

Aquinnah Planning Board Plan Review Committee Meeting May 17th, 2018

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

Not Present: Jim Mahoney

Meeting opened at 6:43pm.

First on the agenda was the review of the 4/25/18 minutes. Peter entertained a motion to approve the 4/25/18 minutes as presented. Motion was moved by Sarah and seconded by Jo Ann. The PBPRC voted 6-0-1, the motion passed.

Next, the Committee began their review of the Zoning Bylaws. Peter noted that the bylaws are influenced by MGL Chapter 40A and anything that isn't in a DCPC is subject to those State Laws. Section 3 of the bylaws summarize the DCPC's and act as an information guide to the bylaws. Peter felt that, per Town Counsel, that Section 3 could be revised where there may be overlap with the DCPC bylaws and lessen the confusion for the Committee and public. The Committee briefly reviewed the MVC DCPC Decisions that Peter had emailed out to the Committee. Peter noted that those decisions, dating back to the 1970's, provided rationale behind the districts and were great aids in understanding the DCPC intent.

The Committee reviewed the following sections of the bylaws and created a list of ideas and possible bylaw changes to bring to the Town for discussion: section 1, section 2 and section 6. There was discussion on section 2.2-1 (uses in a rural residential district) regarding home-based business and alternative sleeping structures such as yurts, trailers, mobile homes and tiny homes on wheels. The idea of trailers being used as temporary sleeping structures and as accessory apartments was briefly discussed and raised as a potential change in the bylaws. The Committee briefly discussed the idea of changing density regulations to permit tiny homes on a lot where the total number of bedrooms on the lot would equal the footprint of one home dependent on the septic system (pending Board of Health compliance and other regulations). The Committee found that, per section 2.2-1-B, the Town has treated municipal land, because it can be rented, as commercial but that is not the technical way to go about it and the Committee should review areas that could be commercial and create a commercial district (possibly the Cliffs and Town Center).

In reviewing section 2.2-2, the Committee agreed that 2.2-2.J (swimming pools and tennis courts) could be relocated to section 2.2-1. There was discussion regarding home-based business as of right. Peter informed the Committee that a home-based business is allowable as of right per section 2.2-1-E. If the business doesn't meet those restrictions, then a special permit would be needed, and the business would have to meet the requirements outlined in section 2.2-2. In addition, under section 2.2-2, a lot doesn't have to have a house to have a business if it meets those requirements and this can be varied by the ZBA. The Committee agreed that it is time to start looking at a commercial district. If the Town were to

add a commercial district, the bylaws could outline restrictions and specifications on what business would be allowed and where (would be included in section 2 of the bylaws). There was discussion regarding mobile food trucks and other potential business' that could be permitted within a commercial district. Section 2.2-2-J regarding pool fencing was briefly discussed and it was noted that special permits can be conditioned in a way that specifies fencing location or the bylaws could be changed. The Committee agreed to think about this section.

The Committee briefly reviewed section 2.3 (uses in marine commercial district). The Committee discussed Menemsha's commercial district. With no other comment the Committee moved on to section 6 (administration). The Committee discussed the role of the ZBA. The Committee felt that section 6.2-1-A (Board of Appeals) needs clarification which Peter will get from Town Counsel. There was discussion on how the Conservation Committee member and the Selectmen member fit into the Committee and decisions. Peter will check with Town Counsel on the obligations of the Conservation Committee and Selectmen member on PBPRC. The Committee reviewed 6.4 (special permits). The Committee discussed the length of time a permit is granted for and whether it should be increased from one to two years. There was discussion on whether other violations or enforcement issues that have not been remedied should be added to this section which would prevent a special permit being issued. There was brief discussion on the outcome of the Theise lawsuit against the Town.

In reviewing section 6.4-3 (zoning determinations), Peter noted that the section can be removed because it had been replaced by section 13.14-1 at the 5/8/12 Town Meeting. The Committee asked for a copy of the most recent MVC DRI checklist as it relates to section 6.5 of the bylaws.

Lastly, the Committee reviewed 6.7 (Zoning Administrator). Although this bylaw doesn't pertain to the PBPRC and their ability to appoint a Zoning Administrator, it does give the Committee headway to develop a similar bylaw. Peter informed the Committee that he would work on this language and try to create a bylaw. It was agreed that delegating certain responsibilities within parameters would decrease the workload of the Chair and Committee. The Committee briefly discussed the 5-year abandon building limitation. It was agreed to continue the discussion to the next bylaw review meeting.

Meeting adjourned at 8:50pm.

*Respectfully submitted,
Sophia Welch, Board Administrative Assistant*