

Aquinnah Planning Board Plan Review Committee Meeting May 22nd, 2018

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

Members Not Present: Isaac Taylor

Also Present: Amera Ignacio, Todd Vanderhoop, Esteban Aranzabe, Alice Souter, Angie Francis, Bill Lake, Morgan Hodgson, Vernon Welch, David Giles, Reid Silva, Josh Montoya, Walter Verdick, Kara Shemeth, Len Butler, Renee and Jamie Pianka, Town Administrator Jeffrey Madison, Wendy Swolinzky

Meeting opened at 6:40pm.

Due to the packed agenda and time limitations, the committee continued the review of minutes to the following meeting on May 30th, 2018.

PBPRC reopened the continued hearing to act upon a request from Sheriffs Meadow Foundation (hearing was continued from April 11, 2018) of Moshup Trail Map 9 Lot 4 & Map 12 Lot 1 for Special Permits to site a pedestrian trail, plant seasonal mat for dune crossing, construct signage and a bike rack in the Moshup Trail DCPC and the Coastal District. Sarah was recused. Peter informed the Committee that SMF had requested to continue the hearing to the Fall. Sarah noted that ConCom had continued their hearing to December 4, 2018. The Committee agreed to continue their hearing to a date after the applicant met with ConCom. Based on the applicant's request, Peter entertained a motion to continue the SMF hearing to December 11th, 2018 at 7:00pm. Motion was moved by Jim N and seconded by Jim M. The PBPRC voted 5-0-1, the motion passed.

Sarah gave a brief ConCom update on the Levitt application to upgrade the septic system. She informed the Committee that ConCom had approved the project with the recommendation that it be maintained as a 3-bedroom septic given the environmental surroundings, but the application still needs approval from Board of Health.

The Committee scheduled their July meeting for July 31st, 2018 at 6:30pm.

PBPRC opened a hearing to act upon a request Dan Levitt of 61 Moshup Trail Map 10 Lot 29.3 for Special Permits under sections 13.4-A.2 of the Aquinnah Zoning Bylaws to site and install a Title V septic system upgrade in the Moshup Trail DCPC. Jo Ann was recused. The Committee found that the proposed leaching field is sited between the front of the existing building and Moshup Trail and that multiple trees providing significant screening would be removed. No further archeological survey is required. The Committee determined that if the trees were removed then they should be replaced upon completion of construction with the same level of screening they provided. The Committee also found that the applicant still needs approval from the Board of Health to update the system from a

3-bedroom to a 4-bedroom. Peter informed the Committee that he has received complaints regarding Levitt's exterior lighting, which is non-compliant with the Town's Lighting Bylaw, and the applicant will need change fixtures to be compliant by the time the project is completed. Based on these findings, Peter entertained a motion to approve the plan as presented to update the septic system to a Title V 4-bedroom system conditioned upon the following: applicant must replace the trees that are proposed to be removed with the same level of screening, subject to the decisions of the Conservation Commission and Board of Health to allow a 4-bedroom septic, if only a 3-bedroom septic is approved the applicant must return to the PBPRC to review the plans, and the applicant must fix all exterior lighting to be made compliant to the Town's Exterior Lighting bylaw upon completion of the project. Motion was moved by Jim N and seconded by Jim M. **The PBPRC voted 6-0-1, the motion passed.**

PBPRC opened a hearing to act upon a request from David Giles of 4 Raymonds Hill Map 6 Lot 102.4 for a Special Permit under section 13.4-10-G-2 of the Aquinnah Zoning Bylaws for a variance on frontage and Planning Board review of a Form A subdivision. Berta was recused. In reviewing the request, the Committee determined that the frontage for the subdivision (4-acre lot into two 2-acre lots) is non-conforming (running along the interior of an existing road) and would create a "new" nonconforming lot, however, the lot existed before May 10, 2011 and the road is sufficient in frontage (determined by the PB at the time the lot was created). The Committee determined that the creation of the new lot qualifies for a variance by special permit, per section 13.4-10-G-2. However, because the lot is within the Roadside DCPC it is an automatic DRI referral to MVC and the Form A subdivision cannot be approved by the Planning Board until after MVC review. Peter entertained a motion to grant a Special Permit under bylaw section 13.4-10-G-2 for a nonconforming frontage on a lot that is already on a road that was approved by the Planning Board in accordance to the subdivision bylaws and to refer the Form A subdivision to the MVC. Motion was moved by Sarah and seconded by Jim N. **The PBPRC voted 6-0-1, the motion passed.** Sophia is to fill out the referral letter to MVC accompanied by a cover letter informing the MVC of the variance approved by the Committee.

The Committee briefly discussed the requested Zoning Determination for Cournoyer off Church Street Map 9 Lots 209 & 209.1. Reid Silva presented the plans to conduct perc tests and informed the Committee that no trees would need to be removed. The Committee felt that an archeological observer would need to be present. However, the Committee did not act on the application because it had not been advertised on the agenda. The Committee agreed to add it to the May 30th agenda.

PBPRC opened a hearing to act upon a request from Amera Ignacio of 8 Church Street Map 9 Lot 103.1 for Special Permits under sections 3.5, 13.4 & 13.4-6-D of the Aquinnah Zoning Bylaws to site a 140sf shed and curbcut located in a Special Way Zone and Roadside District. The Committee determined that the 10'x14' shed and curbcut have already been constructed and seemed to be very close to the road. In reviewing the site plan, the Committee found that the property line runs down the centerline of Church Street and the shed is 35ft from that line. There was discussion on whether the lot is in a Special Ways Zone (Old Church Street) which would determine a different and less restrictive setback. The Committee determined that, per bylaw section 13.4-6, the shed meets the 30ft restriction from the lot line and the siting is permissible. The Committee found that the applicant plans on planting vegetation around the shed and home and in the island for additional screening.

In reviewing the second curbcut, although not permitted, the Committee found that the second cut aids in re-directing water runoff away from the foundation of the house and provides a separate ingress and egress for the applicant. At the site visit, the Committee found that below the curbcuts is an area that could be interpreted as parking (area with woodchips) but is the location of the well and an area that was used during construction of the house. The Committee requested that the applicant plant or encourage vegetation in that area to deter cars. The Committee also found the exterior lighting on the existing home does not comply with the Town's Exterior Lighting Bylaw and the applicant must make the fixtures compliant by the completion of the project. The Committee also requested that the window trim of the shed be painted with a neutral or darker color (if in the future the white cladding is replaced it should be replaced with a neutral or dark color). Based on these findings, Peter entertained a motion to approve the siting of the shed in the Roadside District and amend the curbcut for the lot to provide a means of separate ingress and egress conditioned upon the following: landscaping to be put in when the project is completed to help screen the house and shed, the shed trim color should be painted a neutral or dark color but the cladding can remain white for the time being and applicant will restore area along the road that is no longer being used for construction. Motion was moved by Jim N and seconded by Sarah. **The PBPRC voted 7-0-1, the motion passed.** Peter amended the motion to include a condition that the applicant must replace noncompliant exterior lighting with fixtures that comply with the Town's Exterior Lighting Bylaw. Motion was moved by Sarah and seconded by Jim M. **The PBPRC voted 7-0, the motion passed.**

PBPRC opened a hearing to act upon a request from Ryan Crowley of 8 Jeffers Way Map 5 Lot 172.2 for Special Permits under sections 3.2-1, 13.4-1, 13.4-3 and 13.4-4 of the Aquinnah Zoning Bylaws to change rough openings on 6 windows and 3 sliding doors and expand an existing deck by 334sf where the total footprint on a lot will exceed 2,000sf. The Committee reviewed the plans and found that the deck extension is sited on the North side of the structure and within the mass of the building and not visible. In reviewing the proposed window and door replacements, the Committee found that there would be almost no net increase in the rough openings and amount of glass. The Committee agreed that the current

color of the windows is perfect, and the replacements should be similar in color. The Committee also found the exterior lighting on the existing home does not comply with the Town's Exterior Lighting Bylaw and the applicant must make the fixtures compliant by the completion of the project. Based on these findings, Peter entertained a motion to approve the expansion of the rough openings of the 3 doors and windows that change and the expansion of the deck conditioned upon the removal of the noncompliant light fixtures and replaced with compliant fixtures and to grant a Special Permit for all structures on the lot to exceed 2,000sf because the expansion is sited within the mass of the building and on the North side where it is not visible. Motion was moved by Sarah and seconded by Jim N. **The PBPRC voted 7-0, the motion passed.**

PBPRC opened a continued meeting to review the results of an intensive archeological survey for Lake and Hodgson of 1 East Pasture Way Map 4 Lot 71. Angie Francis of South Mountain Company presented the Committee with a fieldwork completion letter form PAL dated May 22, 2018. In reviewing the letter, the Committee found that significant resources within the siting and limit-of-work boundary of the approved accessory apartment had been found and PAL has recommended that an archeological site avoidance and protection plan be submitted. A final MHC approval is still needed. Angie presented a plan, developed with PAL, that identified short term protective measures prior to and during construction. Due to the location of one significant resource, the applicant requested to shift the siting of the building 4-5ft South-West to create a buffer zone between excavation and the resource. In shifting the location, a new mean average grade was calculated, and based on that calculation the applicant requested to increase the height of the building by 6in. The Committee found that the height increase is still within the 18ft restriction as of right and that the requested changes are not significant and no more detrimental to the neighborhood and does not require a public hearing.

The Committee also found that the septic and pump chamber for the building will be relocated (location to be finalized by Vineyard Land Surveying) and the applicant will conduct directional boring for the entire water and electric line at a depth that will have no negative impact on archeological resources. The Committee requested that the applicant confirm this process with PAL. Angie informed the Committee that Vineyard Land Surveying will be conducting a survey to identify the exact locations of the features. There was brief discussion regarding a significant resource found and returning it to Aquinnah. Peter entertained a motion to approve the plan as amended in order to protect the archeological resources subject to approval by the PBPRC of a plan to protect resources, applicant will find out what, if anything, needs to be done by PAL for archeological approval of directional boring. Motion was moved by Jim W and seconded by Jim M. **The PBPRC voted 7-0, the motion passed.** Peter entertained a motion to continue the meeting for an archeological review to June 12th at 7:00pm. Motion was moved by Jim W and seconded by Jim M. **The PBPRC voted 7-0, the motion passed.**

PBPRC opened a hearing to act upon a request from Carlos Montoya of 55

Moshup Trail of Map 9 Lot 15 for Special Permits under sections 11.3, 13.4 & 13.4-7 of the Aquinnah Zoning Bylaws to construct and maintain a permanent platform for two seasonal tents in the same location as a previously approved house but with a footprint that is 180sf larger in the Moshup Trail DCPC where total footprint on a lot will exceed 2000 sf. Peter was recused. The Committee reviewed the application to maintain a permanent platform for two season tents to be erected and used for the months of April through October and found that the platform will be 1,352sf (180sf larger than the previously approved house footprint) and sited behind the existing structure on the lot where it is not visible from a public way. There was brief discussion on the materials for the platform and the Committee found that while the supports beams will be pressure treated blocks, they will sit on top cement blocks and won't touch the ground. Sarah entertained a motion to approve the permanent installation of a platform as presented. Motion was moved by Jim M and seconded by Jim N. **The PBPRC voted 6-0-1, the motion passed.**

PBPRC opened a hearing to act upon a request from Walter Verdick of 7 Sea Mist Lane Map 12 Lot 35.3 for Special Permits under sections 3.2-1, 3.6-1, 3.9-1-A, 11.3, 13.4-1, 13.4-3, 13.4-4 of the Aquinnah Zoning Bylaws for the addition of a screen porch, roof deck and railing to an existing dwelling in the Moshup Trail DCPC. Peter noted that an abutter had voiced concern with the proposed project however, the letter addressed a different building and not the one located on Map 12 Lot 35.3. In reviewing the plans, the Committee found that the screen porch addition would be sited behind the mass of the structure and not visible. In reviewing the plans for the rooftop deck, the Committee determined that the cable railing would increase the overall height of the structure to 24ft above mean average grade (maximum allowable height in the Moshup Trail DCDC by Special Permit) but because the railing would not break the tree line it would not be highly visible, and the height should be allowed. Based on these findings, Peter entertained a motion to approve the addition of a screen porch and rooftop deck as presented on the basis that these additions are not visible. Motion was moved by Jim M and seconded by Jim W. **The PBPRC voted 7-0, the motion passed.** Peter amended the motion to include the condition that the special permit is subject to a corrected certified plot plan showing the correct location of the rooftop stairway. Motion was moved by Sarah and seconded by Jim M. **The PBPRC voted 7-0, the motion passed.**

The Planning Board signed the Red Gate Mylar plans (with new lot numbers from Land Court) presented by Kara Shemeth of Schofield, Barbini and Hoehn. Berta, as an abutter, recused herself from signing.

PBPRC opened a hearing to act upon a request from Matthew Born of 6 Clay Pit Road Map 4 Lot 104 to amend a Special Permit dated January 4th, 2018 to increase the approved footprint of the garage by 96sf, rotate the approved location by 15 degrees and remove vegetation where total footprint on a lot will exceed 2,000sf. Jim W was recused. Kara Shemeth of Schofield, Barbini and Hoehn presented the plans. The Committee found that two cedar trees, requested by ConCom to remain (limiting the size and position of the structure), had endured significant damage during a recent nor'easter revealing that one was rotten. That tree has since been removed and the applicant is requesting to expand the garage footprint by 4ft and rotate it by 15 degrees (to improve the entry angle from the driveway) into the area of the removed tree. The Committee also found that the electric and water lines to the main house may run under a corner of the proposed garage footprint and the applicant, in order to avoid the lines, requested a 2ft South-East flexibility in the sitting once Dig-Safe has located the lines. The Committee determined that the requested changes and the 2ft of flexibility are no more detrimental to the neighborhood than the previously approved plan. Based on these findings, Peter entertained a motion to approve the amendment to the plan as presented including the right to further move the structure 2ft to the North-East if needed to avoid the water line that is there, if it needed to be moved any further, applicant must return for review by the PBPRC, and all other conditions of the original permit still apply. Motion was moved by Jim M and seconded by Sarah. **The PBPRC voted 6-0-1, the motion passed.**

PBPRC opened a continued meeting from April 11th, 2018 to conduct a post completion landscape review for the Lighthouse area and parts of the circle and a post completion/operation review of a temporary plan for pedestrian and vehicular traffic and signage at the Lighthouse and circle as required in the Special Permits for the Town of Aquinnah dated February 4th, 2015 and March 27th, 2015. Berta was recused. The Committee found that the trenching for the electrical lines is complete, but removal of the telephones poles will not be completed until the Fall. Given the time frame of the project and because the existing telephone poles will be reused for the guardrail, the approved permanent guardrail will not be constructed until the Fall. In the meantime, the applicant requested to erect temporary metal fencing (same fencing used in prior years) to divide the roadway and keep pedestrians on the path. The StaLok pathway leading to the Lighthouse will be completed in the coming weeks. The Committee requested that the yellow painting of the crosswalk and bus/crosswalk buffer zone be done prior to the summer season for safety reasons.

Len, Chairman of the Lighthouse Advisory Board, presented a temporary signage

plan to erect signs in 5 locations to direct people to and from the Lighthouse, Shops and buses/parking areas (beginning of the Lighthouse path, split in the pathway (to the shops and to the bus area), bottom of steps to the shops and top of steps to the shops and at the beginning of the pedestrian path near the first shop). The Committee found that the signs would be similar in size and color to the existing Conservation signs and will vary in height depending on location. The Committee asked that the applicant return in the Fall to review the temporary signage locations and requested that the applicant meet with all interested parties to further discuss a permanent signage plan and submit a plan in the beginning of 2019. In addition to signage and fencing, Len requested to site handicap parking in the area that has acted as parking in the past for the “Manning” house (near the entrance path leading to the Lighthouse). The Committee determined that the two spots would need appropriate signage and painted lines to determine the parking spots. The Committee found that the two spots would be temporary until further review of details concerning the parking and other traffic and pedestrian issues at the Manning property are addressed. The Committee asked Jeffrey to enforce the lighting bylaw at the Cliffs and to get the shop owners to comply (specifically the soda and ATM machines). Peter entertained a motion to continue the review of a lighting plan to June 12th at 8:30pm, approve the temporary use of metal fencing to protect the pedestrian walkway, give the Lighthouse Committee leeway to develop signage plan for this year on a temporary basis that will be reviewed by the PBPRC in October but no later than November (to be advertised), and approve temporary handicap parking at the “Manning” location as shown on the plan approved April 11th, 2018. Motion was moved by Sarah and seconded by Jo Ann. The PBPRC voted 6-0-1, the motion passed.

PBPRC opened a hearing to act upon a request for Special Permits from Vernon Welch (Lot Lessee) of Boathouse Road Lease Lot “A” Map 3 Lot 34 under sections 2.3, 2.4-1, 10.2 & 13.4-1 of the Aquinnah Zoning Bylaws to construct a seasonal removable boat ramp in the flood plain and the Marine Commercial District. Berta was recused. Prior to the presentation, Jeffrey Madison, Town Administrator, informed the Committee that the Selectmen took no action on this application. The Committee agreed to review the application to determine what parts of it would fall under the responsibilities of the Committee and what decisions, if any, the Committee would have to make. Vernon Welch presented the plans to site a removable cement block (similar to a mooring) on the existing rock wall at the corner of the lot (between the existing structure and roadway to dock) with an attached 22’-24’ roller trailer for temporary storage of two boats (17’ to 20’ skiffs). An electrical winch would be constructed on top the cement block to pull the boats onto the ramp. All work would be done in Aquinnah and operation of the

system would not obstruct the roadway. To prevent the ramp from swaying there would be a lead to the existing dock from the ramp. At the site visit, there was a large contingency from Chilmark concerned with the change in use of the lot that requires Chilmark approval, however, the Committee determined that concern falls under the Selectmen and not the PBPRC.

The following issues were discussed: what approvals and other permits the applicant would need to obtain (Selectmen, ConCom, State), whether it would impact the Federal Channel, whether the project is a structure that would require a special permit in the flood plain or by the Committee for any other reason and whether it should be viewed as a temporary structure. Vernon noted that the ramp would be seasonal and would not impact the Federal Channel. In regard to permitting within the flood plain and associated bylaws, Peter will consult with FEMA. The Committee asked Vern to make sure that the Selectmen are content with whatever approvals they require of him. Based on the discussion, unanswered questions and the applicant's agreement to continue, Peter entertained a motion to continue the hearing to June 12th at 7:30pm. Motion was moved by and seconded by. **The PBPRC voted 6-0-1, the motion passed.** Vernon agreed to meet with the Selectmen to review the proposed project.

The Committee briefly spoke with Renee and Jamie Pianka, abutters to the Lighthouse. Renee informed the Committee that they had a letter from the Condo Association to read to the Committee regarding the Lighthouse permit that has been appealed. Clarification was given pertaining to the Manning property. The Committee noted that the hearing for the Manning property is not being continued until further notification of the case. Since the hearing for the Lighthouse had closed and the applicant was not present, the Committee asked Renee to still submit the letter. Renee plans to email the letter to Sophia to distribute to the interested parties (PBPRC, Lighthouse Board, CPA, Cultural Council group and Town Administrator).

Meeting adjourned at 10:04pm.

Respectfully submitted, Sophia Welch, Board Administrative Assistant