

Aquinnah Planning Board Plan Review Committee Meeting March 20<sup>th</sup>, 2018

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

Others Present: Paul Gombos, Jacob Vanderhoop, Matthew Vanderhoop, Sargent Manning, Bettina Washington, Juli Vanderhoop and Debra Cedeno

Meeting opened at 6:40pm.

First on the agenda was the review of the 2/6/18 minutes. Peter entertained a motion to approve the 2/6/18 minutes as presented and amended. Motion was moved by Jim N and seconded by Jim M. The PBPRC voted 6-0-1, 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. Jo Ann was recused. Paul informed the Committee that the Building Inspector had voiced concern with the basement as living space because of the finished walls and electrical outlets, although the floor remains cement and the ceiling is unfinished. Paul explained to the Committee that, due to the use of hard foam insulation in the basement, the insulation needed to be sheet-rocked and painted in order to comply with fire code. Per the accessory apartment bylaw, living space is restricted to a maximum of 600sf, therefore, if the Building Inspector were to deem the basement living space the structure would not comply. There was discussion regarding remedies to the situation. After further discussion, the Committee found that Paul does not intend to use the basement as living space or further improve it and requested that the Committee condition it as such. Paul agreed to a deed restriction where the basement is not permitted as living space and is never to be converted into living space. Peter entertained a motion determining that the request to amend the special permit and condition the basement as unfinished space was no more detrimental to the neighborhood and not a significant change, therefore a public hearing is not required. Motion was moved by Sarah and seconded by Jim M. The PBPRC voted 6-0-1, the motion passed. Peter entertained a motion to add an additional condition to the special permit dated August 21, 2017 stating that the basement is never to be used as living space. Motion was moved by Sarah and seconded by Jim M. The PBPRC voted 6-0-1, the motion passed.

PBPRC opened a hearing to act upon a request from the 27 Aquinnah Circle Trust for Special Permits to site and construct an addition of 79.2sf and enclose 135.62sf of existing deck located in the Gay Head Cliff Area DCPC where total footprint on a lot will exceed 2,000 sf. Berta was recused. Peter informed the Committee that the existing structure falls within a triple overlay district: Costal District, Cliffs district and the Town Wide DCPC. The Committee, per the bylaws for the Costal District, determined that the footprint of a structure cannot expand if it is within 100' of a feature (in this case the edge of the cliffs). If beyond 100' and within 150' there is a no build no cut zone from the edge of the cliff, however the Committee does have the right to vary that setback for pre-existing structures.

Matthew Vanderhoop presented the plans to expand the structure for additional dry storage and seating. The Committee found that the proposed additions are sited on existing footprint. The Committee reviewed a site plan dated 1989 to measure the distance of the structure from the edge of the Cliffs. The Committee determined from the site visit and site plans that none of the proposed additions of interior space were within 100' of the edge of the Cliffs. In addition, the Committee found that none of the proposed additions are within 150' of the edge of the Cliffs and therefore are not subject to the restrictions of the 150' no cut, no build zone of the Cliffs DCPC.

The Committee reviewed the elevations of the proposed plans and found that the addition and enclosures are sited within the mass of the structure and will have low roofs well below the existing roof height of the main building and will not be visible or noticeable to the public from the primary viewing points. The Committee found that the 79.2sf proposed addition is sited on the North side of the structure and over a cement slab. The applicant informed the Committee that the North side of the existing structure has consistent water damage from water flow coming down from the overlook and in efforts of preventing further damage to the structure and proposed addition, is requesting to construct a cement retaining wall, French drain and 3' deep dry well to divert water away from the structure and reduce erosion to the Cliffs. The Committee found that because the digging of the footing and dry well might hit undisturbed soils, digging should be done by hand and in the presence of a qualified observer or Tribal Monitor. In reviewing the plans to enclose 135.62sf of existing decking, the Committee found that the enclosures will be supported by sonotubes, but because the ground they would be sunk into was clearly disturbed, the Committee felt no Archeological survey was required. The Committee found that all exterior materials used will be similar in design to the pre-existing structure, including trim color. Based on these findings, Peter entertained a motion to approve the plans as presented (enclose two areas of existing deck, expand over an area that is currently paved and the installation of a retaining wall with a French drain and dry well to decrease erosion) and approve a special permit for a total footprint over 2,000sf because the additions are within the mass of the existing building and will not be visible from public ways or viewpoints; conditioned upon the following: digging is to be done in the presence of a qualified archeological observer or Tribal Monitor, who has the right to stop the work. Motion was moved by Jim N and seconded by Jim M. The PBPRC voted 7-0-1, the motion passed. There was brief discussion on the appeal period and process.

PBPRC opened a 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. Jo-Ann, chairing the hearing, informed the Committee that the applicant requested to continue the hearing to another date and has agreed to send a letter stopping the clock. Jo-Ann entertained a motion to continue the Sheriffs Meadow

Foundation hearing to April 11<sup>th</sup>, 2018 at 7:45pm with a site visit at 5:40pm.  
Motion was moved by Jim W and seconded by Jim N. **The PBPRC voted 6-0-2,**  
**the motion passed.**

The Committee discussed proposed bylaw changes to sections 7.1, 13.4-10. The Committee discussed the proposed changes including a replacement definition for Frontage and flexibility to resolve frontage issues for new and pre-existing lots. Subsequently, when the town voted to add a frontage requirement in the town-wide DCPC and remove grandfathering, the Committee could not grant variances unless exclusions were specified in the bylaw (now included in 13.4-10-G and H proposed sections). There was brief discussion regarding what constitutes a common driveway as mentioned in the proposed Frontage definition. In addition, the Committee discussed pre-existing non-conforming lots in town where the proposed bylaw changes would allow the Committee to review and resolve frontage on a case-by-case basis. Peter informed the Committee that Town Counsel has reviewed the proposed bylaw language and it doesn't need approval from the Attorney General. However, it does need approval from MVC. In order to bring this to Town Meeting as a warrant article, there needs to be a public hearing which Peter proposed to have at the next meeting on April 11<sup>th</sup>.

Peter opened a meeting of the Planning Board to vote on proposed bylaw changes (sections 7.1 and 13.4-10) to be heard at a public hearing on April 11<sup>th</sup> at 7:10pm. Peter entertained a motion to approve the bylaw changes as presented. Motion was moved by Jo-Ann and seconded by Jim M. **The Planning Board voted 6-0, the motion passed.**

The Committee scheduled the May meeting for May 22<sup>nd</sup>, 2018.

The Planning Board opened a meeting to review a Form A subdivision for David Giles of 4 Raymond's Hill Map 6 Lot 102.4 continued from February 6<sup>th</sup>, 2018. Berta was recused. With agreement from the applicant, Peter entertained a motion to continue the meeting for the review of Giles' Subdivision Form A to May 22<sup>nd</sup> at 7:00pm. Motion was moved by Jim W and seconded by Jo-Ann. **The Planning Board voted 5-0-1, the motion passed.**

Peter informed the Committee that he would like to step down as Chairman of the Committee in the coming year but that he plans to remain on the Committee for the remainder of his term (2 years). The Committee discussed the transition of a new Chair. There was discussion on appointing a person from the Board to do preliminary site visits to determine what applicants need to apply for. There was discussion on whether the Administration Assistant could do the preliminary site visits and other duties that the Chairman carries out. There was discussion on simplifying the bylaws. The Committee asked Peter to make a list of all the duties he performs as Chair, so they can review and understand his position and potentially divide up the jobs.

Next, Peter informed the Committee that the Lighthouse Condo owners have asked

to hold a meeting with the Committee to discuss the litigation. Town Counsel has given the go ahead on holding a meeting. Peter felt that it was important to also include the applicant, the Town and Lighthouse Committee, in the meeting. There was concern from some Committee members with how the meeting could potentially be used against them in the case. It was proposed to get a list of intentions for the meeting from the Condo owners. Peter felt that the meeting could help clarify some of the complaints in the suit. Peter, Jim N and Jim M offered to meet with the Condo owners during the week of April 2<sup>nd</sup>, 2018.

The 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 4<sup>th</sup>, 2015 and March 27<sup>th</sup>, 2015. Berta and Isaac were recused. The applicant requested to continue the hearing. Peter entertained a motion to continue the hearing for the review of landscaping, pedestrian paths, vehicular traffic and signage to the April 11<sup>th</sup>, 2018 meeting at 8:30pm with a site visit at 5:00pm. Motion was moved by Sarah and seconded by Jim N. **The PBPRC voted 6-0-2, the motion passed.**

PBPRC opened a hearing to act upon a request from Julianne Vanderhoop of 682 State Road Map 8 Lot 30 for Special Permits to site and construct a screened-in-porch where there is an existing deck, add a dormer and site and construct a 37sf entryway within the Roadside District. Debra Cedenio from Architecture Indigo presented the proposed plans to replace a 224sf deck with a 280sf screened-in-porch on the East side of the existing structure. In reviewing the proposed 37sf conditioned entry way, sited between the existing structure and proposed 280sf addition, the Committee found that the entry way will create a cohesive visual line for the structure. There was brief discussion on whether the applicant will be using footings or a cement slab for the addition. In efforts of minimizing ground disturbance, the applicant plans on constructing the addition on a cement slab. In reviewing the elevations, the Committee found that the porch will contain glass windows, not just screens, therefore it is really a 3-season porch. While the applicant did not originally request a 3-season porch, the Committee found that approving it would be no more detrimental to the neighborhood than the plans presented. There was discussion on converting the 3-season porch into a 4-season porch where the enclosed area would be conditioned space. The Committee found that approving a 4-season porch would be no more detrimental to the neighborhood than the 3-season porch. Based on this determination the applicant requested to amend the plans as presented and change the screened-in-porch to a 280sf enclosed addition.

In reviewing the elevations, the Committee found that the roof line of the addition is lower than the existing roof as well as the height of the proposed East facing

dormer (sited at 14'½"). The Committee determined that, while the structure is visible from a public roadway, the proposed addition will not increase the mass of the structure from public vantage points as it is sited in-front of the structure. The Committee also found that the purpose of the addition is for retail space and while home-operated business is approved by right, bylaws pertaining to screening of business equipment do apply. Based on this finding, the Committee requested a landscape plan from the applicant to screen the portable toilet and dumpster on the lot. With no further discussion, Peter entertained a motion to approve the plans as presented and amended to construct a 280af enclosed space, 37sf entryway and a dormer upon the following conditions: subject to the review and approval of amended plans, subject to the orders and conditions set by the Conservation Committee, subject to the review and approval of a Landscape Plan to screen equipment associated with the Home-Operated Business, subject to a post-completion landscape review, all exterior lighting must comply with the Town's Exterior Lighting Bylaw and all trim must be of natural materials and/or of neutral colors (no white). Motion was moved by Jim N and seconded by Jim W. **The PBPRC voted 8-0, the motion passed.**

Meeting adjourned at 8:57pm.

*Respectfully submitted,  
Sophia Welch  
Board Administrative Assistant*