented (maintaining the existing triangle windows and reducing the door units to smaller window units); all other previous conditions are still in effect. Motion was moved by Jim N and seconded by Jim M. **The PBPRC voted 6-0, the motion passed.**

PBPRC opened a meeting to review a Zoning Determination request from Kathryn Cerick and Charles Fitzgerald of 3 Driftwood Lane Map 4 Lot 46 for emergency repair/upgrade of an existing septic system. Reid Silva informed the Committee that the existing distribution box is exposed in its current location (on the edge of a coastal bank). Reid presented the plans to upgrade and relocate the septic system further back from the Sound (between the existing tennis court and lot line), abandon and remove the 1500-gallon tank and abandon the existing distribution box. Board of Health has approved the septic system upgrade. Given the proximity to the tennis court, the Committee determined that the location for the new septic system is disturbed ground and determined that the project will not be significant so long as it is done in the presence of a qualified archeological observer. There was brief discussion concerning future building plans on the lot. Jim M made a motion to approve a Zoning Determination for the plan as presented with an archeological observer and subject to approval by the Conservation Commission. Motion was seconded by Jim N. **The PBPRC voted 6-0, the motion passed.**

Planning Board opened a meeting to review a Form A Subdivision for the Island Housing Trust Corp. of 801 State Road Map 9 Lot 146. Reid Silva presented the proposed plans to cut off an unbuildable portion of the lot that would go to MV Land Bank as conservation (front portion contains two affordable houses). Jo Ann disclosed that her husband works for Island Housing Trust and recused herself. Jim W entertained a motion to approve the Form A Subdivision as presented. Motion was moved by Jim M and seconded by Tom. **The Planning Board voted 4-0-1, the motion passed.** Jim W, Jim M, Berta and Tom signed the mylar.

Sarah re-entered the meeting. The PBPRC met with Matthew Born of 6 Clay Pit Road Map 4 Lot 104 to discuss a Special Permit amendment request for installation of a balcony and window alterations on a previously approved garage. Jim W was recused. Given that Jim W was recused, and Jim M was not present for the previous meeting, there was no quorum to make a decision. The Committee had an informal discussion regarding the request. With the applicant's agreement, the Committee continued the meeting to July 8<sup>th</sup>. Jed Smith and Matthew Born gave a brief history of the garage construction. The Committee found that a balcony and window changes have already been constructed without PBPRC review and approval (violation of the Special Permit). The Committee agreed that the changes were minor but would be making a final determination at the next meeting.

Under other business, the Committee met with Chris Alley to discuss the request for a Zoning Determination for Ann Tagge of Moshup Trail Map 10 Lot 12 for the siting and drilling of a well. Tom was recused. The Committee had previously approved two perc tests and made the determination that an intensive survey be required for development of the lot. The Committee discussed the following: archeological survey, drilling of the well with a qualified archeological observer, and whether any vegetation would need to be removed for the project (per section 4.3-2-3B a special permit is required for removal of ground cover, shrubs or trees in the Moshup Trail

DCPC). After further discussion, Jim M made a motion to allow, with an observer, the drilling of a well as marked on the plan. Motion was seconded by Jim N. There was discussion regarding removal of vegetation on the lot. Chris informed the Committee that should vegetation be removed he will return with a Special Permit request. **The PBPRC voted 6-0-1, the motion passed.**

Chris Alley requested a Zoning Determination for trenching of electrical lines and siting of a transformer pad along Old Harvest Way. The Committee requested that a PNF be submitted to MHC for the proposed project.

The Committee briefly discussed the Moshup Trail View Easement plan. The View Easement Committee still has not met and there are no plans yet. Sarah noted that there are many parties involved in the process and more information needs to be sorted out.

With no other business, the meeting adjourned at 9:38pm.

*Respectfully submitted,  
Sophia Welch  
Board Administrative Assistant*