

Aquinnah Planning Board Plan Review Committee Meeting October 21<sup>st</sup>, 2019

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

Also Present: Reid Silva, Kara Shemeth, Josh Gothard, Robert & Mary Shriber, Taylor Ives, Peter Ives, Kathy Rainey, Ann-Marie Aldous, Vernon Welch, Hugh Taylor, Wendy Swolinzky, Ryan Malonson, Bettina Washington, Randy Jarden, Josh Gothard, Gus Margie, Brooks Billingham, Richard Freeland, Fred Fornier

Meeting opened at 6:32pm

The Committee reviewed the 9/10/19 meeting minutes. Tom motioned to accept the 9/10 minutes as presented. Motion was seconded by Jim M. **The PBPRC voted 4-0-1, the motion passed.** Jim N abstained as he was not present at the 9/10 meeting.

The Planning Board opened a hearing to act upon a request from Matthew Burlage of 5 Clay Pit Road Map 4 Lot 102 for approval of a Definitive Plan Form C subdivision. Reid Silva presented the plan to subdivide a 5-acre lot into two (Lot #1 2.47-acres and Lot #2 2.23-acres). Existing driveway off of Clay Pit Road would be divided so that each lot would have at least 200ft of frontage along the driveway (each lot would have a 30ft right away down center of driveway). Jim W entertained a motion to approve the Form C as presented. Motion was moved by Jim M and seconded by Tom. **The Planning Board voted 5-0, the motion passed.**

The Committee discussed the Fall MVC Citizen Planner Training Collaborative workshops and selected the following as potential fall courses: vested rights and nonconforming structures and uses, writing reasonable and defensible decisions and zoning with overlay districts. There was consensus on requesting the workshops to be scheduled for Saturday mornings.

Next, the Committee briefly discussed the MVC DRI checklist revisions. Sophia informed the Committee that there will be an All Island Planning Board meeting the following evening to review these changes. Aquinnah has been asked for comment. West Tisbury has stated that affordable housing should either be less restricted or exempt from the DRI checklist. The Committee agreed. No other comment was made.

PBPRC opened a hearing to act upon a request from Robert and Mary Shriber of 20 Old South Road Map 9 Lot 104 for Special Permits under sections 3.9-1, 3.6-1, 13.4-1 and 13.4-3 of the Aquinnah Zoning Bylaws for replacement of an existing dwelling, septic system upgrade, well replacement and installation of underground electric service located in the Town Wide DCPC. Kara Shemeth presented the proposed plans for expansion on the existing “summer camp” structure and addition of a second floor (measured 23.8ft above average mean grade). Proposed new footprint is 1,396 sq. ft (existing is approx. 900sq ft including the deck). Septic system is sited south of the structure and within the existing parking area. MHC has reviewed the proposed project and did not recommend a survey. Con Comm and BOH have reviewed the proposed plans. Applicant plans on using natural materials and neutral color trim. Tom motioned to approve the plans as presented conditioned upon the following: exterior lighting must comply with the Town’s Exterior Lighting Bylaw, subject to any orders and conditions set by Con Comm and subject to any orders and conditions set by the Board of Health. Motion was seconded by

Jim N. **The PBPRC voted 6-0-1, the motion passed.** Berta abstained because she entered the meeting during the hearing. There was discussion concerning the appeal period.

The Committee scheduled the December meeting for December 9<sup>th</sup>, 2019 at 7:00pm.

Sheriffs Meadow Foundation has requested to continue their Moshup Trail pathway hearing to the winter. Sarah motioned to continue the SMF hearing until February 2020 with applicant's agreement. Motion was seconded by Isaac. **The PBPRC voted 7-0-1, the motion passed.** Berta abstained.

PBPRC re-opened a continued hearing to act upon a request from Domini Amy L TR and Stanley LIM TR of 42 Lighthouse Road Map 6 Lot 43 for amendments to Special Permits dated December 24, 2018 under sections 3.8-4, 3.9-1-3 and 12.3-3 of the Aquinnah Zoning Bylaws to site and construct a curb cut and driveway within the Gay Head Cliff DCPC. Berta, Isaac and Jo Ann were recused. A letter from Town Counsel was read into the minutes regarding the Committees authority in granting a curb cut: lot 43 and neighboring lot owned by Hugh are not in common control and meet the separate ownership test; Committee has discretion in either granting or denying the curb cut because Hugh has the ability to grant access to the lot. Hugh stated that he is not the applicant for this Special Permit request and he is not the owner of the house. He further state that in creating this curb cut, it would allow for an alternate access to "downstream" lots if owners are ever denied access elsewhere. Sarah stated that she felt there were multiple issues with the request: visibility and safety of the curb cut, curb cut is not necessary because Hugh can grant access to the lot over his land (has been accessing this lot via Outermost Inn road for years), and the curb cut does not concur with the 1,000ft curb cut separation Island wide regulation. Due to these reasons, Sarah could not vote in favor of the curb cut. Being that there were only 5 Committee members able to vote and with Sarah's opposition, should the Committee motion to approve the request it would not pass (need unanimous supermajority vote (5 members) to approve a special permit). If the request was denied, applicant would not be able to apply for curb cut for two years. There was discussion concerning the safety of the curb cut and the need for a certified engineer plan outlining the curb cut. After further discussion, the applicant formally withdrew the application. Applicant will re-apply to be heard at the November meeting (new makeup of Committee). Committee agreed to waive the fee for re-application.

PBPRC re-opened a continued hearing to act upon a request from Hugh C Taylor TR Etal and Brian M Hurley TR of 18 Lighthouse Road Map 6 Lot 32 for Special Permits to site and construct a 3,136sf event pavilion for commercial use with drive in basement and roof top deck on an open and highly visible location, and a registered Development of Reginal Impact lot where total footprint of structures on the lot will exceed 2,000sf within the Gay Head Cliff DCPC and Coastal DCPC. Berta and Isaac were recused. Hugh Taylor discussed the following: the structure is now 14' tall since he is eliminating the rooftop deck; all effort has been made in obscuring the structure from Lighthouse Road; structure will have double pain glass walls to enclose sound with barn doors outside to close the entire structure in; and there will be an enclosed septic system for the restrooms. The Committee reviewed artist renderings of the structure.

There was lengthy discussion concerning the following issues: siting, noise impact, light

emission, usage, BOH review for the proposed septic, site plan and building elevations and MVC review. Abutters voiced concern with usage of the building, ruralness of the community and the nature of this structure and questioned whether the usage will expand. A town resident voiced support for the proposed project noting that the Island needs more enclosed event spaces. Hugh stated that he would meet with BOH to discuss the proposed bathrooms, get a certified plot plan and talk with MVC. After further discussion, with the applicant's agreement, Jo Ann motioned to continue the hearing to November 18<sup>th</sup>, 2019 at 8pm. Motion was seconded by Tom. **The PBPRC voted 6-0-2, the motion passed.**

PBPRC opened a hearing to act upon a request from Wendy Swolinzky, Town of Aquinnah Menemsha Lot B Lessee, of 22 Boathouse Road Map 3 Lot 34 for Special Permits under section 2.3-B and 2.3-2 for storage of seven boats located in the Marine Commercial District. Jim N, Berta and Isaac were recused. Sophia informed the Committee that the Town Administrator had sent a letter to Wendy this past summer stating that she had exceed the amount of permitted boats on her lease and requested her to cease storing 6 boats on her lot or the Town will take further action. In rectifying the issue, Wendy turned to the Zoning Administrator who issued a temporary Special Permit Amendment approving for the storage of 7 boats on her lease lot until she could have the application heard by the PBPRC. Original permit had been issued May 21, 2014 for 5 boats (regulations only allow up to 4 boats on lot). Wendy stated that she needs to store the boats on the lot to showcase her inventory for rentals. The Committee questioned whether the application could be heard being that the applicant is in litigation with the Town regarding the neighboring lot. The Committee asked Sophia to consult Town Counsel. Tom motioned to continue the hearing to November 18<sup>th</sup>, 2019. Motion was seconded by Jim M. **The PBPRC voted 5-0-3, the motion passed.**

PBPRC opened a hearing to act upon a request from Ryan Malonson and Bettina Washington of 21 Lobsterville Road Map 4 Lot 53 for Special Permits under sections 2.4-1, 3.4, 3.7-1, 10.1-4, 10.2-4, 13.4-10 and 13.4-11A of the Aquinnah Zoning Bylaws for the restoration and expansion of a pre-existing non-conforming dwelling located in the Coastal DCPC. Josh Gothard presented the proposed plans to restore the pre-existing non-conforming historic net house and expand by approx. 44sf (existing is 269sf enclosed), construct an approx. 95sf cantilevered screened porch to the East and rebuild on pilings to meet the 100yr floor requirements. Current structure is 15.5ft from the property line and with the proposed screen porch addition, the structure would be 7.7ft from the lot line making it more non-conforming. Applicant informed the Committee that the screen porch could move to the North side of structure, but it would alter the historic look of the front of the net house and impact the natural surrounding dunes. Per the zoning bylaws, within the Coastal DCPC expansion of weather walls within 100ft of a coastal feature is not permitted unless the use is for marine commercial only. The Committee discussed prior projects in the Coastal DCPC where they have approved minimal footprint additions. Access to the lot would be via a footpath over the neighboring lot owned by the Tribe. The Committee requested that Sophia consult Town Counsel regarding weather wall expansion in the Coastal DCPC, including cantilever footprint. Being that the structure is within 100ft of wetlands, the applicant will need to meet with Con Comm. Applicant stated that the structure is registered on the State Historic Register. With the applicant's agreement, Sarah motioned to continue the hearing to November 18<sup>th</sup>, 2019. Motion was seconded by Jim M. **The PBPRC voted 7-0, the motion passed.**

PBPRC opened a hearing to act upon a request from Richard Freeland and Elsa Nunez of 4 East

Pasture Way Map 8 Lot 114 for Special Permits under sections 3.2 and 13.4-7 for siting of 60sf of stone stairway, fencing, and a 48sf boat rack where total footprint of all structures on the lot will exceed 2,000sf. Sarah and Isaac were recused and left the meeting. Brooks Billingham presented the plan: “play” area has been completed and is stabilized (permitted by the Tree Warden), siting of steppingstones coming down from existing driveway to the “play” yard area (30 stones totaling to 100sf), siting of boat rack frame, siting of 8ftx6ft fence in the North-West corner of yard (fence will be green or neutral in color). The Committee also reviewed a landscape plan for screening the “play” area, which included the following: seven (7) 6-7’ tall Spruce trees and twelve (12) Rosa Rugosa bushes. Jim M motioned to approve the plans as presented. Motion was seconded by Tom. The PBPRC voted 6-0, the motion passed.

PBPRC opened a meeting to review a final landscape plan for Douglas Plumer of 3 Meetinghouse Way as conditioned in a Special Permit dated November 15, 2018. Douglas presented the proposed landscape plan prepared by Kerry Lewis Landscape Architects. The Committee determined that the landscape plan was designed effectively to screen the garage along Church Street and Meetinghouse Way. The Committee confirmed that the curb cut was at least 20ft wide, creating space for a turnout as conditioned in the Special Permit. Tom motioned to approve the plan as presented. Motion was seconded by Jim M. The PBPRC voted 6-0, the motion passed.

With no other business, the meeting adjourned at 9:24pm.

*Respectfully submitted,  
Sophia Welch  
Board Administrative Assistant*