

Aquinnah Planning Board Plan Review Committee Meeting – April 13th, 2021

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

Not Present: Isaac Taylor

Also Present: Stig Leschly, Kevin Shea, Phil Regan, Chris Alley, Josh Gothard, Stefanie Heckt, Alan Slatas, Patricia, Fredric Meyer, Terry Real, Jill Gross, Laura & Max Decker, Adam Gross, Charlene & Larry Martin, Darren Rubens, Jim Salzer, Barbara Hempstead, Lorenzo Majno, Mark Harding

Meeting was held via videoconference on Zoom.

Meeting opened at 6:41pm

Jim N motioned to accept the 3/16/21 minutes. Motion was seconded by Jim M. The PBPRC voted 7-0, the motion passed.

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 was not ready and needed to continue the hearing to June. The Committee scheduled a June meeting for June 22, 2021. With the applicants consent to continue and wave the tolling period, Sarah entertained a motion to continue the hearing to June 22, 2021 at 6:40pm. Motion was moved by Jo-Ann and seconded by Jim M. The PBPRC voted 6-0-1, the motion passed.

The Committee scheduled a meeting for Tuesday, July 27th, 2021.

The Committee briefly discussed the Coalition to Create a Martha's Vineyard Housing Bank (CCMVHB). CCMVHB Coordinator Laura Silber was unable to make the meeting and had sent out documents regarding the proposed Housing Bank for the Committee. There was a brief discussion about a joint meeting with the Finance Committee, PBPRC and CCMVHB. Committee requested that Laura set up a meeting with Fin Comm and PBPRC members would attend that meeting if they were available.

There was general discussion concerning the tree cutting bylaw and meeting with Town Counsel to discuss the role that PBPRC has with violations and brief mention of recent tree cuttings on SMF property conducted by the abutting property owners. The Committee felt that the tree cutting bylaw enforcement may not have enough of a deterrent given current property values.

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. At the 3/16/21 hearing, Committee requested clarification from Con Comm and DEP on wetland and dune issues and prior Counsel opinion on footprint expansion within the Coastal DCPC. After meeting with Con Comm, applicant modified plans which resulted in the reduction of beach grass impact. Chris Alley presented the modifications: pulling the water side extent of the proposed deck back to line up with the top of the stairs (waterside of existing deck) which resulted in pulling the entire project back approx. 18ft; modified footprint now sits more on top of existing footprint than the originally proposed plans; "great room" was pulled further south to allow for the deck to be 2ft deeper; bedroom wing was reduced by a couple feet; general tightening up of open space between the three main structures; and slight improvement of separation to wetlands; new foundation can be done within the existing footprint and will be a lighter impact on site. Con Comm has continued their hearing. A question had been posed at the Con Comm meeting as to why the center deck lines (connecting deck between common space and bedrooms) were not pushed back to meet the edges of the bedroom "boxes" given that the area

is existing disturbed area. Con Comm did not act on this modification. Existing footprint is 2052sf (934sf of interior space and 1118sf of exterior) and proposed is 2029sf (1462sf of interior space and 567sf of exterior space not including modified connecting deck expansions). The Committee found that proposed project is an overall increase in weather wall (approx. 530sf increase) but decrease in footprint. Entire site is within the Coastal DCPC and under the 100yr flood. Proposed main structure would be 18ft above floodplain elevation and conforming to bylaws. Proposed window schedule has not been resolved and would return to PBPRC for review and approval. Sarah noted that Con Comm determined that the modified project would have minimal impact on coastal dunes (temporary and not permanent). Sophia informed the Committee that Counsel could not give an opinion on the project given a conflict of interest and referred to bylaw section 10.1-4B. The following issues were discussed at length: increase of weather wall footprint within the Coastal DCPC where there is limitation in expansion of structures within 100ft of a coastal feature unless for marine commercial use; definition of weather wall (not defined in bylaws); and prior projects in the Coastal DCPC. Phil Regan noted that if weather wall were a measure to adhere to then should be defined in the bylaws for clarification and that the Committee has the ability in granting a special permit to exceed pre-existing structure footprint. Tom motioned to approve the project as presented. The Committee took a poll: Jo-Ann, Sarah and Tom would vote to approve the project as presented (would not look any different than existing and would not be more detrimental than existing); Berta and Jim N asked for further Counsel review; Jim M was on the fence (understanding that increase in weather wall/conditioned space have been done where there was dramatic movement away from a coastal feature and if there was reduction in overall footprint); Jim W was also on the fence. Jo-Ann motioned to continue the hearing to May 18th at 7:40pm with legal opinion. Motion was seconded by Tom. **The PBPRC voted 7-0, the motion passed.** Applicant informed Committee he would waive any conflict with Town Counsel.

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. Jim W noted that Slatas did top a number of trees without a permit on Town land, neighboring land and on land he was in the process of selling. Sarah motioned to deny the request from Alan Slatas to allow for the cutting and referred it to the Building Inspector for follow up with a possible fine. Tom seconded the motion. Jim W stated that this will be referred to the enforcement arm with a suggestion of expedition if Slatas wanted to volunteer something of fair and equitable to Town. Slatas stated that he should have called the Tree Warden to get a permit and if he were to offer something to the Town that any fines from him would go to the new playground. Committee noted that they were not in the position to negotiate, and the Zoning Officer would be the one to make those decisions. Furthermore, the Committee did not feel that they could approve a permit for property that the violator does not own any more or approve topping on Town property. Sophia noted that the violation goes with the land and not the violator. Slatas noted that he could plant Evergreen trees, but they would need to be irrigated. **The PBPRC voted 7-0, the motion passed.**

Public Hearing: Harold Wolozin of 122 Lighthouse Road Map 6 Lot 57 Special Permit request for 100sf addition on a identified historical structure on a lot located within the Roadside DCPC. Laura and Max Decker, buyer and applicant, presented the proposed plans: enclose approx. 100sf of existing deck to increase interior kitchen space and create a mudroom (1-story expansion); exterior alterations will match existing dwelling design and materials. Given that the house is over 100 years old and is listed in the Massachusetts Cultural Resource Information System (MACRIS), the proposed expansion and alteration of exterior elements is an automatic referral to the MV Commission for review under the current Development of Regional Impact checklist. The Committee briefly discussed the age of the existing dwelling and modifications. The Committee determined that the project was minimal and if the application returned to PBPRC, it would be approved given that the project is low impact and not highly visible. Jo-Ann motioned to refer the application to MVC with the recommendation to approve the project as it adheres to the historical architectural aspects of the building. Motion was seconded by Sarah. Jim M asked

that the applicant maintains the white trim, windows, and gutters because it is historical. **The PBPRC voted 7-0, the motion passed.** Jim M motioned to continue the hearing to May 18th, 2021 at 8pm. Motion was seconded by Jo-Ann. **The PBPRC voted 7-0, the motion passed.**

Public Hearing: Lawrence R Martin of 12 East Pasture Way Map 8 Lots 124 & 125 Special Permit request for the siting of a 240sf deck on an existing structure located in the Coastal DCPC. Sarah was recused. Larry Martin presented the proposed plans: siting of new deck located on East (facing pond) connected to existing dwelling; deck will be 24ftx9ft and approx. 1ft from existing leaching field; applicant will use diamond pier system to decrease ground disturbance; and enclose outdoor shower (deck will not extend back to shower). Sarah, as an abutter, questioned why the North side of deck was not flush with the edge of the dwelling (would not add a new site line from pond). Larry noted that the extended deck would allow for easier access to outdoor shower. Proposed project is above of the Flood Zone. Any handrails or railing would have minimal visual impact. Proposed site is disturbed, and the new septic system did have an archeological survey which resulted in no findings. Committee requested that the Tribe be consulted on the project and an archaeological observer be present during ground disturbance. Applicant will need to apply with Con Comm and BOH given proximity to wetlands and septic system. Sophia noted that a similar project had been approved in the past where decking was not considered footprint; in the Coastal DCPC footprint is defined as weather wall. Jim W entertained a motion to approve the project as presented subject to BOH and Con Comm approval and conditioned upon a qualified observer present. Motioned was moved by Jim N and seconded by Tom. **The PBPRC voted 6-0-1, the motion passed.**

Public Meeting: 5 Old South Rd LLC (Goldfield) of 5 Old South Rd Map 9 Lot 60.1 Special Permit Amendment Request (Special Permit dated 10/27/20) for a 62sf single story extension to the South, addition of 11ft shed dormer on the North, addition of roof deck guard rails (East & West) and change in window schedule at the South ground floor level. Josh Gothard reviewed the proposed plans: 4fx15ft single story addition sited on the South face of the North-West structure; addition of a third dormer to the second story facing Old South Road (breaking previously approved two long dormers into three); and adding cable railing on two flat roofs connecting the main structures (approx. 8ftx10ft spaces); decks would be primarily used for egress out of the second-story bedrooms and railing would be below ridge height of the adjacent structures. Sophia noted that the applicant had requested a zoning determination/special permit amendment for the 4ft addition from her as the Zoning Admin. However, given the additional changes, she did not feel comfortable making a final decision and referred it to the PBPRC. Committee determined that the proposed changes were minimal changes on a larger project that they had already approved. Jo-Ann motioned to approve the proposed changes. Motion was seconded by Tom. Committee confirmed that the applicant would not need to return to the PBPRC for window change design if the rough opening and glazing ratios did not change. **The PBPRC voted 7-0, the motion passed.**

Public Meeting: Jim Salzer of 10 Windy Hill Road Map 10 Lot 61 – Preliminary Discussion for the Siting of a New Dwelling (Existing to be Removed) - Darren Rubens of Breese Architects presented the proposed project: 2.6-acre lot located within the Moshup Trail DCPC; existing dwelling to be demolished (1,200sf footprint) and a new one-story dwelling and garage (3,175sf footprint) to be constructed further from the lot line; project would adhere to the Con Comm wetland setbacks and view easement; proposed height would be 18ft above mean grade (including the top of the roof deck railing); plans include septic system upgrade. A Project Notification Form will need to be submitted to Mass Historic Commission (existing dwelling was constructed prior to the Archeological Bylaw). There was brief discussion concerning the length of the dwelling and potential visual impact to public ways (Moshup Trail and Cliffs) and the 50% wall to glass ratio guideline. Applicant plans on applying for the May 18th meeting.

With no other business, the meeting adjourned at 9:15pm.

Respectfully submitted, Sophia Welch, Board Administrative Assistant