

Aquinnah Planning Board Plan Review Committee Meeting February 6th, 2018

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

Members Not Present: Isaac Taylor

Others Present: Angie Francis, John Abrams, John Guadagno, Tamara Weiss

Meeting opened at 6:44pm.

First on the agenda was the review of the 11/8, 11/14 and 12/13/17 minutes. Sarah made a motion to approve the 11/8/17 minutes as presented and amended. Jim N seconded. The PBPRC voted 6-0-1, the motion passed. Due to time constraints, the Committee tabled the review of the 11/14 and 12/13/17 minutes to the end of the meeting.

PBPRC reviewed a request to amend the Special Permit for Holdsworth at 583 State Road Map 8 Lot 139 to add solar power panels to a previously approved structure that is currently under construction. John Guadagno, South Mountain Co., presented the plans to construct 14 roof mounted solar panels on three sides of the structure's roof (East, West and South). He informed the Committee that the panels will be flush mounting arrays and will be on the same plane as the existing roof (no tilting or height change). The panels will be constructed of all black frames and mounted on an all-black rail system. In reviewing vantage point photos, the Committee found that, while the South side of the structure faces State Road, the South facing panels will be mounted on top of the dormer and will not be highly visible. Based on these findings, the Committee determined that the request to amend the special permit was not significant to require a public hearing. Peter entertained a motion to approve the requested amendment to the plan and approve the construction of solar panels. Motion was moved by Berta and seconded by Sarah. The PBPRC voted 7-0, the motion passed.

The Committee scheduled the next Planning Board Plan Review Committee meeting for Tuesday March 13th, 2018 at 6:30pm.

PBPRC opened a hearing to act upon a request from Lake & Morgan Hodgson of 1 East Pasture Shore Place Map 4 Lot 71 for Special Permits to alter an existing stone wall and for Special Permits to site, construct and maintain an accessory apartment where total footprint on a lot will exceed 2000 sf. Angie Francis from South Mountain Co. presented the plans to construct a 596sf (interior space) cross-gable structure where all materials will be similar to the existing structure (cedar shingles, all-natural trim, asphalt roof and aluminum clade windows) and sited on the South-East side of an existing stonewall and outside a 200ft wetland buffer zone. In discussing the structure's materials, the Committee found that the applicant is requesting that the window cladding be white for consistency between the new structure and existing building. The Committee found that the proposed structure would contain two bedrooms and one bath and include two decks; one on

the north side and south side for the entrance. The plans propose a small turnoff on the existing driveway for a two-vehicle parking lot for the structure. The Committee discussed the request to alter an existing stone wall that wraps around the west side of the proposed structure. The Committee found that the plans propose for a 3ft wide opening in the existing older stone wall would create a walk through between the proposed structure and existing building. Berta asked if the stones being removed would be reused somewhere else along the stone wall. John Abrams, South Mountain Co., felt that the stones could be reused along the wall in areas in need of repair. The Committee found that the existing septic has capacity for the proposed two-bedroom structure and that the plan sites a tank and pump chamber on the North side of the structure. In discussing the calculation of the mean average grade, the Committee found that the structure is sited at a height of 57.76' where the mean average grade is 39.88', thus, the structure's height is slightly under the maximum height restriction of 18' for a pitched roof.

In discussing the use of the structure, John stated that the owners plan on gradually moving back to the Island and in their older age wish to have a place for family members and/or a caregiver to reside nearby. Peter read bylaw sections 3.3-5.4 and 3.3-6. The Committee discussed at length the accessory apartment bylaw. There was discussion regarding the occupancy of the apartment and whether family members using the apartment rent-free would need to be domiciled year-round on the Island. There was discussion on whether the bylaw needs to be revisited and revised to be clearer. The Committee ultimately felt that the bylaw allows for immediate family use of the accessory apartment and therefore the applicant is within the spirit of the bylaw. John stated that the owner would be willing to put a deed restriction on the property where, if the building is not-rented per the bylaws, then it would only be used for family and/or a caregiver and not guests.

The Committee found that no archeological determination has been done. In reviewing the structure's materials, the Committee asked that the windows be of natural materials or neutral color and not white as the plans proposed. Based on the findings and the applicants agreement to file a deed restriction pertaining to the use of the accessory structure, Peter entertained a motion to approve the plans as presented including a special permit to modify an old stonewall with a 3ft wide walk-through where the stones removed will be reused and a special permit for the total footprint on the lot to exceed 2,000sf because the new structure is not highly visible and does not create a skyline and is creating potential long-term housing and is within the spirit of the bylaws; approval is conditioned upon the following: subject to the conditions set by the Conservation Committee, subject to the results of an archeological determination, subject to all rules and regulations of the Accessory Apartment Bylaw, owner agrees to file a deed restriction on the property indicating that the non-rental use of the apartment is for family members or

caregiver only and not guests, all trim must be of natural materials and/or of neutral colors (no white), and all exterior lighting complies with the Town Exterior Lighting Bylaw. Motion was moved by Jim N and seconded by Jim W. The PBPRC voted 7-0, the motion passed.

PBPRC opened a hearing to act upon a request from Judith & Peter Weiss of 1 Cormorant Way Map 5 Lot 25 for Special Permits to replace and expand an existing deck by 180sf located in the Coastal DCPC where total footprint on a lot will exceed 2000sf. Tamara Weiss presented the plans to replace the existing deck and expand it by 30'x6' towards the Ocean. In reviewing the plans, the Committee found that the existing structure and decks are within the Coastal DCPC, however, the lot is higher than the flood plain. The Committee found that the deck is within 200ft of a coastal resource and because an archeological feature had been found close by, they determined that the footings for the proposed expansion are to be dug by hand (no large or heavy machinery) and a qualified archeological observer is to be present during that digging. There was a brief discussion of the existing exterior lighting on the structure and the Committee asked for the applicant to make all exterior lighting comply with the Town's Exterior Lighting bylaw. Based on these findings, Peter entertained a motion to approve the plans as presented including a special permit where total footprint of all structures on the lot will exceed 2,000sf because the expansion of the deck is not visible upon the following conditions: subject to conditions of the Conservation Commission, subject to having a qualified archeological observer present while the footings are being dug and the exterior lighting will be made compliant with the Town's Exterior Lighting Bylaw. The motion was moved by Jim N and seconded by Jim W. **The PBPRC voted 7-0, the motion passed.** There was brief discussion regarding the appeal process and the appeal period.

The PBPRC re-opened the postponed hearing to conduct a post completion landscape review for the Lighthouse area and parts of the circle and a post completion/operation review of a temporary plan for pedestrian and vehicular traffic and signage at the Lighthouse and circle as required in the Special Permits for the Town of Aquinnah dated February 4th, 2015 and March 27th, 2015. Berta was recused. Peter informed the Committee that the Town is still trying to get a plan developed and reviewed by Martha's Vineyard Commission (MVC) for the siting of pedestrian paths, accessibility, railings and lighting that will be consistent with the long-term goals of the Aquinnah Circle. Trenching for the telephone poles has not been done and won't be for a couple of months, therefore, there still is time to develop these plans. However, Peter noted that the plan should be finalized and reviewed by the Committee prior to the trenching so that construction of the paths

and railings, etc. can be done in conjunction with the trenching and while the ground is disturbed. Sarah made a motion to continue the hearing for the review of landscaping, pedestrian paths, vehicular traffic and signage to the March 13th, 2018 meeting at 8:00pm. Motion was seconded by Jim W. The PBPRC voted 6-0-1, the motion passed.

The Planning Board opened a meeting to review a Form A subdivision for David Giles of 4 Raymond's Hill Map 6 Lot 102.4. Peter informed the Board that under the new DRI rules, subdivisions within the roadside district need to be referred to the MVC. Giles' lot is within 200ft of the public road and thus needs to be referred to MVC. In turn, the MVC will decide if they will hear the application or not. Peter reminded everyone that a Form A needs to be reviewed by the Planning Board within 14 days of submission or else it is constructively approved. Reid Silva understands this and has agreed to send a letter stopping the clock and agreeing to continue the meeting. Peter entertained a motion to continue the meeting for the review of Giles' Subdivision Form A to the March 13th, 2018 meeting at 7:45pm. Motion was moved by Jim W seconded by Jim N. The PBPRC voted 4-0-1, Berta was recused, the motion passed.

The Committee briefly discussed the current lawsuit against the PBPRC filed by the Lighthouse Condo Association. Peter informed the Committee that Town Counsel has filed a rebuttal. He explained the current procedural issue where the Condo Owner's lawyer represents the MVC and therefore needs to get approval from each Town to continue. In addition, Peter explained that the Committee members are not named as individuals and that their names appear because they must list the members of the Committee. There is no need for anyone other than Peter to testify or appear in court and there is no personal liability. There was brief discussion on the claims made in the lawsuit and the Landbank property abutting the Condos and Lighthouse. Peter noted that Town Counsel has requested for Kathy Newman, Berta Welch and Isaac Taylor to be removed because they were not party to the decision.

The Committee continued the review of the 11/14 and 12/13 meeting minutes. Jo Ann made a motion to approve the 11/14/17 minutes as presented and amended. Jim N seconded. The PBPRC voted 6-0-1, the motion passed. Sarah made a motion to approve the 12/13/17 minutes as presented. Berta seconded. The PBPRC voted 6-0-1, the motion passed.

The Committee briefly discussed the recent landscaping work on the Lighthouse Road lot that Hannah Malkin gifted to the Town. The Committee found that the work that had been done by Steve Yaffee had never come before the Committee for review and no permit had been granted. There was discussion on whether the cutting and gifting of lot was included in the purchase and sale of the adjacent property. There was discussion regarding other tree cuttings in Town.

Meeting adjourned at 8:54pm.

Respectfully submitted: Sophia Welch, Board Administrative Assistant