

Aquinnah Planning Board Plan Review Committee Meeting – October 19th, 2021

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

Also Present: Neil Gross, Douglas Janacek, Lawrence Martin, Jamie Sue Vanderhoop, Heikki Soikkeli, Camron Cuch, Doug Plumer, Amera Ignacio, Todd Vanderhoop, Heidi Vanderhoop, Bethany Hammond, Eli Swartz, Stefanie Hecht, Caeli Janacek, Jim Decoulus, Jill Gross, Ben Janacek, Jay Bodnar, Gerrit Frase, Alan Slatas, Laura Silber, Tom Braun, Reid Silva, Claudine Hanley, Laura Jordan Decker, Juliet Mulinar, Phil Regan, Chris Alley, Paul Shands, Mike and Keelan Parker Simran, Fredric Meyer

Meeting was held via videoconference on Zoom

Meeting opened at 6:38pm

9/14/21 meeting minutes were deferred to the next meeting.

Correspondence:

- Parks & Recreation Committee – Discussion on siting of agricultural fencing for food forest/playground area (construction of 3 sides to allow for the installation of playground equipment). The Committee discussed the bylaws, the definition of structures and fencing and proposed location (behind Town Hall and outside the 200ft setback from a public way). Committee did not take issue with proposed fencing and determined that it did not require a permit (not in an open and/or highly visible area and will utilize locust posts and agricultural fencing material). Playground project will require approval before installation.
- Lawrence Martin of 12 East Pasture Way – Proposed decking to connect existing decking – Committee briefly discussed the proposed project and determined that it could be reviewed and approved as a zoning determination. Sarah recused herself from the discussion. Proposed project includes approximately 70sf of new decking and 9sf expansion of existing outdoor shower; new decking will connect existing decks. Project will not require Con Comm review. Committee did not see any immediate issues with the project, but owner will need to apply for a zoning determination.

Public Hearing: Barry P Sullivan & Daniel J Sullivan of 1183 State Road Map 6 Lot 89 Special Permit request for the siting and construction of a detached garage with a ridge height over 18ft where total footprint on the lot will exceed 2,000sf within the Roadside District. Berta was recused. Heikki Soikkeli presented the proposed project: proposed footprint will be 28ftx26ft with open 26ftx6ft shed on the side, ridge height of 18ft above mean grade, sited 63ft from wetland (needs Con Comm review) and meets all other setbacks, pending MHC review (applicant has submitted an PNF), garage with detached bedroom on second floor (existing septic has capacity), will not have a cooking facility. Committee requested that the garage location be shifted away from Beetlebung grove. Applicant will need to submit revised certified site plan reflecting utility lines, shifting of garage and height. Jim W entertained a motion to approve the plan as presented conditioned upon Conservation Commission review and approval, Board of Health review and approval, if necessary, submission of a revised certified site plan, and archaeological if recommended by MHC. Motion was moved by Jim N and seconded by Jim M. The PBPRC voted 6-0-1, the motion passed.

Public Hearing: Douglas Plumer of 3 Meetinghouse Way Map 9 Lots 83 & 100 Special Permit request for the conversion of previously approved garage with detached bedroom into an accessory apartment where total footprint on the lot will exceed 2,000sf. Owner presented the following: during construction, plans for the detached garage/studio changed and a second bedroom was added which both the Building Inspector and Board of Health deemed as an adequate bedroom; no change to living space (just under 600sf); footprint remains the same; Board of Health has approved the second bedroom (existing septic

had been expanded before construction with capacity for 2 extra bedrooms); existing building has rough plumbing for a kitchen. Committee expressed concern with projects such as this where a detached bedroom and garage is approved and then applicants come back to change it into an accessory apartment after the fact. Committee noted that the intention of the accessory apartment bylaw is for affordable housing. Owner informed the committee that the garage space is unfinished and not connected to living space internally which adheres to the accessory apartment bylaw. Sophia read the accessory apartment bylaw (section 3.3-5). Owner stated that he understood the bylaws and that he is looking at future situations that include use of the space for immediate family or affordable housing.

Heidi Vanderhoop (abutter) made the following comments: septic setbacks and use given that her drinking water is located downhill to the septic; presenting one plan and then changing it without prior approval; intention of vacation renting the main dwelling and living in apartment (restricted under accessory apartment bylaw); enforcement of accessory bylaw and rentals; and full transparency. Committee determined that if the owner is not in one of the dwellings the other needs to be used by immediate family or rented affordable year-round. The whole property can never be rented seasonally. Owner stated that they do not intend to do that. If the apartment is used for family member it doesn't need to go before the Housing Committee. If owner chooses to rent, the owner needs to go before the Housing Committee.

Jim M motioned to approve the plans as presented with the conditions of affordable housing and accessory apartment bylaws. Isaac seconded. Committee discussed the pending issues with Board of Health. Jim M amended the motion to include approval from Board of Health. The Committee voted 7-0, the motion and amendment passed.

Committee requested to discuss the accessory apartment bylaw and enforcement with the Housing Committee at a future meeting. Sophia informed the Committee that the Housing Committee is looking to meet with PBPRC to discuss future bylaws to support affordable housing.

Public Meeting: UMB Bank & Benton – 315 State Road – Map 11 Lot 47 – Request for Visibility Determination. Applicant was not present. Committee again questioned existing and proposed ridge height as the applicant was not present for the past two site visits and meetings. Sarah motioned to not act on the request until applicant is ready. Jim M seconded. The Committee 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 Roadside District. Site plan as requested by the Committee was not ready and applicant requested to continue the hearing. Sarah motioned to continue the hearing to the next available meeting. Jim M seconded. The PBPRC voted 7-0, the motion passed.

Committee scheduled the next meeting for December 7th, 2021.

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. Sarah motioned to continue the hearing to December 7th at 6:30pm. Jim N 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 (continued from 7/27 & 9/14/21). Committee noted that the project still needs review and approval from the Conservation Commission and Board of Health, the application is still missing a certified site plan and the hearing should be continued. Alan Slatas requested to review the amended plans: reduced footprint and minor shifting of dwelling location. Sarah noted that the new location is within an isolated wetland and needs Con Comm review. Committee requested to review the full archeological survey from PAL. Berta noted

that she agreed with Sarah and motioned to continue to the next meeting with referral to Con Comm and Board of Health with the submission of a certified site plan. Sarah seconded. The PBPRC voted 7-0, the motion passed. Motion was redacted by Berta and Berta recused herself. Sarah motioned to continue the hearing to the December 7th meeting at 6:30pm with referral to the Conservation Commission and Board of Health and submission of a certified site plan. Jim N seconded. The PBPRC voted 6-0-1, the motion passed.

Tom M joined the meeting.

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. Isaac informed the Committee that the site had been tampered with as the three ridges poles that had been erected were completely dismantled and, on the ground, and is indicative of opposition to the project and further noted that this is a very sticky project given the proximity to cemetery. MHC has recommended an intensive survey. Reid Silva presented the revised plans: same location as presented at 9/14/21 meeting (31ft from cemetery lot line); decrease in structure height from 23ft to 18ft above mean grade; slight decrease in footprint to less than 2,000sf; plantings to increase screening; site needs a botanical survey. The following issues and concerns were discussed: potential relocation of dwelling (further away from the top of the hill the deeper the retaining wall), grading and location of retaining walls, siting of driveway and larger parking area, setbacks in regard to retaining walls and the current bylaws discouraging development on top of hills. Applicant agreed that everyone needs a better understanding of how the dwelling will appear with grading and proposed retaining walls. In addition, applicant needs to work on the parking area plans and move forward with the archaeological and botanical survey. Abutter urged the Committee to carefully consider the location and tradeoffs of each location. Sarah motioned to continue the hearing to December 7th, 2021. Jim M seconded. The PBPRC voted 8-0, the motion passed.

Public Meeting: Decoulus – 108 Hebrons Way - Map 12 Lot 38 (Sett-off Lot 232) - Special Permit Amendment Request for design change (3rd special permit amendment request). Applicant presented the proposed changes: no changes to footprint or height, relocation of screened porch from southeast to northeast end of dwelling, reorganization of interior spaces, architectural design changes to the exterior (still contemporary) and redesign of roof to increase south-southeast exposure to accommodate solar panels. Committee expressed concern with a time lapse in the original issuance of the special permit. Owner informed the Committee that they have been working on site development continuously from issuance of the first permit and permits are still effective under the COVID-19 state orders. Applicant will need to submit a window schedule and wall to glass calculations (screen porch will not be included in calculations). Jim M motioned to approve the plan as presented with the conditions that the glazing is 50% or less on any given section/plane of the dwelling (submission for final approval), exterior lighting bylaw is followed, and muted trim. Tom seconded. The PBPRC voted 8-0, the motion passed. Committee agreed that Sophia has the ability to review and approve glazing plan.

Public Meeting: CCS Sanctuary LLC – 4 Moshup Trail – Map 12 Lot 87 – Request for Zoning Determination for perc testing. Chris Alley presented the proposed project: digging of two 3ftx6ft holes at 10ft deep each (no impact to vegetation). Septic redesign had been previously approved but permits have since expired. There is a potential larger scope project (replacement and redesign of existing dwelling) and a new septic design would fall into that project scope. Committee reviewed the site plan. Given that the area is undisturbed, located on top of a hill and potentially historically and culturally sensitive, the Committee determined that the applicant consult with the Wampanoag Tribe for observation of ground disturbance. Applicant informed the Committee that there will be a PNF submitted for the entire septic upgrade, well relocation and replacement of dwelling. Sarah motioned to approve the perc testing with the approval of the Tribe presence and if the Tribe is not comfortable, the applicant must return to PBPRC for

further review. Jim M seconded. The PBPRC voted 8-0, the motion passed.

Public Meeting: Coalition to Create a Martha's Vineyard Housing Bank. Committee had previously voted to support legislation bills for creating the housing bank. Both the Aquinnah Select Board and Aquinnah Housing Committee have endorsed CCMVHB. Berta motioned to endorse the Housing Bank. Motion was seconded by Jo-Ann. The PBPRC voted 8-0, the motion passed. Juliet Mulinar of CCMVHB informed the Committee that there will be an CCMVHB meeting open to the public on 11/6 to discuss the draft warrant article for the housing bank.

Sarah left the meeting.

Public Meeting of Planning Board: Shands / Parker – 2 Harpoon Hollow – Map 9 Lot 140 – Form A. Reid Silva presented the Form A subdivision plan: division of lot into two 2-acre parcels; one plan did not adhere to the frontage requirement (at least 200ft of frontage on public or private way) but presented a cleaner division whereas the second plan adhered to frontage but created a more complicated division. Committee determined that, while the first plan was cleaner, they would not be able to approve it under current frontage requirements and the applicant would need to proceed with the second plan. Applicant concurred. Both Berta and Jim W noted that they may have a conflict in signing off on the Form A. Next step is for the plan to go to Land Court and then it will return to the Planning Board for final approval/signing of mylar.

Other Business:

- Shea/Knowles - Off East Pasture Map 8 Lot 63: Final MHC Archeological intensive survey recommendation: Only one site had been identified but MHC determined that it was insignificant and did not recommend a further survey. Isaac motioned determining that no further survey is required and that the archeological survey as conditioned in the special permit has been met. Jim N seconded. The PBPRC voted 7-0, the motion passed.
- Salzer – 2 Windy Hill Drive – Map 10 Lot 61: Berta was recused. Final MHC Archeological intensive survey recommendation: Only one site had been identified but determined that it was insignificant and did not recommend a further survey. Jim N motioned determining that no further survey is required and that the archeological survey as conditioned in the special permit has been met. Jim M seconded. The PBPRC voted 6-0-1, the motion passed.
- All Island Planning Board Group has requested to meet with Aquinnah PB members on 11/4. Committee agreed to meet with the group on 11/4 at 7pm.
- Climate and Energy Committee and Housing Committee is looking to meet with PBPRC to discuss potential bylaw changes. Climate and Energy Committee have met with the Select Board to discuss general town bylaw changes (will require a “home rule petition”).
- Dan Doyle form MVC has requested to meet with PBPRC to discuss potential project contenders for the Transportation engineer Resource allocation through the MVC. Committee requested to put him on the agenda for the next meeting.
- Wright - Oxcart Road Map 2 Lot 8 - Parking Area/Beach Access – Parcel already has an existing parking area and owner wants to maintain the area to continue the pre-existing non-conforming use. Committee agreed that it does not require a special permit to do routine maintenance since it already exists. Committee requested that the owner consult with the Conservation Commission.

With no other business, the meeting adjourned at 9:22pm.

Respectfully submitted, Sophia Welch, Board Administrative Assistant