

Aquinnah Planning Board Plan Review Committee Meeting – November 7, 2022

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

Not Present: Jim Mahoney

Also present: Chris Alley, Brendan Hanley, Phil Regan, Weston Halkyard, Marilyn Vakota, Mary Louise Shriber, Megan Ottens-Sargent

Meeting opened at 5:10pm.

Public Hearing: CCS Sanctuary, LLC of 4 Moshup Trail Map 12 Lot 87 (continued from 5/24, 6/28/22, 8/9/22, 10/18/22 & 11/1/22) - Applicant gave a brief summary of proposed plans and current stage of the application (no new changes from the prior meeting).

Hearing no other testimony, Jim W entertained a motion to close the hearing; moved by Sarah and seconded by Jim N. The PBPRC 7-0, motion passed unanimously.

Committee entered into deliberation on the CCS Sanctuary special permit application: original application included approximately 13 special permits and has been greatly reduced; per Town Counsel advice, PBPRC discussed the following special permit requests within each district that the lot fell in (Coastal DCPC, Town DCPC and Moshup Trail DCPC, separating out frontage). PBPRC reviewed zoning bylaw section 6.3-2 and the usage provisions outlined in section 2.2-2 applicable to the application.

Both the Conservation Commission (order of conditions were read into the minutes) and the Board of Health have approved the project.

MHC did not recommend an intensive survey. Sarah motioned that no additional archeological work is necessary on this property; Jim N seconded. The PBPRC voted 7-0, the motion passed unanimously.

Coastal DCPC Special Permit request (sections 2.4-1A and 10.4-1A of zoning bylaws):

Goal of DCPC was read. PBPRC discussed the following:

- Requested height of proposed building and a special permit to site a building within 200ft of coastal features as outlined in the bylaws.
- Existing height exceeds 24ft as of right height in Coastal DCPC wooded terrain; proposed project is lowering height by 4ft, 5ft and 6ft (highest ridge being 23.7ft).
- Committee found that the lot is not wooded terrain; area is heathland (low vegetation) and height is restricted to 18ft.
- Given that the area is not wooded terrain (height in wooded terrain is 24ft as of right), PBPRC discussed whether the proposed project is more non-conforming and/or substantially more detrimental to the neighborhood than the existing structure; beneficial to neighborhood to lower the height of the structure; proposed structure appears to be less obtrusive than existing (views from along Moshup Trail); project is certainly less in height than existing, but a committee member preferred for the height to be even lower; if property loses trees and vegetation on the north side, proposed structure would be more visible (Conservation Commission has conditioned the project so that no trees or shrubs can be removed); PBPRC can condition the project so that a final landscape plan is required to address screening from public views (Moshup Trail).
- Both current and proposed structures are 100ft from wetlands within the Coastal DCPC; both are conforming in the sense that they would be permissible by special permit today.
- Footprint in Coastal DCPC is defined by weather walls and there is no specific dimensional criteria as to area in this DCPC and review of project should default to the town wide requirement of up to 2,000sf of footprint by right; weather wall dimensions are increasing from 1,296sf to 1,940sf; PBPRC members felt that the increase in weather wall footprint didn't alter the existing residential usage;

mass of proposed structure is not increasing the visible profile from public ways (Moshup Trail view will be of a smaller structure); Sarah noted that she was concerned with the increase in mass and the potential effect it would have on the wildlife environment (increasing the mass would increase the amount of glazing and lighting); applicant will be following through with Conservation Commission condition on investigating alternative windows; in lowering the height, the existing third floor glazing is being removed which is the most noticeable light emitting section of existing structure.

Jim W entertained a motion to approve Coastal DCPC special permits for the plan as presented for height and siting of a building within 200ft of Coastal DCPC features; moved by Jim N and seconded by Tom. The PBPRC voted 6-1-0, the motion passed. Sarah opposed.

While footprint in the Coastal DCPC is defined by weather walls, in the overall town wide DCPC footprint is all structures, decks and patios and the proposed project exceeds the 2,000sf as of right by 494sf (entirely decking). Committee did not find that the 494sf of decking was detrimental to the Coastal DCPC as it would not effect habitat or increase pollution. Sarah motioned to approve the decking; Isaac seconded. The PBPRC voted 7-0, the motion passed unanimously.

Town of Aquinnah DCPC Special Permit request (sections 3.2-1, 13.4-7, 3.4-2A, 13.4-11, 3.9-1A1, 13.4-1-A1 of zoning bylaws):

PBPRC discussed the following:

- Proposed project footprint exceeds the 2,000sf as of right without a special permit by 494sf; change in decking footprint from the existing decking area is de minimus (difference of 172sf) and does not alter the visual character of the lot nor does it increase the visual mass of the proposed structure; decks are all within disturbed areas and will not cause destruction to surrounding habitats.
- Committee determined that the site is open and/or highly visible in turn limiting the height to 18ft without a special permit; proposed height is 23.7ft and committee discussed whether the proposed height is more non-conforming and/or substantially more detrimental to the neighborhood than the existing structure; committee agreed that the proposed height is substantially less detrimental than existing height (overall reduction in height).
- Siting of house falls within the goals presented in the Town DCPC as it is sited on previously disturbed ground (cleared land) and is not any more detrimental to environment.

Jim W entertained a motion to grant Town Wide DCPC special permit; moved by Jim N and seconded by Isaac. The PBPRC voted 6-1-0, the motion passed. Sarah opposed.

Frontage Special Permit request (section 13.4-10 of zoning bylaws):

PBPRC discussed the following:

- Existing lot does not meet the 200ft of frontage requirement, however, existing structure was established prior to 5/10/2011 (built circa 1974) and meets the requirements of zoning section 13.4-10-B for non-conforming frontage.
- Committee discussed whether the proposed changes on the lot (siting of new dwelling) will intensify the non-conforming nature of the frontage; proposal is not changing the existing structure to a multiple-family dwelling, not adding a guest house and does not include a request for an accessory use such as a home business.
- Increase in septic from 3 bedroom to 4 bedroom does not increase use; installation/upgrade of septic will be sited within the same location as existing.

Jim W motioned to approve a special permit to vary the frontage requirements as the lot is pre-existing non-conforming and the proposed changes do not intensify usage; moved by Tom and seconded by Isaac. The PBPRC voted 7-0, the motion passed unanimously.

Moshup Trail DCPC request (section 11.3-1 of zoning bylaws):

Committee discussed the goals of the DCPC and siting requirements of structures:

- Applicant had been exploring alternative materials for roofing (red copper) given the environmental elements; concern with the reflection of a copper roof was discussed; a more natural roofing material, rather than composite, was requested as it would be more in character with the Moshup Trail DCPC; proposed structure is more in line with character of DCPC than the existing building; given the increase of mass and 24ft height, committee expressed support on using all natural exterior materials; PBPRC felt comfortable in excluding any use of alternative materials from special permit but noted that it would be possible for the applicant to return and request amendment to this section.

Isaac motioned to approve special permit for the siting of a structure within the Moshup Trail DCPC as long as it falls in line with the exterior materials listed in section 11.3-1 (all natural materials); Tom seconded. **The PBPRC voted 7-0, the motion passed unanimously.**

Special Permit conditions:

The committee discussed the following conditions:

- Subject to the orders and conditions set by the Conservation Commission
- Subject to the orders and conditions set by the Board of Health
- Subject to PBPRC review and approval of a final landscape plan
- Subject to a post completion landscape review
- Applicant will plant vegetation to screen manmade structure
- Owner and future owners shall in perpetuity nurture the growth of and maintain the bushes, trees and shrubs that screen the house and replace any that die
- All trim must be of natural materials or neutral in color; no white paint
- All exterior lighting must comply with the town Exterior Lighting Bylaw
- Any changes to the plan must come back to PBPRC for approval
- Returning landscaped/lawn area back to heathland (has already begun with lack of mowing); included in submitted site plan; applicant can come back with the landscape plan to explore this further

Isaac motioned to approve the special permits granted subject to the following conditions: Subject to the orders and conditions set by the Conservation Commission and Natural Heritage; Subject to the orders and conditions set by the Board of Health; Subject to PBPRC review and approval of a final landscape plan; Subject to a post completion landscape review; Applicant will plant vegetation to screen manmade structure; Owner and future owners shall in perpetuity nurture the growth of and maintain the bushes, trees and shrubs that screen the house and replace any that die; All trim must be of natural materials and/or of neutral colors; no white paint; All exterior lighting must comply with the town Exterior Lighting Bylaw; Any changes to the plan need to come back to the PBPRC for further review; Jim N seconded. **The PBPRC voted 7-0, the motion passed unanimously.**

Applicant thanked the PBPRC for all their effort.

With no other business, the meeting adjourned at 6:20pm.

Respectfully submitted, Sophia Welch, Board Administrative Assistant