

Aquinnah Planning Board Plan Review Committee Meeting – October 18, 2022

Present: Jim Wallen, Jim Newman, Sarah Thulin, Tom Murphy, Heidi Vanderhoop, Amara Ignacio, Isaac Taylor

Also present: Chris Alley, Brendan Hanley, Phil Regan, Weston Halkyard, Greg Whiting, Claudine Hanley, Meg Bodnar, Walter Dello Russo, Josh, Laura Jordan, Kate Taylor, Liz Witham, Hugh Taylor, Marilyn Vakota, Ruth Folchman, Richard Wagner, Juli Vanderhoop, Steve Tahan, Jed Smith, Reid Silva  
*Meeting was held via videoconference on Zoom*

Meeting opened at 6:35pm.

*Minutes:* Sarah motioned to approve the 8/9/22 minutes as revised; Jim W seconded. **Committee voted 6-0-1, motion passed.** Isaac was not present at 8/9/22 meeting.

*Correspondence:* MV Commission requested input from the Committee on setting the next community forum for the Edge Lane Road discussion. Committee briefly discussed the October forum results. PBPRC members felt that the next forum should take place within the first two weeks of November. PBPRC members will attend if possible.

*Public Hearing: CCS Sanctuary, LLC of 4 Moshup Trail Map 12 Lot 87 (continued from 5/24, 6/28/22 & 8/9/22)* - No new plans or revisions since the 8/9/22 hearing: initial bylaw notice has since changed with the elimination of the pool, garage and redesign (pool and exceeding 2,000sf footprint bylaws no longer apply); Conservation Commission (Con Comm) has approved the project conditionally; Natural Heritage and Endangered Species Program (NHESP) has approved the project conditionally; septic system upgrade will occur in existing septic area; existing well to remain in same location (no new well); reconfiguration of footprint within existing disturbed area; limit of work area change/reduction.

Committee and applicant discussed the coastal bylaws as it relates to new development and restrictions (i.e., height and footprint) and prior special permits issued to lots within the Coastal DCPC. Jim N expressed concern/interest of the wall to glass percentage and impact to bird life. Glazing is under the 50% on each façade. Applicant noted that there are two non-conformities with the existing dwelling and proposed project: frontage (no frontage along a public road for both existing and proposed) and height (existing dwelling is approx. 28ft proposed is 23ft7in and non-conforming without a special permit). Existing footprint is 1,672sf (decks and living space) and proposed is 2,490sf (decks and living space); a total increase of 822sf. Applicant plans on restoring in excess of 822sf of landscaped area to heathland (areas outside the 822sf have already begun to replenish with lack of mowing). Applicant felt that there would be no additional impact on the property beyond what exists today (disturbed areas and built areas). Applicant stated that the question before PBPRC was whether the proposed is less non-conforming and/or more detrimental than the existing. Applicant felt that they had met the requests of the Committee since the August 9<sup>th</sup> meeting by gaining Con Comm approval.

Committee discussed footprint and visibility points. Tom noted that he is in favor of the project and felt that the project was not substantially more detrimental than the existing dwelling. A few Committee members addressed the proposed footprint and expressed concern with increasing the footprint over what already exists. Additionally, it was noted that the abutters comments don't have standing in the PB decision but are appreciated; final decision must be guided by the zoning.

The public made the following comments: abutters do have standing as they are notified about projects; concern with looking at the project from the Land Bank beach trail when it hasn't been opened/permitted as a public trail as of yet (not a public viewing site) and why it has taken more standing than other abutters comments; opportunity the town has to lower an existing obtrusive structure and lessen the impact to public views; request to lower the height and not expand footprint is not practical; properties along the water side of Moshup Trail cannot be compared because they all have different elements;

reduction in height is appreciated but still there is concern with impact on land with the footprint increase; sensitivity of area needs greater thought. Committee concurred that they should not be considering the potential impact of the project from the Land Bank beach trail as it is not public trail.

*Tom left the meeting.*

Jim W polled the Committee and members noted the following (non-binding poll): Jim W was in favor of the project (all within disturbed area but would like to see some reduction if possible in size but not strictly to the 2,000sf); Sarah not in favor at this point (would like to go back to drawing board to redesign into smaller footprint); Isaac was in favor (less detrimental and more beneficial to neighborhood – footprint exceeding 2,000sf is decking and is within disturbed area); Jim N not in favor at this point (would like to see a smaller footprint and was worried about visibility); Amera not in favor at this point (heading in right direction but would like to see smaller footprint); Heidi not in favor at this point (would like to work together to reduce density – concern with not holding this project to the 2,000sf footprint limit without a special permit); Tom was in favor (voiced earlier in the meeting). Applicant requested that the Committee take a binding vote.

Sarah motioned to deny the project as presented because the project is expanding a pre-existing non-conforming use and will be more detrimental to the neighborhood than the existing dwelling; there was no second to the motion. Should the motion pass then the applicant would not be able to return for two years to requesting the proposed project. Applicant noted that they were not able to redesign again nor reduce footprint to under 2,000sf (have already designed the dwelling 3 times) and were ready for a decision so they could move forward. Sarah withdrew her first motion. Sarah motioned to continue the hearing; Jim N seconded. Discussion: without the applicant willing to continue the hearing and without a request for the applicant (i.e. revisions to the plan), option to continue would exceed the statutory time limit. Committee and applicant discussed meeting within the next 3 weeks (before November 8<sup>th</sup> to meet the statutory time period of application) to discuss negotiations on both sides. Applicant pointed out that footprint within the Coastal DCPC is defined by weather wall. Per the definition, the actual footprint of project would be 1,940sf and thus under 2,000sf in the Coastal DCPC. Committee requested legal opinion on the Coastal DCPC bylaw, specifically how to rule on footprint. Committee and applicant agreed to postpone hearing to November 1<sup>st</sup> at 6:30pm in person. **PBPRC voted 6-0, motion passed.**

*Public Hearing: Folchman & Wagner of 3 Tar Barrel Road Map 8 Lot 40* - Applicant and designer presented the proposed project: building out beneath existing screen porch (no change in footprint); two-story addition at front of house which will take up the existing footprint of entry/mudroom area; overall addition to dwelling is 197sf; total existing footprint on the lot exceeds 2,000sf (inclusive of dwelling, decks, sheds and basketball court); height of additions will not exceed existing dwelling ridge height; not visible from road. Committee discussed existing dwelling height and whether the new addition increases the mean natural height calculation. Committee determined that the project was minimal in impact. As to height, the Committee found that, per zoning, the dwelling is not in an open and or highly visible area and therefore allowed 28ft in height by right (existing is under 28ft). Glazing meets the 50% wall to glass policy. Project has been approved by Con Comm conditionally. Applicant did submit a Project Notification Form to Mass. Historical Commission (MHC). Sophia noted that the project is within proximity to foundation and within disturbed ground and MHC would unlikely recommend an intensive survey. Sarah motioned to approve the plan as presented with the following conditions: all natural materials (no white trim), all lighting must be in conformity with exterior lighting bylaws, subject to Con Comm conditions, and any changes need to return to PBPRC; Jim N seconded. **PBPRC voted 6-0, motion passed.**

*Public Hearing: Hugh and Jeanne Taylor of 18 Lighthouse Road Map 6 Lot 32* - Isaac was recused. Given that the lot was deemed a District of Reginal Impact in 1991, applicant needed to consult with the Martha's Vineyard Commission (MVC) regarding the project. MVC's Land Use Planning Committee will be looking at the proposed project, use of the lot and potential non-complicane issues. Sophia suggested

that the hearing be continued until MVC finalizes a decision. Committee did not take any issue with the proposed project. MVC expected to have a final decision in November. Committee scheduled their next meeting for November 22<sup>nd</sup>. Sarah motioned to continue hearing to November 22<sup>nd</sup> at 6:40pm; Jim W seconded. PBPRC voted 5-0-1, motion passed.

*Public Hearing: Katherine Taylor of Pilots Way Map 6 Lot 47.1* – Isaac was recused. Applicant and designer presented the proposed plan: siting of 1,278sf single family dwelling (footprint inclusive of existing shed); height of dwelling will be just under 24ft; all exterior materials will be natural or neutral in color; roof will be metal. Pre-existing non-conformity is the lot size (less than 2 acres). Project has been approved by Con Comm and Board of Health. Special permit is required for height above 18ft in the Cliffs DCPC. Committee determined that the location is not open and/or highly visible. Sarah motioned to approve the project as presented with a special permit for building height not to exceed 24ft in the Cliff DCPC conditioned upon the following: all natural materials and/or neutral colors; subject to Con Comm conditions; exterior lighting must comply with town exterior lighting bylaw. Jim W seconded. PBPRC voted 5-0-1, motion passed.

*Public Meeting: Janeczek – Rose Meadow – Map 5 Lot 19.5 – Special Permit Condition Review* - Reid Silva presented the following: special permit conditions included a botanical survey and recommendation from NHESP, final landscape plan, final grading plan and confirmation on glazing percentages; Blue Eyed grass located on the site which will require split railed fencing per NHESP conditions; final grading plans include a 4ft retaining wall that will hold up the hill where the grass is located; original screening proposal for the southeast boundary has changed from tall vegetation (larger evergreens that would shade out the Blue Eyed grass) to Viburnum and 8ft Cedar Trees approved by NHESP; existing Oak Trees will remain. Committee did not find any issues with the plans. Sarah motioned to approve the new changes relating to the NHESP letter; Jim W seconded. Discussion: given that the PB constitution has changed, vote needed new members; Amara felt that what had been requested in original decision had been met by the applicant. **PBPRC voted 6-0, motion passed.**

*Public Meeting: Jardin – 21 Lobsterville Road – Map 4 Lot 53 - Discussion concerning building tear down and rebuild – Potential Special Permit Amendment* – Representative for applicant presented the following: proposed demolition of existing building by hand; demolition will need to be reviewed by MHC; applicant plans to salvage materials where possible; applicant felt that the proposal would be less detrimental; building on same footprint with exception of approved cantilevered addition; approved cantilever will not be possible by code and project will require addition of two new piers. Committee requested new plans reflecting the two new piers. Committee agreed that the requested amendments (demolition of building and siting of two new piers) do not change the design/concept of what was approved and therefore is not substantial enough to warrant an advertised hearing. Committee requested that the applicant reach out to MHC regarding the proposed changes. Sarah motioned to continue meeting to November 22; Jim W seconded. PBPRC voted 6-0, motion passed.

With no other business, the meeting adjourned at 9:30pm.

*Respectfully submitted, Sophia Welch, Board Administrative Assistant*