

Aquinnah Planning Board Plan Review Committee Meeting – March 16, 2021

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

Not Present: Isaac Taylor

Also Present: Terry Real, Belinda Real, Ken Robinson, Kevin Shea, Kathryn Robinson, Chris Alley, Mary Ellen Carey, Richard Kazis, Ezra Palmer, Ruth Fulchman, Ariana Feldberg, Mark Friedman, Darren Friedman, Reid Silva, Stig Leschly, Tom Braun, Adam Gross, James Carey, Tony Dasilva, Andrew Dintenfuss, Jill Gross, Phil Reagan, Tony Bene, June Manning, Fredric Meyer, Peter Rodegast, Ken Kaufman, Lorenzo Majno, Alan Slatas, Stefanie Heckt, Barry Sullivan, Clare Doyle, Heikki Soikkeli, Margaret Pontecorvo

Meeting was held via videoconference on Zoom.

Meeting opened at 6:32pm

Sarah motioned to approve the 2/2/21 minutes as presented. Motion was seconded by Tom. **The PBPRC voted 4-0, the motion passed.** Berta entered the meeting.

*Public Meeting: Wolozin – 122 Lighthouse Road Map 6 Lot 57 – Prospective buyers are in the process of submitting a special permit application for a 100sf addition to the existing structure. Given that the structure is over 100 years old and is listed in the Massachusetts Cultural Resource Information System (MACRIS), any demolition (including exterior alteration) is a mandatory referral to MV Commission with MVC review and the Committee does not have the authority to make a determination of significance. Sophia requested that the planning board make a preliminary referral to the MVC for the project so that the Commission is aware of the project and can put it on their docket. Jim entertained a motion to preliminary refer the proposed project to MVC. Motion was moved by Tom and seconded by Berta. **The PBPRC voted 5-0, the motion passed.** In the meantime, the prospective buyers will submit a special permit application for the April 13th meeting at which time the PBPRC can make a definitive referral. *Jo Ann and Jim M entered the meeting.**

Correspondence: MV Mediation – All Island Planning Board Retreat Saturday, March 20th – Jim W, Jo-Ann, Berta, and Tom plan to attend at least a portion of the retreat. The following were identified as presentation discussion points: town wide DCPC, archeological bylaw, protection of the vistas and skyline, protection of habitat and coastal areas, protection of people and innovative/inclusive housing bylaws, climate change bylaws, and the emphasis on the Cell Town bylaw which enabled the DAS system and prevented the construction of a tower.

The Committee scheduled a meeting for Tuesday, May 18th, 2021.

*PBPRC Hearing: James Wallen TR and Kathleen Smith TR of 7 East Pasture Shore Road Map 4 Lot 88 – Special Permit request to site and construct a 1,000sqft single family dwelling and septic system where total footprint on the lot will exceed 2,000sf. Jim W was recused. Applicant is waiting on building elevations and response from the Tribe regarding archeology. Applicant requested to continue the hearing. Sarah motioned to continue the hearing to April 13th at 6:40pm. Motion was seconded by Tom. **The PBPRC voted 6-0-1, the motion passed.***

While the Committee waited for the next applicant/presenter, Sarah gave a brief Conservation Commission update on the Tar Barrel LLC project: Board of Health has approved the septic; well is already installed; Con Comm approved the septic but requested that final footprints return to Con Comm for review and approval. It was Sarah's understanding that the dwelling and garage footprints sited on the plan are

not definite. Given that an intensive survey was recommended by MHC, the applicant expanded the proposed footprint to give flexibility in siting the dwelling and garage in the chance that resources were found.

PBPRC Hearing: Tar Barrel Hill LLC Off Tar Barrel Road Map 8 Lot 39 Special Permit request for the siting of a dwelling, garage and associated utilities where total footprint on the lot will exceed 2,000sf. Jim W was recused. Reid reviewed the proposed project: site plan includes the siting of a septic system, utilities, driveway and proposed 3,300sf of development area (dwelling and garage with detached bedroom); there are no building designs at this time and will have to return to PBPRC for approval; proposed development footprint is not definite and was expanded because an intensive survey has been recommended by MHC and applicant wanted flexibility in siting should any resources be found (applicant will be contacting Public Archeology Lab to complete the survey); wetland encompasses the entire West side of the property and development area was defined by the 100ft Con Comm setback; septic required a Board of Health variance which was approved; septic has been approved by Con Comm but final footprint will need to return for approval. Abutters voiced concern with the siting of the dwelling and garage in regard to the proximity to the lot lines and views, design of the dwelling and garage, cutting of trees, and road restoration after the project is completed (to be addressed between property owners). After further discussion, PBPRC determined that the building plans and results of survey will need to return to the Committee for approval. Sophia noted that she would re-advertise once plans were submitted. Sarah entertained a motion to adopt the MHC recommendation for an intensive survey on the lot and to refer to all necessary archaeological authorities. Motion was moved by Jo-Ann and seconded by Tom. **The PBPRC voted 6-0-1, the motion passed.** Sarah entertained a motion to approve septic system design with the caveat that after the intensive survey is completed if any features are found, septic siting will need to return to PBPRC for review and approval. Motion was moved by Jo-Ann and seconded by Jim M. **The PBPRC voted 6-0-1, the motion passed.**

PBPRC Hearing: Anthony P DaSilva of 1 Attaquin Way Map 6 Lot 80 Special Permit request for the replacement and 229sf expansion of an existing shed. Chris Alley presented the proposed plans: replacement of an existing one-story shed and expansion, making it a 16ftx20ft structure to accommodate storage area and a gym area; shed meets all setbacks; MHC did not recommend a survey; shed will match the existing dwelling exterior materials (neutral colors and natural materials); Con Comm has approved the project; structure will have two roof heights (10ft and 13ft); project is not visible from State Road and falls outside of the Road Side DCPC; shed will be sited on slab and will have electricity (no plumbing). Given the size of the structure, project could not be approved by the Zoning Admin. Sarah motioned to approve the project as presented. Motion was seconded by Tom. **The PBPRC voted 7-0, the motion passed.**

PBPRC Hearing: Stig Leschly of 23 Oxcart Road Map 2 Lot 16 Special Permit request for the replacement, relocation, and expansion of existing dwelling where total footprint on the lot will exceed 2,000sf within the Coastal DCPC. Chris Alley and Phil Regan presented the proposed plans: significant wetland encompassing South side of property; mean high water mark is 700ft from house but beach grass surrounds the existing dwelling; relocation of the house to the North will allow for separation between the parking area and the wetland; proposed plans include three “boxes”, one of which falls within the existing footprint and another that falls within the existing porch footprint; Board of Health has approved the project with conditions; MHC did not recommend an intensive survey; Con Comm has continued their hearing; structure exterior materials will be neutral colors and/or natural materials; site is within the floodplain and proposed structures will need to adhere to building code and meet floodplain guidelines; windows have not been defined and will need to return for approval. The following issues/concerns were discussed at length: Con Comm’s consultation with DEP; DEP performance standards: no ability under DEP Wetland Act for removing or changing any dune area and no net increase of impact to dune except for accessory projects; DEP Wetlands Protection Act definition of a dune; Con Comm’s inability to

approve the current project as presented; potential leeway in relocating footprint in already disturbed areas; NHESP's "no take" response to the project; limitation of expansion of footprint in the Coastal DCPC (footprint is defined as weather wall in Coastal DCPC); and prior developments involving expansion of footprint in the Coastal DCPC. There was general agreement from PBPRC members that the proposed design adheres to DCPC guidelines but given the location (within the coastal DCPC) the Committee requested clarification from Con Comm and DEP on wetland and dune issues before proceeding. Sarah informed the Committee that she would try to coordinate with DEP to review the project. Committee requested that Sophia research prior Town Counsel opinion on Coastal DCPC pre-existing non-conforming bylaws in regard to footprint increase. Berta motioned to continue the hearing to April 13th, 2021 at 7:00pm. Jo Ann seconded the motion. **The PBPRC voted 7-0, the motion passed.**

PBPRC Hearing: Andrew Dintenfass of 3 Pilots Way Map 6 Lot 50 Special Permit request for the siting and construction of a second dwelling on a lot over 4 acres where total footprint on the lot will exceed 2,000sf. Chris Alley and Peter Rodegast presented the proposed plans: proposed structure is within 100ft of a wetland located within the Coastal DCPC which prohibits new construction unless for marine commercial use; per town counsels opinion, in the case where there is no beach or marsh grasses on the lot, Coastal DCPC boundary is defined as land 500ft inland of mean high water and the structure site falls just outside that boundary and therefore does not adhere to Coastal DCPC guidelines; proposed 1-bedroom structure meets the 30ft setback to lot lines and is permissible given that the lot is over 4 acres; proposed 676sf structure includes the siting of a deck on the West side and entry deck on the North side (136sf of exterior decking footprint); electrical and septic lines will require trenching; MHC has recommended an intensive survey; exterior materials will be natural materials and neutral colors; ridge height will be 16 ½ft above mean grade; Con Comm has approved the project; BOH has approved septic system upgrade to accommodate both existing dwelling and proposed second dwelling (no laundry facilities). There was consensus from the PBPRC that the area is likely already disturbed and they were comfortable with having an observer present during excavation. Abutters did not express any concerns for the project (Committee received one abutter letter that was in favor of the project). Jim W motioned to approve the plan as presented with the condition that the exterior lighting bylaw is adhered to. Motion was seconded by Sarah. Jim N amended the motion as follows: conditioned upon approval from the Tribe to observe if they are not comfortable the applicant needs to proceed with an intensive survey. Amended motion was seconded by Sarah. **The PBPRC voted to 7-0 to approve the amendment and motion.**

PBPRC Hearing: Alan Slatas of 7 Rose Meadow Way Map 5 Lots 16 & 20.5 Special Permit request for the cutting and topping of trees. The following was discussed: tree topping violation issued by the Tree Warden December 2020 which prompted the Building Inspector to notify Slatas of the enforcement bylaw and remediation process (now before the PBPRC); tree cutting photos; whether trees on Town property had been topped by Slatas; question of when the work was completed (property was under agreement for sale and is now in new ownership). The Committee requested Town Counsel opinion on the matter, including fines. Slatas admitted that he was aware that he needed permits for the cutting and had forgotten to request a permit from the Tree Warden. Slatas stated that he had done the cutting himself with help from another person and that he had topped 3-6ft off the trees. Tree Warden had informed Slatas that the cuttings were not aggressive. Abutters voiced issues with the tree topping and prior issues with Slatas as a neighbor. Current owner of the property stated that he was unaware of the topping until the week before the hearing. With the request for Town Counsel opinion/support on the issues and opinion from Tree Warden on the viability of the trees, Jim M motioned to continue the hearing to April 13th at 7:30pm. Motion was seconded by Berta. **The PBPRC voted 7-0, the motion passed.**

PBPRC Hearing: Barry P Sullivan & Daniel J Sullivan of 1183 State Road Map 6 Lot 89 Special Permit request for the siting and construction of a detached garage and studio, parking area, replacement of an existing deck with a new screen porch and septic system upgrade where total footprint on the lot will

exceed 2,000sf. Heikki Soikkeli presented the proposed plans. Applicant will need to submit plans to Con Comm (question of proximity of project to neighboring wetlands), Board of Health and MHC for an archeological recommendation. Berta recused herself and left the meeting. Proposed ridge height will be 21 ½ft above mean grade and the Committee did not feel the project will be highly visible from any public way. With the applicant's consent, Sarah motioned to continue the hearing to May 18th at 6:40pm. Motion was seconded by Jim N. **The PBPRC voted 6-0, the motion passed.**

The committee briefly discussed meeting with Town Counsel to review tree cutting violation bylaw and violation fees.

With no other business, the meeting adjourned at 9:45pm.

Respectfully submitted,
Sophia Welch, Board Administrative Assistant