

Aquinnah Planning Board Plan Review Committee Meeting – September 14th, 2021

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

Not Present: Tom Murphy

Also Present: Jill Gross, Neil Gross, Laura Jordan Decker, Doug Dowling, Brooks Billingham, Terry Real, Alma Rutgars, Fredric Meyer, Alan Slatas, Stefanie Hecht, Tom Braun, Reid Silva, Chris Alley, Adam Gross, Fritz, Regina Janacek, Ben Janacek, Reid Silva, Caeli Janacek, Tim Laursen

Meeting was held via videoconference on Zoom

Meeting opened at 6:38pm

Sarah entertained a motioned to accept the 7/27/21 minutes. Motion was moved by Jo Ann and seconded by Jim W. The PBPRC voted 5-0, the motion passed.

Jim M joined the meeting.

Committee briefly discussed the upcoming MVC Bike and Pedestrian Path Committee meeting. Isaac expressed interest in attending the meeting and suggested that the town temporarily delineate an area to try different road demarcations for bike safety such as Moshup Trail, Lighthouse and/or Lobsterville Road.

Jo Ann stated that she submitted a letter on behalf of the Committee to the State supporting the housing bank bills as discussed at the previous meeting. She also expressed interest in testifying on behalf of the Committee for any upcoming housing bank legislation but would check in with the Committee beforehand. Committee thanked Jo Ann for volunteering.

Jim W joined the meeting.

Public Meeting: UMB Bank & Benton – 315 State Road – Map 11 Lot 47 – Request for Visibility Determination. Applicant was not present. Request was to determine visibility of dwelling and potentially increase height of dwelling. Committee determined that the dwelling is open and visible from State Road and Herring Creek. Committee questioned the existing height and proposed height. Committee scheduled a meeting for October 19th, 2021. Jim W motioned to continue the meeting to October 19, 2021. Motion was seconded by Isaac. The PBPRC voted 7-0, the motion passed.

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 (continued from 5/18 and 7/27/21). Application still needs to go before Con Comm, DEP and National Heritage. Applicant requested to continue the hearing to October. Sarah motioned to continue the hearing to October 19th at 6:30pm Jim W seconded. The PBPRC voted 7-0, the motion 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 & 7/27/21). Jim M and Isaac abstained. Sophia noted that the application is not inclusive of all three lots as initially advertised and is for one parcel only: Map 9 Lot 150 titled 759 State Road (front lot along State Road). Doug reviewed the proposed curb cut plan titled Plan A (revised July 8, 2021): revision included elimination of the temporary parking area and shortening of road from 40ft to 30ft from the edge of the State Highway (approx. 12ft into the lot and 18ft-20ft within the State Road overlay). Sophia read Town Counsel's opinion: "Accordingly, in my opinion, the Applicant is entitled to a curb cut, for at least one lot, as shown on his plans. It would be appropriate for the Board to note in its decision that its approval of one curb cut does not address approval of access or frontage for all three of the applicant's lots, which is not requested in the current application and is not before the board." Doug

noted he had no issue with the opinion. Committee briefly discussed Counsel's opinion and revised plan: elimination of temporary parking area is an advantage (no change in contour of land on top the hill), curb cut is approx. 250ft from northeast abutting parcel and 305ft from southwest abutting parcel, road will give access to owner to flag wetlands, plan includes a culvert for proper drainage (state highway requirement). Committee determined that the siting of the curb cut was optimal in location for visibility entering and exiting onto State Road and will require a few 6"-8" trees to be cut (larger trees to remain). Sarah motioned to approve a curb cut for one lot as presented on the revised plan (titled Plan A) with the condition that approval of the one curb cut does not address approval of access or frontage for all three of the applicant's lots, which is not requested in the current application and is not before the board. Jo Ann seconded. The PBPRC voted 5-0-2, 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 Roadside District. Site plan as requested by the Committee was not ready and applicant requested to continue the hearing. Jim W motioned to continue the hearing to October 19th at 6:30pm. Jim M seconded. The PBPRC voted 7-0, the motion passed.

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 amendments to the project: reduction in footprint from 3,636sf to 2,507sf including decking (1200sf reduction approx. 31% reduction), no change in exterior design, shifting of dwelling and landscaping to 31ft from lot line, closest point of dwelling to wetland is 55ft, and 3-bedroom septic system. The Committee expressed the following concerns: footprint over 2,000sf on an undersized lot, proximity of development to wetlands, chimney design and height (large mass and not a typical chimney), Conservation Commission project review, Board of Health project review, wall to glass calculations, concern with archeological sensitivity and proximity of dwelling to archeological features.

Abutters made the following comments: increased mechanical room dimensions and concern that it could be converted to a bedroom; visibility of the structure from the road and concern with future tree topping for views; 25% request to increase over the 2,000sf footprint; size of the proposed dwelling on the lot given that its undersized, concern with precedents set all over Aquinnah to build big homes on smaller lots; definition of special permits being a special circumstance; environmental impact of this project and other potential dwelling sites on Rose Meadow Way; concern with new dwellings and Aquinnah's goal of shifting to renewable energy; population growth in Aquinnah and mitigation of impact if bylaws are enforced; certified site plan delineating neighboring dwelling and access.

Applicant discussed the following issues: driveway will be placed directly across from existing driveway, septic system will require variances (leaching field 91ft from wetlands, reserve area 94ft from wetland and within the 30ft setback requirements). Committee requested that the applicant reduce footprint to under 2,000sf, reduce chimney mass, submit a certified site plan, a certified as built site plan and landscape plan (inclusive of any potential view channels or tree topping). Sarah motioned to continue the hearing to October 19th at 6:30pm. Isaac seconded. The PBPRC voted 6-0-1, the motion passed.

Public Hearing: Doug Janacek (applicant) off of Rose Meadow Way part of Map 5 Lot 19.4 Special Permit request for the siting of a new dwelling, well, septic system, driveway, utilities and associated landscaping where total footprint on the lot will exceed 2,000sf. Reid Silva presented the proposed plan: siting of a 5-bedroom dwelling (Board of Health approved an 8-bedroom septic); proposed total footprint of 2,191sf; 10ft grade has dictated basement level walk out with a retaining wall; no finished grading plan; proposed 23'1" ridge height; PNF has been submitted but MHC has not commented yet. The following was discussed: visibility from Cemetery; concern with the BOH approval of 8-bedroom septic; location of the dwelling and proposed shifting away from Cemetery lot and off of the top of a hill;

potential encroachment on setbacks if decks and patios are added; mass of proposed dwelling; planting of vegetation for screening; reducing ridge height to 18ft; MHC recommendation and potential archeological survey; reduction of footprint. Reid explained that there are the BOH regulations and the State Title V requirements and if a septic plan meets both codes, then it is as-of-right (BOH does not have discretion). Applicant expressed willingness to reduce to a 5-bedroom septic.

Abutters and the public expressed the following concerns: planting of vegetation which would block the view of the sound from the Cemetery; tradeoffs in shifting the dwelling; concern with precedents set all over Aquinnah to build big homes on smaller lots; definition of special permits being a special circumstance; environmental impact of this project and other potential dwelling sites on Rose Meadow Way; concern with new dwellings and Aquinnah's goal of shifting to renewable energy; population growth in Aquinnah and mitigation of impact if bylaws are enforced; size of the parcel and calculation of acreage for the portion of the lot that expands across Rose Meadow Way (applicant noted that the ½ acre across the road will become a conservation easement). Jim W entertained a motion to continue the hearing to the October 19th meeting at a time to be determined later. Motion was moved by Jim N and seconded by Sarah. The PBPRC voted 7-0, the motion passed.

Public Meeting: Jensen & Mandrake (owners) / Laursen (proposed application) - 4 Duck Pond Lane – Map 10 Lot 64.8. Chris Alley presented history on the parcel: in 2014 parcel had been before the PBPRC to replace a non-conforming small cabin located on the parcel with a small greywater system and location of new well; per Town Counsel opinion, the Committee determined that a permit could not be issued for replacing the non-conforming use; however, the application was for the replacement of the non-conforming structure and the use, a residential structure, was conforming and unchanging; application was subsequently withdrawn. Chris noted that the proposed application today has not changed and all approvals from 2014 need to be renewed. There is a significant wetland located on the parcel which delineates the building site and septic system (tank near dwelling and leaching field on neighboring lot with boring under the wetlands). Proposed dwelling is 2-bedroom (560sf) within the existing 500sf footprint and setbacks that is in place now. Lot is non-conforming in regard to frontage (80ft along Duck Inn Road). The Committee discussed the following: proposed project, potential shifting of site to make the dwelling less non-conforming, archeological, prior Counsel opinion and concerns with existing wetlands, Conservation Commission and Board of Health review. Committee expressed support for the project but determined that they would need to consult Counsel should an application be submitted.

Public Meeting: Raymonds Hill LLC – 1162 State Road – Map 6 Lot 102.6 – Request for Visibility and Archeological Determination and Zoning Determination for siting and installation of well. Berta recused herself and presented the application as the owner. Committee did not express any concern with the siting of the well. Visibility was withdrawn from the application. MHC had recommended a survey for proposed siting of new dwelling; however, Wampanoag Tribal Historic Officer did not feel a survey was necessary and requested to be present during any ground disturbance. Committee determined that the siting and installation of the well will require removal of brush. Jim W entertained a motion to approve a zoning determination for the siting and installation of a well subject to the presence of a qualified archeological observer. Motion was moved by Sarah and seconded by Jim M. The PBPRC voted 6-0-1, the motion passed. Jim M reminded the Committee that he would be willing to step in as a Zoning Administrator alternate.

Sophia informed the Committee that there will be an archeological survey completed on the playground and affordable housing location behind Town Hall. With no other business, the meeting adjourned at 9:20pm.

Respectfully submitted, Sophia Welch, Board Administrative Assistant