

Aquinnah Planning Board Plan Review Committee Meeting June 15th, 2020

Members Present: Sarah Thulin, Jim Mahoney, Jim Wallen, Tom Murphy, Berta Welch, Jo Ann Eccher*, Jim Newman*

Not Present: Isaac Taylor

Also Present: Derrill Bazzy*, Sargent Manning, Reid Silva, Jay Bodnar, John McDonald, David Vanderhoop, Tony Levitas, Danny Levitas*, Phil Regan*, Lauren Duda*, Kathy and Patrick Sherbrooke, Christina and Tom Farren

**via videoconference - Zoom*

Meeting opened at 6:45pm

The Committee reviewed the 1/13/20 meeting minutes. Tom motioned to accept the 1/13/20 minutes as presented. Motion was seconded by Sarah. **The PBPRC voted 6-0, the motion passed.**

Under correspondence, the Committee reviewed two MHC letters: Town of Aquinnah Dredging and Spoil Disposal and Vanderhoop Land Acquisition Project. Sarah informed the Committee that the dredging project has DEP approval, Con Comm review and approval and that the project has changed slightly (Tribe has new locations for the soils). The Committee agreed to refer the project to the Tribe. The Committee took no action on the Vanderhoop Land Acquisition MHC letter (land will be going into conservation).

Jim M entered the meeting.

Public Hearing: The 27 Aquinnah Circle Trust of 27 Aquinnah Circle Map 6 Lot 18 – special permit request 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. Applicant requested to continue the hearing to the Fall of 2020. Per the applicant's request, Jim W motioned to continue the hearing to a September 2020 meeting. Jim M seconded. **The PBPRC voted 6-0-1, the motion passed.**

Public Hearing: Kathryn Cerick & Charles Fitzgerald of 3 Driftwood Lane Map 4 Lot 46 – special permit request for the relocation of a preexisting nonconforming structure and removal of a revetment and portions of an existing tennis court where total footprint of all structures on the lot will exceed 2,000sf in the Flood Plain Zone, the Coastal District and Marine Commercial District. Jim W recused himself and Berta stepped in as Acting Chair. Reid Silva presented the proposed project: relocate the pre-existing non-conforming structure approx. 50ft back on the property for a total of 88ft from the mean high water still within the Marine Commercial District (existing is 38ft from the mean high water); rotating the structure 5 degrees; restoring the revetment to a natural dune; and reconstructing the existing tennis court into a pickle ball court. Given that the lot is within the Flood Plain and Velocity Zone, the structure, when relocated, will be elevated (foundation will be removed, and structure will be placed on new timber piles). The structure will be raised approx. 1ft (meeting Flood Plain and Velocity Zone), siting it 3ft higher than the existing tennis court. However, given the lots topography, the new ridge height will be

4in lower than the existing (existing ridge is approx. 22.9ft). Proposed location will be 29' from the Eastern lot line and 26' from the Western lot line (within the 30' lot line setback requirement). Application has not been reviewed by Con Comm. The following concerns were discussed: whether relocating the structure would cause it to lose its pre-existing non-conforming status; the Board of Health's memo outlining the decision to limit the septic system to a 3 bedroom system (current dwelling has 5 bedrooms) and restricted use of the house; proximity of proposed location to abutting lots and dwellings; character of neighborhood in relation to the relocation of the structure; potential effects of revetment removal; breakdown of the 9,500sf footprint of all structures (1,600 sf of decks); and the MHC letter which did not recommend a survey (project will occur on disturbed ground). The Committee requested Counsel opinion on the following: whether relocating the structure would cause it to lose its pre-existing non-conformity in the Coastal and marine Commercial DCPC and Flood Plain and if the BOH approval has any influence on the PB decision. With the applicant's agreement, Sarah made a motion to continue hearing to July 27th, 2020 at 7:00pm. Jim M seconded. **The PBPRC voted 6-0-1, the motion passed.**

Public Hearing: Town of Aquinnah of 17 Aquinnah Circle Map 6 Lot 20 – Special Permit request for the siting and construction of a rain structure in the improved picnic area and bus shelter on an open and highly visible lot located within the Cliffs DCPC. Berta was recused. Derrill Bazy presented the proposed project: constructing a 24ftx12ft rain structure (open sides) on top the newly bricked picnic area; structure would have a wood shed roof with the higher side facing out towards the view of the beach (8ft height on shop side and 10ft on view side); structure would accommodate 3 tables and be supported by 6 live edge Locus trees. The following concerns were discussed: size and heaviness of structure, visibility of structure and constructing a pergola versus a rain structure. After much discussion, the Committee requested that the applicant submit a detailed rendering of the proposed structure. Jim M motioned to continue the hearing to July 27th, 2020 at 7:30pm. Sarah seconded. **The PBPRC voted 6-0-1, the motion passed.**

Public Hearing: Walter & Vera Dello Russo of 4 Raymonds Hill Map 6 Lot 102.8 – special permit request to enclose 210sf of existing deck footprint and extend second story deck by 157sf. Berta was recused. The Committee reviewed the proposed plan to enclose 210sf of existing second story deck (located on the backside of the existing structure) and extend that deck by 157sf. The Committee determined that no archeology survey is required as the proposed project is on disturbed ground (existing deck and proximity to existing structure). Tom motioned to approve the project as proposed. Sarah seconded. **The PBPRC voted 6-0-1, the motion passed.**

Next, the Committee reviewed a letter from the Building Inspector dated 1/13/20 regarding a potential tree violation for McDonald of East Pasture Map 8 Lot 80 and Sheriffs Meadow Foundation of East Pasture Road Map 8 Lot 86 & 87. Having read the Building Inspectors letter, where he determined that there was no violation, Sarah motioned to accept the recommendation of the Building Inspector. Jim M seconded. **The PBPRC voted 7-0, the motion passed.**

Next the Committee reviewed two MHC letters dated 2/6/20 and 5/28/20 for UMB Bank NA Trustee & Jessie Benton project located at 315 State Road Map 11 Lot 47. The Committee discussed the letter and project: special permit had been approved in 2018 subject to an

archeological recommendation from MHC and decision by PBPRC; no work was to occur until the condition was met; owner had begun work without MHC's recommendation and final PBPRC determination; MHC had requested further information on the coastal bank portion of the project. In the letter dated 5/28/20, MHC recommended that the PAL October 2019 Archeological Site Avoidance and Protection Plan be implemented. Jim W motioned that the applicant must take the avoidance and protection measures recommended by MHC in the May 28, 2020 letter and that no further survey is required subject to the condition that a copy of the as-built construction plans are filed with the PBPRC and any changes must come back to the PBPRC for review. Sarah seconded. The PBPRC voted 7-0, the motion passed.

Next, the Committee discussed the recent tree trimming/cutting along Moshup Trail. The following was discussed: timeline of cuttings, permitting process and prior approval for Moshup Trail View cuttings (permits issued 2004, 2008 and 2012); request for CPC funding for the project; the vegetation that was cut including invasive and dead trees; concern with the lack of communication with the PB regarding the cuttings and disregarded of the process; and the Natural Heritage and Endangered Species Priority Habitat along Moshup Trail. Jim W and Tom spoke to the events of the cutting, as they were directly involved. Jim W noted that he had reviewed the project and approved a tree cutting permit since Steve Yaffee, Tree Warden, had been hired to do the work. After further discussion, the Committee agreed that no violation action was necessary but that this should be taken as a learning point.

Public Hearing: David and Georgina Vanderhoop of 5 Church Street Map 9 Lot 84 – special permit request to replace a 64sf pre-existing non-conforming shed with a 576sf shed for storage. David Vanderhoop presented the proposed project: replacing the existing shed with a 576sf shed for storage and moving it 8-10ft from the lot line (existing is approx. 3ft from lot line). Roof ridge height will be approx. 14ft. The Committee determined that the shed will not be highly visible and siting it 8-10ft from the lot line will make it less non-conforming. Total footprint on the lot will exceed 2,000sf but the shed will not be visible, will be used for storage and no more detrimental than the existing shed. The Committee determined that since the shed is sited on cement blocks and will not require digging, no archeological survey is required. Sarah motioned to approve the project as presented. Jim M seconded. The PBPRC voted 7-0, the motion passed.

Public Hearing: Daniel Levitas TR and Anthony Levitas TR of 13 Pilots Landing Map 6 Lot 49.1 – special permit request to install a Title V Septic System in the Costal DCPC and Flood Plain. Reid Silva presented the proposed plan to install a Title V septic system sited South-West of the existing structure (100ft from well). Committee found that MHC had recommended an intensive survey, however, the Committee agreed that the project would not be detrimental conditioned upon written approval for the project with an Archeological Observer from the Tribe. Jim M motioned to approve the project as presented with an observer and a letter submitted from the Tribe and conditioned that the natural vegetation be allowed to grow back. Tom seconded. The PBPRC voted 7-0, the motion passed.

Public Meeting: Steinberg Family LTD Partners of 264 Lighthouse Road Map 5 Lot 215 – Special Permit Amendment Request to relocate rooftop deck. Phil Regan presented the proposed changes: relocation of the previously approved roof top deck from the Master Bedroom to the

Great Room, Great Room structure height will increase by 2ft (68.5ft to top of deck railing) and the footprint of the deck will remain the same. The Committee determined that the deck railings will be approx. 2ft under the existing ridge height, will not break the tree line and therefore is not significant and no more detrimental than the previously approved plans and a noticed public hearing is no required. Phil assured the Committee that relocation of the deck will not disturb neighboring lot views. Committee requested that the applicant send the changes to the adjacent neighboring lot to make sure they are aware of the changes (Leonard family). There was brief discussion concerning the structures windows and amount of glass. Jim W motioned to approve the requested change. Tom seconded. **The PBPRC voted 7-0, the motion passed.**

There was brief discussion concerning the windows and light illumination at the new house on Sunset Way.

With no other business, the meeting adjourned at 9:29pm.

*Respectfully submitted,
Sophia Welch
Board Administrative Assistant*