

Aquinnah Planning Board Plan Review Committee Meeting May 20th, 2019

Members Present: Sarah Thulin, Jim Newman, Jim Mahoney, Isaac Taylor, Jim Wallen, Tom Murphy

Not Present: Berta Welch, Jo Ann Eccher

Also Present: Anthony Bene, Phil Regan, Chris Alley, Mike Hebert, Eleanor Hebert, John Guadagno, Len Butler, Richard Skidmore, Liz Witham, Kate Taylor, Hugh Taylor, Kyle Colter, Peter Temple (via phone)

Meeting opened at 7:05pm

Sarah entertained a motion to appoint Jim Wallen as Planning Board Chairman. Motion was moved by Jim M and seconded by Jim N. **The PBPRC voted 5-0-1, the motion passed.** Jim Wallen abstained.

The Committee reviewed the 4/23/19 minutes. Jim W entertained a motion to approve the 4/23/19 minutes as presented and amended. Motion was moved by Sarah and seconded by Isaac. **The PBPRC voted 4-0-2, the motion passed.** Jim M and Tom abstained.

Jim W motioned to appoint Peter Temple as the temporary Zoning Administrator until an undetermined date in September 2019. Motion was seconded by Jim N. **The PBPRC voted 6-0, the motion passed.** Jim W entertained a motion to give the Zoning Administrator all powers that are applicable that have been approved by the Town in the bylaws at the last Town Meeting on May 14th. Motion was moved by Jim N and seconded by Jim M. **The PBPRC voted 6-0, the motion passed.**

Sarah made a motion to appoint Isaac Taylor as an alternate Tree Warden in situations where Steve Yaffee may have a conflict. Motion was seconded by Jim M. **The PBPRC voted 5-0-1, the motion passed.** Isaac abstained.

Jim W entertained a motion that Peter Temple be the Land Bank Representative for the Town of Aquinnah. Motion was moved by Sarah and seconded by Jim N. **The PBPRC voted 6-0, the motion passed.** Sarah amended the motion to correct Peter Temple's appoint as the Planning Board representative to the Town Advisory Board to the Land Bank. Jim N seconded the amendment. **The PBPRC voted 6-0, the motion and amendment passed.**

Jim W entertained a motion that Peter Temple be appointed as a representative to the All Island Housing Committee. Motion was moved by Jim N and seconded by Sarah. **The PBPRC voted 6-0, the motion passed.**

Tom made a motion to appoint Jim M as the alternate Zoning Administrator. Motion was moved by Jim N. **The PBPRC voted 6-0, the motion passed.**

PBPRC opened a meeting to review a request from Isaac Taylor of 1325 State Road Map 6 Lot 45.2 for a Zoning Determination to construct roof mounted solar panels. Isaac was recused. John Guadagno of South Mountain Co. presented the plans. The Committee informed the applicant that under the new bylaws, roof mounted solar panels are as of right. However, the proposed panels do not conform with the as of right requirements as sited in section 2.9-1A of the bylaws

(panels will have some white and silver frames). The Committee determined that the panels will need a Zoning Determination. Jim M motioned to approve the solar panels as presented as a Zoning Determination. Motion was moved by Jim N. **The PBPRC voted 5-0-1, the motion passed.**

PBPRC opened a hearing to act upon a request from the Town of Aquinnah of 15 Aquinnah Circle Map 6 Lot 25.1 to site and construct a temporary 48sf shed on an open and highly visible lot within the Cliffs DCPC. On behalf of the Town, Len Butler and Richard Skidmore presented the proposed plans to construct a 6ftx8ft temporary shed (no walls) with red asphalt roof shingles and pressure treated wood (not painted). The shed will be used as a shelter for the Lighthouse tour guides and erected on the lot approx. 4.5 months out of the year (June – October 15th). Applicants informed the Committee that they are looking into lowering the height of the structure by at least 1ft (currently the structure as built and sited would be 10ft in height). Jim N motioned to approve the plans as presented. Motion was moved by Isaac. Sarah amended the motion to approve the plan with the attempt at lowering the height (at least by 1ft), that this is a temporary structure to be in place approx. 4.5 months of the year and moved off site for the other months. Jim M seconded the amendment. **The PBPRC voted 6-0, the motion and amendment passed.**

PBPRC opened a hearing to act upon a request from David M Eisenberg of 5 Sea Mist Lane Map 12 Lot 35.1 for Special Permits to site and install a standby generator in the Moshup Trail DCPC. Chris Alley presented the plans to site an emergency generator between an existing propane tank and electrical meter and near the driveway turnout. Generator lines will be trenched to the electrical meter (approx. 30ft). Given that the generator will be in a low-lying area, noise will not be an issue. While a portion of the trenching is through disturbed area (driveway turnout), approx. 15ft will be through undisturbed ground. The Committee requested that the applicant notify the Wampanoag Tribe of the trenching to determine if the presence of a qualified observer is necessary. The Committee found that the request meets the recently amended and Town approved regulations of a Zoning Determinations. Sarah entertained a motion to approve the installation of a standby generator in the Moshup Trail DCPC subject to the Tribal Historic Preservation Office being notified (asked if an qualified archeological observer is necessary for the project) with notification back to the PBPRC, subject to approval from the Conservation Commission, and any changes made must come back to the PBPRC. Motion was Jim N and seconded by Isaac. **The PBPRC voted 6-0, the motion passed.**

PBPRC opened a 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 was in response to a Tree Cutting and Brush Cutting Zoning Violation notice sent by the Building Inspector/Zoning Enforcement Officer. Sophia read a letter from Jennifer Egan, owner, into the minutes: intent on cutting vegetation was to cut away some of the invasive bramble on the property to free up smaller growth trees and bushes and restore the native meadow that existed a few decades ago. Owner was unaware of bylaws. The Tree Warden had met with Phil Regan, agent for applicant, and revised the original violation: large growth trees had been cut prior to Herskovits ownership, however, owners still brush cut in the Moshup Trail DCPC without a permit and while some vegetation was invasive, there were some 3' native plant stumps left behind from brush cutting. Restoration plan is required. The lot is in an NHESP area and needs to be notified. Chris Alley has not spoken with NHESP and is waiting to have a restoration plan to send them. The Committee

discussed the following: while the cutting was not permitted and species had been removed, smaller trees will now thrive and grow; vantage point photos of before and after the cutting; process of NHESP notification; potential remediation plan which would include allowing vegetation to grow back; screening of the house by planting in the brush cut area; whether a permit can be issued for the proposed renovation on the existing structure on the lot while it is in violation of the cutting, clearing and vegetation bylaw. After further discussion, the Committee requested that the applicant prepare and present a restoration plan and narrative which would include what has been cut, species to be left alone to grow back, and species that will be replanted. With agreement from the applicant, Sarah made a motion to continue the hearing regarding the clearing and cutting of vegetation in the Moshup Trail DCPC and priority habitat to June 18th, 2019 at 7:00pm at which time the owners or representatives will have a narrative of a remediation plan put in place that the Committee can act on. Motion was moved by Jim M. **The PBPRC voted 6-0, the motion passed.**

PBPRC opened a 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. The Committee determined that a special permit cannot be issued at the meeting given the cutting violation but agreed to review the proposed plans. Phil Regan presented the proposed plan: preserving original piece of building (Coast Guard station), building a new foundation, raising the roof for proper insulation, removing any additions (including the deck) and rebuilding a new addition at the rear of the building and to the South-East, and relocating the garage to the East and further from the wetlands setback (straddling the 100' setback). Roof will be redone with wood and white trim to be replaced with natural material and/or neutral colors. The Committee reviewed photo renderings of the proposed renovation and additions and discussed the visibility of the structure from public ways and screening. There was discussion concerning the potential historical significance of the existing building and whether the proposed alterations would significantly change it. Phil noted that the building, inside and outside, has been altered over the years. Without having a Historical Town Building Registry and/or Committee, the Committee was unsure how to approach this (if it not registered there is not much the Committee can do). Neighbors requested that the Committee include a condition in the Special Permit pertaining to road restoration after construction is complete (construction vehicles will be accessing the property over their road). Applicant will calculate window/glass percentage to make sure it is within the 50% restriction. MHC has recommended an intensive survey and the applicant informed the Committee that PAL will be doing the survey in the coming week. With the applicant's agreement, Jim W entertained a motioned to continue hearing to June 18th at 7:30pm. Motion was moved by Sarah and seconded by Jim N. **The Committee voted 6-0, the motion passed.**

PBPRC opened a hearing to act upon a request from Domini Amy L TR and Stanley LIM TR of 42 Lighthouse Road Map 6 Lot 43 for amendments to a Special Permits dated December 24, 2018 to site and construct a curb cut and driveway within the Gay Head Cliff DCPC. Isaac was recused. This hearing had been continued and re-advertised upon the request that the applicant present legal documents showing that the neighboring lot (Outermost Inn) and 42 Lighthouse Road lot were not in common control. Applicant is still waiting on the requested documents. Hugh Taylor gave a brief history of the lot and value of the curb cut. Applicant noted that lots are exclusive properties as far as ownership and stated that he was unsure of who the beneficiaries

are for the lot and would be surprised if he was listed as one. Without the requested documents and with the applicant's agreement, Sarah motioned to continue the hearing to July 8th, 2019 at 7:15pm. Motion was seconded by Jim M. **The PBPRC voted 5-0-1, the motion passed.**

PBPRC opened a hearing to act upon a request from Kyle Colter and Sophia Welch of 1128 State Road Map 5 Lot 2 for Special Permits to site and construct a 822sf addition on a pre-existing non-conforming structure in the Aquinnah Roadside DCPC where total footprint on a lot will exceed 2000sf. Owners presented the proposed plan to site and construct a 822sf garage on the North side of the existing structure (towards the road) and sited on a cement structural slab. Addition will require approx. 2ft of digging into the large bluff but will still be adequately screened by the bluff from State Road. The Committee found that the roof ridge line of the addition will be lower than the existing non-conforming structure ridge line (proposed addition height at 18'). The applicant felt that the area of the addition is disturbed but would notify the Wampanoag Tribe to determine if a qualified archeological observer is necessary. Applicant requested to be permitted to have white windows to conform with the existing structure windows (trim will be neutral in color and/or natural materials). Sarah entertained a motion to approve a special permit for the proposed 822sf building in the roadside district up to 18' in height, allowing white windows and if necessary, to better screen the addition from the road, applicant will plant vegetation. Motion was moved by Jim N and seconded by Jim M. **The PBPRC voted 6-0, the motion passed.**

Without the applicant or a representative present, the PBPRC continued the meeting for Richard Freeland of 4 East Pasture Way for window replacements. Sarah was recused. Tom motioned to continue the meeting to June 18th, 2019. Motion was seconded by Isaac. **The PBPRC voted 5-0-1, the motion passed.**

Under other business, the Committee reviewed a landscape plan for Slatas of 7 Rose Meadow Way per the Zoning Determination condition. The Committee reviewed the landscape plan and requested that the miscanthus grass be replaced with a native vegetation (Committee had discussed adding miscanthus grass to the invasive species list). Jim W motioned to approve the proposed landscape plan (dated 5/15/19 from First Light Tree Company) with notification to the contractor that miscanthus grass is not permitted as it is an invasive species and suggest use of switch grass (or another noninvasive grass) in its place and designated Isaac as the designee for actual cutting and layout of the new driveway. Motioned seconded by Jim N. **The Committee voted 5-0-1, the motion passed.** Tom abstained from the vote.

With no other business, the meeting adjourned at 9:21pm.

*Respectfully submitted,
Sophia Welch
Board Administrative Assistant*