

Aquinnah Planning Board Plan Review Committee Meeting April 11th, 2018

Members Present: Peter Temple, Chairman, Sarah Thulin, Jim Wallen, Berta Welch, Jo Ann Eccher, Jim Mahoney, Isaac Taylor, Jim Newman, and Kathy Newman (substitute for Conservation Committee)

Others Present: Paul Gombos, Jay Bodner, Chris Alley, Kristen Fauteux, Adam Moore, Elaine Vanderhoop, Jim Feiner, Ann Mayhew, John Abrams, Angie Francis, Michael Nathanson, Barbara Nathanson, Len Butler, Josh Montoya and Derrill Bazzy

Meeting opened at 6:37pm.

First on the agenda was the review of the 3/20/18 minutes. Peter entertained a motion to approve the 3/20/18 minutes as presented and amended. Motion was moved by Sarah and seconded by Jim N. The PBPRC voted 5-0, the motion passed.

PBPRC reviewed a request to amend the Special Permit dated August 21, 2017 for Paul Gombos of 9 Old Field Road Map 10 Lot 64.4 to construct roof mounted solar panels. The Committee reviewed the plans and found that the solar panels will not go above the ridge height and will be all black (except for the silver frame). Peter entertained a motion determining that the amendment to the permit to add solar panels is not significant and therefore a public hearing is not required. Motion was moved by Jim N and seconded by Sarah. The PBPRC voted 5-0, the motion passed. Peter entertained a motion to approve the solar panels on the accessory apartment as presented. Motion was moved by Sarah and seconded by Jim N. The PBPRC voted 5-0, the motion passed. There was brief discussion on zoning for solar panels.

PBPRC opened a meeting to conduct a post completion landscape review for Alan Slatas of 7 Rose Meadow Way. After a site visit the previous week, the Committee found that vegetation had been planted in the right areas to aid in screening the structure. The Committee found that the Privet has quite a bit more growing to do, but if nurtured, will adequately block the view of the driveway from the Cemetery road. There was brief discussion regarding the detached bedroom and the condition to remove the kitchen. It was noted that the original special permit had a restriction on rental clearly stating that the detached bedroom was not permitted to be rented separately. Peter entertained a motion to approve the post completion landscaping plan conditioned upon the following: owner is obligated to grow and maintain vegetative buffer and if any plants die they must be replaced, and this post completion approval and the prior special permit and amendments need to be filed with the deed. Motion was moved by Sarah and seconded by Jo Ann. The PBPRC voted 6-0, the motion passed.

PBPRC re-opened the continued hearing to act upon a request from John McDonald of East Pasture Road Map 8 Lot 80 for Special Permits under sections 4.3, 13.10-2 and 13.10-3 of the Aquinnah Zoning Bylaws for clearing, cutting and

topping of vegetation and trees on Sheriff Meadow Foundation owned properties off East Pasture Road Map 8 Lot 86 & 87. Sarah was recused. Peter gave a brief overview of the 11/14/18 meeting discussion. Peter noted that the special permit states that the screening on the North and South side of the house is for the first floor. Adam Moore of Sheriff Meadow, presented the plan to prune 2 White Oaks, top 1 Beetlebung tree and remove 3 Black Oak trees all located within the 100' view easement for the owner of Map 8 Lot 80. Adam noted that the plan was done using good forestry management practices. On behalf of the applicant, Jay Bodnar requested to amend the plan to include the removal of 3 Black Oak trees on the McDonald property. There was discussion on the remove of the Black Oaks and the health of the trees. The Committee found that, while Black Oak trees on the Island have been targeted by disease, the trees on the property show no sign of any disease or poor health and could possibly live for 100 more years.

There was discussion concerning the visibility of the structure already and the increase of visibility if trees were removed. In addition, the Committee found that the property already has multiple view channels. Concern regarding the cutting of the Black Oaks and increase of the structure's visibility was expressed from multiple Committee members. Peter noted that the Committee has taken the position that there is no right to a completely open view even if there is a view easement, which would still require approval. He further stated that the pruning of the trees will not do much in visibility of the structure, but removal of the Black Oaks would definitely increase the mass of the structure that is visible on the South side and parts that you don't see now will become visible. There was discussion on the possibility of an incremental approach including pruning of the Black Oaks instead of removing them. Adam felt that pruning could be done so that the view from the house could be improved and screening of the house would still be adequate, however, that wouldn't be best forestry practice. The Committee found that removal of the trees would allow for underbrush and other vegetation to grow. Adam felt that McDonald may come back in the future to address that growth.

Jay Bodnar read a letter to the Committee from McDonald stating that there was great effort in making sure that less than 18ft of the structure was visible and that should be considered. In addition, he stated that the view was one of the reasons he purchased the property and he has worked very hard in complying with the Committee's conditions. Peter read a section of the special permit and stated that the permit was very clear and there was never intent for the house to be visible from all three sides. There was discussion regarding the bylaws which pertain to preservation of the culture and historic value of the Town. It was noted that the bylaws have been reviewed and some under the powers of the MVC and not the Town. In addition, the Town voted for the bylaws. The Committee determined to approve the pruning of the White Oaks and topping of the Beetlebung but to hold off on approving the removal of the Black Oaks (both on SMF property and on McDonalds property), which could be revisited at a later date depending on how things grow. The Committee asked if there was a tree inventory of the SMF lot. Adam offered to do an inventory and share it with the Committee when it is completed. Peter entertained a motion to approve the trimming and thinning of the

2 White Oaks and the topping of the Beetlebung but leave the Black Oaks as they are at this point. Motion was moved by Jim N and seconded by Berta. The PBPRC voted 6-0-1, the motion passed.

PBPRC reviewed a request from McDonald to site a second well on Map 8 Lot 76 and for directional boring for a waterline from Map 8 Lot 76 to Map 8 Lot 80. Due to poor water quality on Map 8 Lot 80 (McDonald), the Committee found that a pit measuring 6'x8' would be sited on the neighboring property 34' from the existing well and a waterline would be done by directional boring to meet the existing line on Map 8 Lot 80. Once the line is completed the pit would be back filled. The PBPRC found that the proposed project is not significant and does not require a public hearing, however, surface features on Map 8 Lot 76 have been found and the Committee determined that the boring should be conducted at a depth that would have no negative impact on archeological resources and written approval from the Wampanoag Tribe to the PBPRC for the proposed project is required. Peter entertained a motion to approve locational observation by a qualified archeological observer assuming that the rest of the directional boring is at a depth that would clearly not have any impact on archeological resources conditioned upon written approval from the Wampanoag Tribe to the PBPRC. Motion was moved by Jim M and seconded by Isaac. **The PBPRC voted 7-0-1, the motion passed.**

Peter entertained a motion to move the Bylaw Hearing later in the meeting. Motion was moved by Jim N and seconded by Berta. The PBPRC voted 8-0, motion passed unanimously.

PBPRC reviewed a request from Elaine Vanderhoop of 10 Old South Road for a zoning determination for roof mounted solar panels. The Committee found that the roof mounted solar panels will be flush to the roof, all black and will not extend above the ridge line of the roof. Peter entertained a motion to approve a zoning determination for the solar panels as presented. Motion was moved by Berta and seconded by Jim M. **The PBPRC voted 8-0, motion passed unanimously.**

PBPRC opened a hearing to act upon a request from Nathanson for Special Permits under the Aquinnah Zoning Bylaws to site and construct a dwelling and septic system on 10 Locust Lane where total footprint of structures on the lot will exceed 2,000 sf. Jim W was recused. Chris Alley presented the plans to construct a building on a private way that is not in an open and highly visible area. The Committee found that the lot is well defined by setbacks and while it is divided by Locust Lane (which also provides frontage), the proposed location meets all set back requirements. The Committee determined that while the lot has over 200' of nonconforming frontage, the Committee has the power to vary the frontage requirement per bylaw section 13.4-10-F, because the lot is undeveloped and had at least 50' of frontage on an existing private way prior May 10, 2011.

In reviewing the proposed elevations, the Committee found that the ridge height of

the structure is under the 24' ridge height maximum when measured from mean average grade. There was discussion on how the mean average grade was calculated. The Committee found, however, that the East facing side of the structure, where the 2-bay basement garage is visible, presents much more than 24' of height and mass because the house is sited on and cut into an existing knoll. The Committee found that the structure would measure 26'x46' with an offset box measuring 26'x12' on the back side of the structure. The applicant requested to amend the plans to include a 2' bump-out on the North side of the structure on the first floor below the proposed 2nd floor bump-out. The applicant also requested to amend the plans to include a 2nd story bump-out of 2' on the South side of the structure (exactly like the North side bump-out). The Committee found that the requested amendments were not a significant increase to the footprint because they would be cantilevered off the foundation. There was discussion on screening for abutters. Peter noted that abutters concerns are taken into account but there is only so much the Committee can require and additional screening would need to be discussed between the abutters and owners.

In reviewing the proposed plans for the driveway, the applicant requested to amend the plans so that the curb cut would be at an angle starting near the bottom of the lot instead of a 90-degree turn onto the private way traffic. The Committee found that this request would save trees on the lot that aid in screening the large East side of the structure and would be a safer turnout. There was discussion on changing the location of the driveway so that the garage would not be located on the gable end of the home and therefore would minimize the visual impact of the structure.

However, the change would require a cut in an existing stonewall and the Committee found that the proposed new access is not on the applicant's property. With the changes to the driveway and parking, and additional screening, the Committee found the siting met the guidelines given the limitations of the lot.

Based on the findings, Peter entertained a motion to the approve the plans as amended and grant a special permit for non-conforming frontage per bylaw 13.4-10.F because it is an undeveloped that had at least 50' of frontage on an existing private way prior May 10, 2011, conditioned upon the following: submission of an amended plans showing the new access and showing the trees that will be preserved, materials will be natural and/or neutral in color, no white, exterior lighting needs to comply with the Town's Exterior Lighting Bylaw. Motion was moved by Sarah and seconded by Jim M. There was a brief discussion on skylights. Peter amended the motion to include the condition that no skylights are permitted. **The PBPRC voted 7-0-1, the motion passed.** There was brief discussion on the appeal period and process.

PBPRC re-opened a postponed hearing to act upon a request from Sheriffs

Meadow Foundation 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. Peter and Sarah were recused. Kathy Newman sat in for Sarah as a Conservation Committee member. Adam Moore, SMF, presented a general history of the lot and an overview of the goals for the lot. The Committee found that the applicant hopes to connect other lots on Moshup Trail that they own and to open up trailheads for public use. Adam discussed the idea of having parking for two cars on a nearby lot that would have access to trails and this particular beach lot. He noted that the abutters' concern of overuse was legitimate and SMF would regulate the lot and a reservation system could be implemented for summer use (one to two families per day could reserve use of the beach). The proposed plan would not happen this year and SMF still needs to obtain an order of conditions permit from the Conservation Committee.

The Committee was generally in favor of the proposed plan but recognized there are many issues (specifically dune preservation) that need to be addressed before they approve and grant a permit. Jo-Ann, chairing the hearing, waived the reading of abutters letters. The Committee opened the floor to the public. Two abutters were present and voiced their concerns regarding the proposed plan. The following issues and concerns were discussed: parking and overuse of the lot, privacy of neighboring beach lots, regulation and management, dune preservation (Moshup Trail DCPC), new boardwalks that would prevent vegetation growth (DCPC). There was discussion on whether SMF should be focusing on other beach access areas in Town. Adam agreed with the abutters' concerns and stated that there is a great deal of work to be done prior to this plan being approved. He added that there is a large concern which hadn't been addressed: the lone star tick population in this area. There was brief discussion on the lone star tick. There was further discussion regarding the proposed reservation system for the lot and management. Jo Ann noted that an incremental approach to this proposed plan is ideal. Jo Ann entertained a motion to continue the hearing to May 22nd, 2018 at 6:40. Motion was moved by Jim M and seconded by Isaac. **The PBPRC voted 7-0-2, the motion passed.** The applicant agreed to send a letter stopping the clock.

PBPRC opened a hearing to act upon a request from Lake & Hodgson of 1 East Pasture Shore Place Map 4 Lot 71 to amend a Special Permit dated March 8th, 2018 to include minor structural modification to the foundation and site and extend the proposed unfinished basement of the permitted accessory apartment where total footprint on a lot will exceed 2000 sf. Angie Francis, South Mountain Company, presented the plans to expand the basement entirely underneath the 596sf structure (no other changes to the approved envelope of the building). The Committee found

that the request to expand the basement would not be visible to abutters as additional mass and they determined that the requested amendment was not a significant change to the original special permit. The Committee found that the proposed plans include a full height access door located on the East side of the structure and it would be adequately screened from public ways by the surrounding wooded area. No basement windows are proposed in the plans. The applicant plans to use the basement to house the mechanical equipment and a washer and dryer. While the applicant proposes to use rigid insulation on the walls of the basement, they assured the Committee that the insulation does not have to be covered with sheetrock by code and that the space would remain unfinished.

In reviewing a letter from PAL dated April 10th, 2018, the Committee found that an intensive survey was conducted, and features had been found (Special Permit was subject to an archeological determination). Based on the results, PAL has recommended that a machine-assisted top-soil stripping monitored by an archeologist be conducted within the proposed areas of ground disturbance for the accessory apartment. The Committee determined that, once the top-soil stripping is completed, the applicant would need to come back for a review of PAL recommendation before a building permit is issued. Based on the findings, Peter entertained a motion to approve the requested amendment and plans as presented conditioned upon the following: subject to the results of a full archeological survey and the review of a recommendation from MHC. Motion was moved by Sarah and seconded by Jim M. The PBPRC voted 7-0, the motion passed. Sarah motioned to continue the meeting to May 22nd, 2018 at 7:30pm in order to review the MHC letter and facilitate the project. Motion was moved by Sarah and seconded by Jim M. The PBPRC voted 7-0, the motion passed.

PBPRC re-opened the postponed hearing 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 and Isaac were recused. In order to have quorum for the Bylaw hearing, Peter entertained a motion to continue the Lighthouse hearing later in the meeting. Motion was moved by Jim W and seconded by Sarah. The PBPRC voted 5-0-2, the motion passed.

The Planning Board opened a hearing to review proposed changes in the Aquinnah Zoning Bylaw sections 7.1 and 13.4-10. The Board reviewed the proposed changes. Peter proposed to amend and remove the second sentence in the definition for frontage, per council. With the amendment, the definition would read: The

exterior boundary of lot which lies along the boundary of a public or private way, but not along a common driveway, and which contains at least one point of vehicular access to the lot in a location providing safe and adequate sight distance. No other changes were requested. With no further discussion, Peter entertained a motion to amend the bylaw as proposed. Motion was moved by Berta and seconded by Jim M. The Planning Board voted 5-0, the motion passed. Peter entertained a motion to approve the entire bylaw. Motion was moved by Berta and seconded by Jim M. The Planning Board voted 5-0, the motion passed. Peter informed the Planning Board that there will be a hearing for this proposed bylaw change at the MVC on May 3rd, 2018.

PBPRC re-opened the postponed hearing of the Lighthouse from earlier in the meeting. Berta and Isaac were recused. Len Butler presented a short-term MVC plan dated April 10th, 2018 to construct a 30" high telephone pole barrier between the roadway and pedestrian path that would connect the lighthouse path to the existing woodchip path leading to the shops (this will be done after the lines have been buried). The Committee found that the pedestrian path would be a 4' wide ADA compliant StaLok path and would branch off to the woodchip path and a second path running along 5 parallel parking spaces, the tour bus parking area and continue to the VTA bus waiting/loading area. The path along the parallel parking and bus parking would increase to 6' wide and delineator posts between the path and parking will be spaced 20' apart for pedestrian safety. In addition, this part of the path will be painted yellow and there will be a 20' buffer zone between the front of a parked tour bus and the crosswalk at the bottom of the steps to the shops/lookout. The woodchip path will be replaced with an ADA compliant path and the woodchips will be removed in a way so that the conservation area will not be disturbed. The Committee found that the tour bus parking spot near the stairs was 55' long, allowing for one bus to drop off and pick up passengers. Should there be more than one bus at a time, the plan includes a bus parking/waiting area at the bottom of the circle past the Resident Parking area. The plan also includes changing the angle of the Resident Parking spaces to allow for 3 additional spaces. There was brief discussion on the plan regarding the Manning property. The Committee agreed to continue that portion of the hearing along with the landscape review, signage and lighting to another meeting. With no more discussion or comments from the Committee, applicant or abutters, Peter entertained a motion to approve the short-term plan updated April 10th, 2018 as far as it relates to the pedestrian path starting at the entrance to the Lighthouse and running all the way to the VTA bus stop, including the permanent approval of the pathway to the shops, including the enlarged buffer area between the bus parking and crosswalk, including changes to the Resident Parking area and the creation of a tour bus

staging area at the bottom of the circle, and all other changes including lighting, signage, paths across the inner circle for beach and toilet access, and details of parking and other traffic and pedestrian issues at the Manning properties will be continued to May 22nd, 2018 at 8:30pm. There was discussion on whether the tour bus staging area will impede other use of the area (actively used by large work trucks). The Committee agreed that the issue would have to be reviewed by the Police. Motion was moved by Jim N and seconded by Jim M. The PBPRC voted 5-0-1, the motion passed.

PBPRC reviewed a request to amend the Special Permit dated November 4th, 2015 for Montoya of 55 Moshup Trail Map 9 Lot 15 to site a platform for two tents in the same location of the approved foundation with a footprint that is 180sf larger. Peter was recused. Josh Montoya informed the Committee that due to reasons of cost, he has decided not to build the previously approved structure and wants to erect two seasonal tents on a platform in the same location as the approved footprint. After deliberation, the Committee determined that the temporary siting of the platform (in the location of the approved foundation) and the 180sf addition to the footprint were no more detrimental to the neighborhood than the previously approved plans, were not significant and therefore no public hearing was required to amend the permit. The Committee found that the platform and tents will be screened with vegetation already present so that the tents will not be highly visible to nearby neighbors and will not be visible from public ways. In addition, the Committee found that the proposed tents will be 14'10 ½" off the ground (13' in height), 19' in diameter, of neutral colors, and thus no more detrimental than the approved 23'6 ¼" high structure. The Committee found the applicant's tents would be erected for use during the summer and fall season (approximately 6 months). Per the bylaws (section 2.2-1.E-4), two temporary tents are allowed to be erected as of right for family members or guests of property owners. The applicant requested to maintain the platform year-round, however, the Committee determined that siting a permanent platform would be a significant change and would require a public hearing to be held. The Committee approved the platform on a temporary basis and determined that if the applicant wants to make the platform permanent a noticed public hearing needs to be held. Based on the findings, Sarah entertained a motion to approve the requested amendment to site and construct a platform on a temporary basis for two seasonal tents in the location of the previously approved foundation footprint that is 180sf larger conditioned upon the following: siting of the platform and tents are temporary and should be deconstructed in the Fall of 2018. Motion was moved by Jim M and seconded by Jim N. **The PBPRC voted 5-0-1, the motion passed.**

PBPRC opened a meeting to review a request from Robert MacDiarmid of 1147 State Road Map 5 Lots 14 & 15 & Map 6 Lots 93 & 94 to conduct two perc tests to design a Title V septic system upgrade. Elaine Vanderhoop presented the proposed plans to the Committee. There was discussion on the proposed subdivision of the lots. The Committee found that two tests will be conducted on the 5-acre lot and will not be significant and will have no negative impact on the resources protected by the Aquinnah DCPC. In addition, the Committee found that the request is consistent with the goals and guidelines of the DCPC and is not detrimental to the interest of abutters. Peter entertained a motion to issue a zoning determination for the 5-acre lot with the goal of finding two perc-able locations conditioned upon the following: a qualified archeological observer is present, and no trees are to be removed. Motion was moved by Sarah and seconded by Jim W. **The PBPRC voted 6-0, the motion passed unanimously.**

Meeting adjourned at 10:01pm.

*Respectfully submitted,
Sophia Welch
Board Administrative Assistant*