

Aquinnah Planning Board Plan Review Committee Meeting – July 27th, 2021

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

Also Present: Laura Silber, Juliet Mulinare, Jill Gross, Neil Gross, Philippe Jordi, Max and Laura Decker, Doug Dowling, Brooks Billingham, Terry Real, APS, Alma Rutgars, Moira Fitzgerald, Judith Lane, Mark Mattson, Fredric Meyer, Alan Slatas, Stefanie Hecht, Greg Miline, Zeb Landsman, John Abrams, Albert, Tom Braun, Ellen and Craig Whittom

Meeting was held via videoconference on Zoom

Meeting opened at 6:35pm

Since the last meeting, Tom was elected to the Board of Selectmen, resigned from his Planning Board elected seat, and was appointed by the Select Board as the representee of the Select Board on the Planning Board Plan Review Committee. With Tom's resignation, a seat was left open on the Planning Board. Jim W motioned to appoint Jim N to fulfill the vacant Planning Board position for the remaining unexpired term. Jo Ann seconded. The Planning Board voted 4-0, the motion passed.

Committee appointed Tom as Chair for the meeting.

Sarah motioned to accept the 6/22/21 minutes. Motion was seconded by Jim W. The PBPRC voted 5-0-1, the motion passed. Isaac abstained as he was not present at the 6/22 meeting.

Jim M joined the meeting.

Committee met with Laura Silber and Juliet Mulinare from the Coalition to Create a MV Housing Bank (CCMVHB) and discussed the following: CCMVHBs goal is to preserve the island community by establishing regional housing bank that would provide significant permanent funding to advance year-round housing; funding of the housing bank would derive from establishing a transfer 2% maximum fee on real estate transactions over \$1 million (anticipated to raise \$7 to \$10 million a year); two parts to the effort: state enabling legislation and all island towns to vote in favor of regional housing bank resolutions (creation of a charter similar to Land Bank); each town would have an advisory committee that would review projects and have final say of project in the respective town; housing bank would only be a funding mechanism (will not develop land); housing bank is gaining momentum across the state; although the island has not passed the resolutions yet it is imperative that the local government entities and regional groups are supportive so that state legislation understands that there is a desperate need here for long term housing funding mechanism; West Tisbury Planning Board has endorsed transfer fee bills and housing bank effort; Tisbury Planning Board has voted to send support testimony for H2895 but still needs to vote on supporting housing bank; West Tisbury Select Board has the state transfer fee bills on their next agenda; Edgartown Planning Board has sent in support letter testimony for H2895; support for the H2895 state bill enables setting up the funding mechanism and is an opt in mechanism for towns (local option transfer fee). Committee discussed support of the legislative bills. Jo Ann motioned to support the state enabling legislation and to send a letter to the State legislature in support of both bills. Isaac seconded. The PBPRC voted 7-0, the motion passed. Jo Ann volunteered to draft a letter of support on behalf of the PBPRC.

Public Hearing: Town of Aquinnah of West Basin Road Map 3 Lot 1 Special Permit request for

*the siting of a 192sf shed to be used by the Aquinnah Harbormaster and Shellfish Warden located in the Coastal DCPC. Application needs to go before Con Comm, DEP and National Heritage. Applicant requested to continue the hearing to September. Isaac motioned to continue the hearing to September 14th. Jim W seconded. **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 an identified historical structure on a lot located within the Roadside DCPC (continued from 4/13 & 5/18/21 & 6/22/21). Application had been continued until MV Commission review. On June 17th, MV Commission approved the project along with amendments. Sophia informed the Committee that MVC planned on filing the decision within the next day or so and the PBPRC could proceed with review and make a final decision. Committee reviewed the proposed project again along with minor amendments/modifications (replacement of window with door and small entry deck with stairs). Committee agreed that the proposed project is a service to the community. Jim W motioned to approve the plan as presented on the condition that MVC completes their study and signs off and any conditions that MVC attach to their decision would return to PBPRC for review. Sarah seconded. Committee discussed additional conditions but did not amend the motion. **The PBPRC voted 7-0, the motion passed.***

*Public 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 (cont. from 12/1/20, 2/2, 3/16, 4/13 & 5/18/21). Jim W was recused. Committee reviewed the site plan and elevations: known feature on the lot located to the north and outside the development area, siting of parking area off of existing driveway, siting of a 32ftx36ft dwelling with bump out to the east, 10ft deck and screened in porch, septic sited to the south, and shared well. MHC recommended a survey; however, applicant informed the Committee that they had spoken with the Tribe who in turn issued a letter confirming that they would observe the project. Jim M motioned to approve the project. Isaac seconded. Amendment was made to include the condition that the Tribe be present during any ground disturbance as they expressed in their letter and that any changes return to the PBPRC for review. **The PBPRC voted 6-0-1, the motion and amendment passed.***

Public Hearing: Douglas Dowling TR of 759,761 & 765 State Road Map 9 Lots 148, 149, 150 Special Permit request for siting of a curb cut and temporary parking area located in the Roadside District (continued from 6/22/21). Jim M was recused. Doug reviewed the minor changes to the plan: A and B plans submitted; B plan shifted the curb cut to miss the state bound by 12ft; Plan A outlines the safest position and access point for a curb cut over the highway bound; minimum requirement for a curb cut over the state road is 16ft wide; plans includes an additional 10ft giving the ability for sufficient draining (adhering to state criteria regarding drainage onto state roads); lot is an exception to the 1,000ft curb cut regulation because the lot is an existing lot and needs at least one entrance.

The following was discussed at length: subdivision history of the lots although the applicant is presenting project as one lot; whether the one lot would become less non-conforming if the previous Form A subdivision lot lines were removed; lack of development plan for the lot and concern with a driveway that goes nowhere; request for Town Counsel opinion on application; whether a driveway is accessory to a dwelling; potential construction plan conditional to approval of a permit; mapping of wetlands and priority habitat and approval from Conservation Commission; bylaw regulations regarding curb cuts and whether the project as presented abides by those regulations; concern with potential clear cutting should the curb cut be approved; necessity of the curb cut to get access to lot to flag and map out potential development which would need to return to PBPRC for review. Isaac recused himself as he was not present at the first hearing. Quorum was still present. Sarah motioned to refer plans to Town Counsel. Motion was

not seconded. Jim W motioned to approve the curb cut to serve a one lot parcel subject to approval from Conservation Commission and any other committee that may have jurisdiction over the project. Motion was not seconded. Isaac suggested that the curb cut be temporary and conditioned as such. Hearing was continued to September 14th.

Public Hearing: Samuel & Olga Glazer of 29 Oxcart Road Map 2 Lot 30 43 Special Permit request for the siting of a 94sf deck extension on a pre-existing non-conforming structure located in the Coastal DCPC. On behalf of the owners, Moira Fitzgerald presented the proposed project: extending the existing 2nd story deck by 94sf. Extension will utilize the existing deck support system and will not require any review from Con Comm as the project will not require any ground disturbance or disturbance to the surrounding coastal vegetation (no vegetation under the deck that will be compromised by the extension). Committee found that although the project is within the Coastal DCPC and in proximity to coastal dunes, the proposed 2nd story deck expansion will not increase the total footprint on the ground. Jim M motioned to approve the project as presented. Jo Ann seconded. **The PBPRC voted 7-0, the motion passed.**

Public Hearing: Judith Lane of 415 State Road Map 11 Lot 43 Special Permit request for the siting of 60ft of 8ft fencing where total footprint on the lot will exceed 2,000sf located in the Road-side District. Applicants presented the proposed project: erecting approx. 60ft of picket fencing to protect vegetation screening on property that had been cleared by the State Highway Department in the recent State Road clean up; property is now exposed to road traffic and noise and fence would act as privacy screening and noise mitigation; given the layout of the property, the fence will vary in height and be 8ft at the highest point (keeping level with the road); applicant requested that the fence be within 3ft of the lot line boundary (State Road). The following concerns were discussed: Committee's inability to vary the setback from State Road (40ft from centerline of State Road); project alternatives; allowing the fence to weather (not painting) and planting vegetation to grow along the fence; certified plot plan outlining property lines; Zoning Board of Appeal (ZBA) process and PBPRC variance referral; potential approval of fencing outside the set back with the notion that the Committee would not take issue with siting the fence within the setback if the applicant got a variance from ZBA. Committee requested that the applicant submit a certified plot plan, which would also be required by the ZBA. Sarah motioned to continue the hearing to September 14th. Jo Ann seconded. **The Committee voted 7-0, the motioned passed.**

Public Meeting: Request for Visibility Determination - Ellen Whittom – Maple Hill Drive – Map 9 Lot 201.2. John Abrams of South Mountain Company presented the request: in 2016 a special permit for development on the lot had approved but has since expired and the lot has changed ownership; new location for a dwelling has been shifted down grade and will be among taller foliage; applicant requested to pursue architectural options with a maximum building height of 24ft above mean grade. The Committee determined that the potential location would not be open and/or highly visible from any public way (Moshup Trail). There was brief discussion concerning maintenance of screening on site. Sarah motioned to determined that the site is not open and/or highly visible and that building can be at 24ft above mean grade. Jo Ann seconded. **The Committee voted 7-0, the motioned passed.**

Jim N joined the meeting.

Public Hearing: Alan Slatas (applicant) for Rose Meadow Way Map 5 Lots 4 and 13
Special Permit request for the siting of a new dwelling, well, septic system, driveway, and associated utilities on a pre-existing non-conforming lot where total footprint on the lot will exceed 2,000sf. Berta was recused. Brooks Billingham presented the proposed project: history of the lot (2008 septic permit and variance approval to wetlands, 2013 preliminary archaeology survey); applicant has had the proposed site surveyed excluding recent modified project areas; total footprint is 3,298sf (2,319sf of first floor living space, 264sf front deck, 349sf rear deck, 222sf screen porch and 144sf master bedroom deck); building height will vary from 13ft (flat roof) to 18ft (gable roof) above mean grade; landscaped areas will be crushed shells and grass; wetland setback is 51ft; 50ft of frontage on lower lot but is pre-existing non-conforming; two lots total 1.46 acres; lot contains existing well; recent archeology survey unearthed two findings which resulted in a protection and avoidance plan approved by MHC. Committee members made the following comments: proposed project is well hidden; concern with the proposed retaining walls, terraced areas, and stairways to lower level walk out within the 30ft setback and whether this is permissible; protection of trees throughout construction; overall concern with the amount of density on the lot that is undersized and contains wetlands; absence of certified site plan; concern with the additional areas to be surveyed prior to any permit approval. Applicant requested that the Committee give tentative approval of the footprint and make a visibility determination. Applicant noted that they still need approval from the Conservation Commission and Board of Health and additional survey for modified project areas. MHC has reviewed the project (excluding additional survey areas) and approved a project site avoidance plan. The Tribe has requested that a Tribal Monitor be present during construction around features. Abutters made the following comments: concern with the noise, traffic and overall environmental and neighborhood impact that big homes generate; concern with the applicants continuous disregard with zoning bylaws and notion that the applicant should not be given any special permits or special consideration; project is an overall 65% increase over the 2,000sf structural density without a special permit; skepticism with applicants' commitment and promise to respect to the environment and the necessity of the Planning Board to make sure the environment is audited for this project. Abutters letters were submitted into the meeting record (two letters posing deep concern with the project including signatures from all Rose Meadow property owners and one letter of support of the project). Applicant made brief comments in regard to prior property development and proposed removal of terraced area. Committee noted that they would need to see a plan reflecting that amendment. Applicant requested that the Committee rule out that the lot is not open and/or highly visible allowing them to increase height to 24ft (giving room for additional story) and reduce total footprint to 2,000sf. Isaac felt that increasing the height would alter visibility of the structure from public ways significantly. Committee did not entertain the request. Given the Committee's concerns with the project, Jo Ann motioned to continue the hearing to September 14. Sarah seconded. **The Committee voted 7-0-1, the motioned passed.**

With no other business, the meeting adjourned at 9:01pm.

Respectfully submitted, Sophia Welch, Board Administrative Assistant