

Aquinnah Planning Board Plan Review Committee Meeting April 23rd, 2019

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

Not Present: Jim Mahoney

Also Present: Spa Tharpe, Jay Bodnar, Anthony Bene, Phil Regan, David Herskovits, Chris Alley, Mike Hebert, Eleanor Hebert, Todd Vanderhoop, Heidi Vanderhoop, Kathy Newman, Jed Smith

Meeting opened at 6:38pm

The Committee reviewed the 3/19/19 minutes. Peter entertained a motion to approve the 3/19/19 minutes as presented and amended. Motion was moved by Jim N and seconded by Sarah. The PBPRC voted 6-0, the motion passed.

The PBPRC opened a meeting to discuss a request from Steinberg of 264 Lighthouse Rd Map 5 Lot 215. As conditioned in the Special Permit, the PBPRC is waiting on a final recommendation from MHC letter regarding the archeological survey. Sophia informed the Committee that PAL has concluded the survey/report and did not recommend any additional investigation. Applicant has requested preliminary approval for a building permit for demolition based on the PAL report. Sarah motioned to approve demo work subject to receiving a final report from MHC confirming that there is no additional work needed. Motion was seconded by Jim W. Peter motioned to amend the motion to include all work. Motion was seconded by Jim N. The PBPRC voted 6-0, the amendment and motion passed. Berta entered the meeting.

The PBPRC opened a hearing to act upon a request from David Herskovits of 10 Deer Path Way Map 6 Lot 106 for Special Permits for the renovation/replacement and addition to an existing dwelling, relocation of existing garage and upgrade of the septic system within the Moshup Trail DCPC and Special Places District. Berta was recused. There was question on the accuracy of the notice (location noticed as 10 Deer Path Way but should have been 10 Deer Path). The Committee felt that this was not an issue because the map and lot number were correct, and all abutters were properly notified. In addition, the lot was noticed as a Special Places District. Sophia could not recall why the lot was within the Special Places District and the Committee felt it was not improper notice and continued with the hearing.

The Committee noted that the owner had been issued a clear-cutting violation for the lot (voted by the PBPRC on 3/19 after a preliminary site visit). Sophia read the violation into the minutes. Applicant noted that he had not received the notice. The Committee reviewed the clear-cutting bylaws and section 6.4-1 bylaw: special permits shall only be issued to owners who are in compliance with bylaw 4.3 (clear-cutting bylaw). Given the violation and issues with visibility of the project due to the cutting, the PBPRC felt that the hearing would need to be continued. In addition, the Committee noted that this was Peter's last meeting, there were only 6 members present to hear the application (special permits require 5 favorable votes to pass) and would only be able to deliberate on the application and not approve a permit per bylaw section 4.3. The Committee felt it was best to continue the hearing to the next meeting so that a new Committee could start over with the hearing (hearing would be re-advertised which would re-start the hearing) and would give the applicant and Committee time to follow the proper procedure for the clear-cutting

violation. Phil Regan and David Herskovits spoke to the violation and proposed residence projects: only saw three fresh cut stumps on the lot, cutting was not malicious and the intention was to cultivate the meadow. After further discussion, the Committee and applicant agreed to continue the hearing to May 20th and to re-advertise the application (violation remediation hearing to be scheduled earlier that meeting). Committee suggested the applicant read section 4.3-6 of the bylaws (enforcement) and requested the name of the contractor who did the cutting so that they can be held accountable as well. The Committee scheduled the next PBPRC meeting for May 20th, 2019 at 7:00pm. Peter entertained a motion to continue and re-advertise the hearing to May 20th, 2019 at 8:00pm. Motion was moved by Jim W and second by Isaac. **The PBPRC voted 6-0-1, the motion passed.** The Committee noted that Isaac was appointed to vote for the hearing.

The PBPRC re-opened a continued hearing for UMB Bank NA Trustee and Jessie Benton of 315 State Road Map 11 Lot 47 for Special Permits to site and construct a 675sf addition on an existing structure where total footprint of structures on the lot will exceed 2,000sf and is within the Coastal DCPC. Chris Alley presented the proposed plan with revisions: addition sited further from the top of the bank (101' from the bank and outside the 100' restriction); existing deck on the North side of the structure will be reduced by 7' and sited 49' from the top of the bank (existing is 42' from the top of bank); lattice below the existing deck to be removed; proposed addition height will be below the existing ridge line; deck railings will be replaced with wire railing; and existing white trim will be replaced with natural material or painted a neutral color. Addition will require removal of an Apple Tree and the Committee requested that the tree be replaced by planting vegetation on the North side of the structure to help in screening the mass of the addition. The Committee determined that the proposed changes to the existing structure will aid in decreasing the visibility of the structure. In addition, the Committee determined that reducing the deck by 7', the structure will be less non-conforming. At the site visit, the Committee found that the existing exterior lighting needs to be changed to be made compliant with the Town's Exterior Lighting Bylaw. There was brief discussion concerning the window schedule and visibility of the structure from public ways.

Peter entertained a motion to approve the project as presented with the conditions that all the trim on the existing house and decks will be natural materials (not white), exterior lights will be made compliant with the Exterior Lighting Bylaw, the Apple Tree be replaced with vegetation on the North side of the addition to help screen the mass from the pond, any changes need to return to the PBPRC for approval (including window schedule changes) and a final recommendation from MHC approved by the PBPRC, no work and no digging (including removal of the tree) can occur prior. Motion was moved by Jim W and seconded by Jim N. **The PBPRC voted 7-0, the motion passed.**

The PBPRC opened a meeting to review a request from Lang Gerhard of 13 East Pasture Way Map 8 Lot 128. A Special Permit has been issued for a deck expansion using diamond piers as footings (minimal ground disturbance), however, the Committee requested that the applicant get an opinion from MHC regarding the construction technique to see if they had any other concerns (this was not clearly written in the Special Permit). Peter informed the Committee that MHC is familiar with the technique and proposed that the applicant submit a change of project order to MHC (faster way to get approval/opinion). Peter entertained a motion determining that no further archeological survey is required upon receipt of a letter from MHC confirming that this is the case. Motion was moved by Sarah and seconded by Jim N. **The PBPRC voted 7-0, the motion passed.**

PBPRC opened a hearing to act upon a request from Alan Slatas of 7 Rose Meadow Way Map 5 Lot 16 & 20.5 for Special Permits for the siting and relocation of a driveway. On behalf of the owner/applicant, Todd Vanderhoop presented the proposed plan to relocate the existing driveway further down Rose Meadow and closer to the detached bedroom. Current driveway will be closed off with a stone wall and vegetation planted on the roadside of the wall. The Committee requested that the applicant create a turnout in the area that is being closed off to allow for vehicles to pass coming in and out of the Cemetery. The Committee determined that the request was de minimis and not significant and in fact was a significant improvement and granted the request as a Zoning Determination. Peter entertained a motion to approve the plan as presented with the following conditions: subject to a landscape plan for new plantings, addition of a turnout on the area that is being closed off to allow for vehicles to pass while coming in and out of the Cemetery, and onsite approval by a designee of the Committee for the actual cutting and layout of the driveway from the road. Motion was moved by Jim N and seconded by Jim W. **The PBPRC voted 7-0, the motion passed.**

PBPRC opened a continued hearing for Domini Amy L TR and Stanley LIM TR of 42 Lighthouse Road Map 6 Lot 43 for amendments to a 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 (continued from 2/12/19 & 3/19/19). Berta and Isaac were recused. Committee is still waiting on legal documents requested from the applicant concerning common control. Peter suggested that the continued hearing be re-advertised, at the cost of the Committee, so that it can start over with a new Committee. The Committee discussed and set the next meeting dates: Tuesday June 18th at 6:30pm, Monday July 8th at 7:00pm, and Tuesday September 10th at 6:30pm. Peter entertained a motion to continue the hearing of Amy Domini on the curb cut to 8:30pm on May 20th with the hearing re-advertised at the expense of the Committee. Motion was moved by Sarah and seconded by Jim W. **The PBPRC voted 5-0-2, the motion passed.**

PBPRC opened a meeting to act upon a request for a Special Permit amendment from Matthew Born of 6 Clay Pit Road Map 4 Lot 104. Jim W was recused. Special Permit and amendment had already been granted for a garage/detached bedroom. Sophia informed the Committee that in reviewing the recent amended plans for the addition of a bathroom and outdoor shower, she found that there were window changes and the addition of a balcony, which were not presented on the original approved plans. Both the balcony and windows have already been installed. Jed Smith (via phone) informed the Committee that he was not aware that the changes were not approved and noted that the owner thought that they could make changes. The Committee informed Jed that they want to hear from the owners and continued the meeting to June 18th. They further noted that, although the changes are not significant, they do change the use of the structure and the owners are in violation of the permit because they did not get approval prior to installation (original permit states that all changes must come before the PBPRC for approval). Peter entertained a motion to continue the meeting to June 18th at 6:45pm with notification to the Building Inspector to not issue an Occupancy Permit. Motion was moved by Sarah and seconded by Isaac. **The PBPRC voted 6-0-1, the motion passed.**

PBPRC opened a meeting to review an archeological determination for Domini Amy L TR and Stanley LIM TR of 42 Lighthouse Road Map 6 Lot 43. Berta and Isaac were recused. PAL has

conducted a survey and recommended that no further survey be required. An MHC final letter has not been received yet. Peter entertained a motion determining that construction can begin once the Committee receives a letter from MHC confirming that no further archeological survey is required. Motion was moved by Sarah and seconded by Jim W. **The PBPRC voted 5-0-2, the motion passed.**

Without a quorum, PBPRC could not reopen the continued hearing for Hugh and Jeanne Taylor 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 Regional Impact lot where total footprint of structures on the lot will exceed 2,000sf within the Gay Head Cliff DCPC and Coastal DCPC (continued from 12/11/18). PAL has conducted a survey on the lot and recommended that no further survey be required. The Committee felt that no action be made on the archeology, including a final recommendation from MHC, until after the MV Commission reviews the application. The Committee briefly discussed the process for reviewing the application and MV Commission referral. MVC prefers that the application be referred to them when it is at the point in which the PBPRC would be ready to make a decision on it (MVC feels that local opinion is important). Peter agreed to construct a list of questions and “to do” list for the applicant for the hearing. The Committee and Isaac, on behalf of the applicant, agreed to reschedule the hearing with re-advertisement to the July 8th meeting.

Under other business, the Committee discussed the following:

Request from Sheriffs Meadow Foundation to continue and reschedule their hearing for Moshup Trail Map 9 Lot 4 and Map 12 Lot 1 to the Fall of 2019 (hearing had originally been continued to May 28th, 2019). Peter was recused. Sarah entertained a motion to continue the hearing to the fall of 2019. Motion was moved by Jim W and seconded by Jo Ann. **The PBPRC voted 6-0-1, the motion passed.**

Annual Town Meeting – Planning Board FY’20 budget is about the only budget increase but will need to be defended at Town Meeting. Peter requested help in presenting the budget at the meeting. There was brief discussion concerning the proposed Assistant job description changes (to be reviewed at the next Personnel Committee meeting).

Jed Smith dropped off the Born plans. He noted that he will inform the owners that you cannot build something that is not approved and that they are in violation.

Peter noted that the Committee should be ready to appoint an acting Chair at the May 20th meeting. Peter is willing to continue as the Planning Board Representative for both the Land Bank and the All Island Affordable Housing Committee (Committee will need to appoint him at the May 20th meeting). He is also willing to continue working on bylaw changes over the next year and be appointed as the Zoning Administrator through Sophia’s maternity leave.

With no other business, the meeting adjourned at 9:12pm.

Respectfully submitted,

Sophia Welch

Board Administrative Assistant