

Aquinnah Planning Board Plan Review Committee Meeting October 17, 2017

Members Present: Peter Temple, Chairman, Jim Wallen, Sarah Thulin, Jim Mahoney, Berta Welch, Jo Ann Eccher and Jim Newman

Members Not Present: Isaac Taylor

Others Present: Chris Alley, Walter Verdick, Isaac Taylor, Francis Brown, Brendan Hanley, Eric Stange* and Meredith Holdsworth, Scott Westerbeke

*via phone

Meeting opened at 6:36 pm.

First on the agenda was the review of the September 12th minutes. Berta made a motion to approve September 12th minutes as presented and amended. Sarah seconded. The PBPRC voted 5-0, the motion passed.

PBPRC opened a meeting to vote on a post completion landscaping plan review for the renovation of the detached bedrooms at the Freeland residence 4 East Pasture Way Map 8 Lot 114. Sarah was recused. Following a site visit, the PBPRC reviewed the landscaping plan and found that 9 existing trees were relocated and planted in the locations shown on the plan, the buffer area that was proposed for grass was no greater than what was shown on the plan, the lighting fixtures were compliant with the exterior lighting bylaw, the trim was compliant with the permit in terms of color and the vegetative buffer was sufficient to cover the lower half of the house and the detached bedrooms. However, the PBPRC determined that there were two smaller areas where the vegetation had not grown to the height required, but if left on its own to grow and not topped, as the applicant was instructed, in time it would provide adequate screening. It was noted that the permitted pergola had not been constructed and at this point the Special Permit allowing it has expired; if at a later time the applicant wished to build it they would have to come back for a new Special Permit. Based on the applicant meeting the condition set in the Special Permit, Peter entertained a motion to close the post completion review. Motion was moved by Jim W and seconded by Berta. The PBPRC voted 4-0, the motion passed.

PBPRC opened a hearing to act upon a request from Stange and Costa of 6 Beach Rose Way Map 4 Lot 65 for the siting and construction of an 8'x12' shed. The PBPRC found that the shed would not be highly visible, if at all, in the proposed location. Being that the shed location is within 50' of the edge of the wet land, the applicant is to file request for Determination of Applicability with the Conservation Committee. The PBPRC reviewed the application submitted and found that a certified plot plan had not been submitted but will be. It was determined at the site visit that the shed's SE corner would be 3" away from the southernmost existing landscape timber and the timbers would be sufficient orientation markers for the siting of the shed where it will be beyond the 30' setback of the property line. With no other findings or discussion, Peter entertained a motion to approve the siting of the shed as presented conditioned upon the following: submission of a certified site plan confirming the location as shown and not within the 30' setback of the property line and all trim must be of natural materials and/or neutral colors; no

white paint. Motion was moved by Jim W and seconded by Jim M. The PBPRC voted 5-0, the motion passed.

PBPRC opened a hearing to act upon a request from Walter Verdick of 5 Sea Mist Lane Map 12 Lot 35.1 for Special Permits to construct an addition to an existing structure where total footprint on a lot will exceed 2,000 sf in the Moshup Trail District. Jim W was recused. The PBPRC reviewed the plans as presented by Chris Alley and Walter Verdick. The proposed addition would increase the total footprint to 2,601 sf of which 2,430 sf would be enclosed and 990 sf is existing deck. The mass of the addition is under the existing deck and, therefore, if the second story deck is considered existing footprint, the actual increase in footprint would only be 124sf. In addition, the mass of the addition is sited below the existing 2nd floor deck and would not be visible. All materials used will be the same materials used for the existing structure and are compliant with the Bylaws. The PBPRC found that no archeological survey would be needed because the proposed addition would be built on a slab foundation with no basement and located on previously disturbed grounds. With no other discussion or requests, Peter entertained a motion to approve the addition as presented including a Special Permit for all structures on the lot to exceed 2,000 sf condition upon the following: owner will maintain vegetative buffer in front of the structure and top it so that the top of the 2nd floor deck railings will not be visible from Moshup Trail and all trim must be of natural materials and/or neutral colors; no white paint. Motion was moved by Berta and seconded by Jim M. The PBPRC voted 5-0, the motion passed.

The PBPRC opened a meeting to discuss a request for a view channel made by the Tree Warden on behalf of HML Vineyard Realty of 472 Lighthouse Road Map 5 Lot 100. The request is to clear a 50-60' channel, grind down tree stumps to prevent re-growth and plant a meadow. Discussion took place on the history of tree topping on the lot and the recent aggressive tree topping. It was noted that the owner, Hanna Malkin, after allowing the trees to grow back, will be asking to top again. This request had been discussed with Hanna as a possible alternative to prevent aggressive tree topping in the future and create a view channel of the Sound for the Town to enjoy as well. The PBPRC discussed the request and the following issues: Town benefit of a view channel, buildability and re-sale of the lot, current health of the trees, tree topping violations and the impact of the view channel on abutters. The Committee agreed, by consensus, that this was not a hearing and no decision needed to be made. The Committee continued onto the next agenda item.

PBPRC opened a hearing to act upon the request from Isaac Taylor of 93 State Road Map 6 Lot 27 & 45.2 for a Special Permit to construct two sheds where total footprint on a lot will exceed 2,000sf. Berta was recused. Siting of the two sheds, measuring 10'x14' and 14'x20', was discussed and the PBPRC found that the proposed locations are within the tree line, lower vegetation is growing on the Lighthouse side of the sited locations and that both sheds are made of natural materials. No issues of the siting were found at the site visit just as long as vegetation on the potential open sides are allowed to grow. Peter entertained a

motion to approve a Special Permit for the siting of two sheds built on blocks where all structures on the lot exceeds 2,000sf conditioned upon the submission of a certified plot plan confirming the locations and that the vegetative buffer on the Lighthouse side of the sheds be allowed to grow. Motion was moved by Jim W and seconded by Jo Ann. The PBPRC voted 6-0, the motion passed.

PBPRC continued with a second request from Isaac to amend the Special Permit dated November 10th 2014 to include the siting of a second residence. The original Special Permit approved a detached bedroom without a kitchen. The PBPRC found that because the lot is over 4 acres, a second residence with a kitchen is allowable as of right. Brief discussion took place on the visibility and screening of business vehicles on the property. The Committee reminded Isaac that now the project is completed, per the Bylaws, vehicles associated with a home-based business need to be screened from the view of roads and/or adjacent residences. Peter entertained a motion to modify and remove the condition that prohibited a kitchen in the detached bedroom in the Special Permit dated November 10th 2014. Motion was moved by Jim W and seconded by Jim M. The PBPRC voted 6-0, the motion passed.

PBPRC reviewed a request to amend a Special Permit dated August 21, 2017 for Holdsworth at 583 State Road Map 8 Lot 139 to reconstruct a pre-existing and non-conforming structure. The PBPRC discussed the request to demolish and reconstruct on the existing foundation. The PBPRC found that the finished building will be identical in siting, footprint, height and materials and therefore the demolition and reconstruction is no more detrimental to the neighborhood than the pre-existing non-conforming structure. Peter entertained a motion to amend the Special Permit granted to include the demolition and reconstruction of a pre-existing and non-conforming structure. Motion was moved by Jim N and seconded by Jo Ann. The PBPRC voted 6-0, the motion passed.

PBPRC opened a hearing to act upon the request from Brendon Hanley of 2 Sandcastle Lane Map 5 Lot 86 for Special Permits for clearing, cutting and topping of vegetation and trees. It was noted that this hearing was in response to a Tree Cutting Zoning Violation Notice sent by the Building Inspector/Zoning Enforcement Officer. The PBPRC reviewed the notice sent by Lenny dated August 31st, which included photos of the aggressively topped trees and disturbance in wet lands. Sarah informed the PBPRC that ConCom, due to overlap in jurisdiction, had addressed the violation and conditioned Hanley to hand clear the area and ordered that no other cutting or clearing should be done and to let the trees grow back. At the site visit, the PBPRC found that due to a wet summer, the aggressively topped trees and vegetation had begun to grow back. The Committee also found that it took Hanley a several weeks between receiving the violation notice and submitting an application ordered by the Building Inspector/Zoning Officer, but Hanley did not understand that the clock was ticking on fines during that period. Based on this finding, the PBPRC decided it would be unfair to fine for the actual number of days. Peter entertained a motion to not approve the application and to refer the matter to the Building Inspector/Zoning Officer for enforcement/fines with the

recommendation that this be treated as a 1 or 2-day filing for determining the fine and that no other remediation is necessary other than allowing the vegetation and trees to grow back per conditions set by ConCom Motion was moved by Jim N and seconded by Jim W. The PBPRC voted 7-0, the motion passed. Brief discussion took place on creating a letter to accompany zoning violation orders to make the process clearer.

PBPRC opened a meeting to review a MHC letter and archeological survey for The University of Indiana of 17 East Pasture Road Map 8 Lot 76. Two significant archeological features were found on the site and MHC has recommended that a protection and avoidance plan be implemented as well as consultation with the Wampanoag Tribe prior to commencing the project. It was noted that fencing will be placed around the features and all contractors will be notified of the features. Brief discussion took place on re-configuring the proposed driveway to alleviate disturbance on the features and possible long-term protection plans. Based on the letter received from MHC dated September 21, 2017 and their recommendations, Peter entertained a motion to authorize demolition and construction of the structures and the installation of the well and waterline as shown on the proposed plan conditioned upon the following: avoidance measures are taken, and the two features are protected, consultation with the Wampanoag Tribe has been met by written or oral authorization to the Building Inspector and that all contractors are notified and aware of the features; however, no other work is to occur in the areas of the features until the PBPRC has approved the as-built construction plan showing the implemented avoidance and protection measures. Motion was moved by Jim W and seconded by Jim N. **The PBPRC voted 7-0, the motion passed.**

PBPRC opened a meeting to review a Project Notification Form and MHC letter for Leonard of 266 Lighthouse Road Map 5 Lot 31. The PBPRC reviewed MHC's letter and found that no archeological survey is needed for the proposed upgrade to the existing septic system and addition to the studio. Based on MHC's recommendation and letter dated August 11th 2017, Peter entertained a motion to approve a determination that no archeological survey is required for the project as proposed. Motion was moved by Jim N and seconded by Jo Ann. **The PBPRC voted 6-0, the motion passed.**

PBPRC opened a meeting to review a Project Notification Form and MHC letter for Fruchtman of 42 Hebrons Way Map 12 Lot 144. The PBPRC reviewed MHC's letter and found that no archeological survey is needed for the proposed construction of a garage with a bedroom above. Based on MHC's recommendation and letter dated October 12th 2017, Peter entertained a motion to approve a determination that no archeological survey is required for the project as proposed but any other excavation or digging on the project would need to be reviewed by the PBPRC in advance. Motion was moved by Jo Ann and seconded by Jim M. **The PBPRC voted 7-0, the motion passed.**

PBPRC opened a meeting to review a MHC letter and archeological survey for The Town of Aquinnah and Island Housing Trust of 801 State Road Map 9 Lot 146. Jo Ann was recused. One significant archeological site was found and MHC has

recommended that a protection and avoidance plan be implemented as well as consultation with the Wampanoag Tribe prior to commencing the project. Based on the letter received from MHC dated October 6th 2017 and their recommendations, Peter entertained a motion to authorize the project conditioned upon the following: avoidance measures are taken and implemented prior to the project commencing, consultation with the Wampanoag Tribe has been met by written or oral authorization to the Building Inspector, and the as-built construction plan showing the implemented avoidance and protection measures is filed with the PBPRC. Motion was moved by Sarah and seconded by Jim W. **The PBPRC voted 6-0, the motion passed**

PBPRC opened a meeting to review a request for a second 1-year extension on a Special Permit granted November 4th 2015 for Montoya of 55 Moshup Trail Map 9 Lot 15. Peter was recused. The PBPRC determined that there were no new changes/amendments to the plan and that the extension request was filed prior to the current expiration date of November 4th 2017. However, per Massachusetts Law, Special Permits may not be issued for more than 2 years unless it is for good cause. The PBPRC reviewed the applicants file, including the special permit application and MHC archeological survey letter. The PBPRC found that a lengthy amount of time had lapsed between the original Special Permit dated November 4th 2015 and the receipt of MHC's final archeological survey review letter and conditions dated March 2nd 2017. Being that the time between the Special Permit and MHC letter was 1 year 3 months, and that final plans could not be prepared, and a building permit applied for before then, the PBPRC found that this extraordinarily long archeological review is good cause for a second extension on the Special Permit. Based on the finding that the archeological survey delayed the applicant to apply for a building permit, Sarah made a motion to approve a second 1-year extension of the Special Permit dated November 4th 2015 with a new expiration of November 4th 2018 conditioned upon the following: applicant should apply for a building permit within the extension granted or the Special Permit shall expire. Motion was moved by Berta and seconded by Jim N. **The PBPRC voted 6-0, the motion passed.**

Meeting adjourned at 9:21pm.

*Respectfully submitted,
Sophia Welch
Board Administrative Assistant*