

Aquinnah Planning Board Plan Review Committee Meeting June 12th, 2018

Members Present: Peter Temple, Chairman, Sarah Thulin, Jim Wallen, Berta Welch, Jo Ann Eccher, Jim Mahoney, Jim Newman
Members Not Present: Isaac Taylor

Also Present: Shawn Macphail, Angie Francis, Bill Lake, Morgan Hodgson, John Abrams, Vernon Welch, Marilyn Vukota, Paul & Theresa Manning, Kristina Hook, Matthew Vanderhoop, Martha Vanderhoop, Chris Alley, Wendy Swolinzky, Doug Plumer, Bruce MacNelly

Meeting opened at 6:34pm.

First on the agenda was a review of the 5/22/18 and 5/30/18 minutes. Peter entertained a motion to approve the 5/22/18 minutes as presented and amended. Motion was moved by Sarah and seconded by Jim N. The PBPRC voted 5-0, the motion passed. Peter entertained a motion to approve the 5/30/18 minutes as presented and amended. Motion was moved by Jim N and seconded by Sarah. The PBPRC voted 6-0, the motion passed.

The Committee discussed the public bylaw zoning input meetings and scheduled the following dates for the meetings: July 18th and August 9th at 7:00pm. The Committee scheduled July 10th at 6:30pm for their next bylaw review meeting.

PBPRC opened a hearing to act upon a request from Shawn Macphail of 41 Lighthouse Road Map 6 Lots 44 & 45.1 for special permits to construct a garage with a detached bedroom where the total footprint on the lot will exceed 2,000sf. Berta was recused. Shawn presented the plans to construct a 24'x24' garage with an attached 14'x20' bedroom with a 1 pitch roof. The applicant requested to amend the plans by decreasing the proposed height of the structure from 14' to 12' (under the 13' height restriction for a 1 pitch roof). The Committee found that the structure meets setback requirements because the applicant owns the neighboring property, however, the Committee determined that the structure should not move any closer to the road than the corner of the existing shed that is being relocated (Northern most corner). The Committee reviewed the detached bedroom restrictions with the applicant: small bar sink is allowed, a small fridge is allowed, stove is not permitted. There was brief discussion regarding the current 3-bedroom septic system (at capacity) and the addition of the detached bedroom. The Committee determined that this issue would be addressed by the Board of Health and Building Inspector. The Committee found that no further archeological survey is required because the structures will be sited on the old driveway (disturbed grounds) and on cement slabs. The Committee determined that when construction is completed, the new footprint of all structures on the lot (including chicken coops and dog houses) will only be an incremental 280sf (the area of the detached bedroom) because the existing footprint includes the basketball court which is the location of the proposed garage. The Committee requested that a certified site plan be submitted showing existing footprint and proposed new footprint (garage and detached bedroom). Based on these findings, Peter entertained a motion to approve the plan to construct a garage and a detached bedroom on cement slab as presented subject to the following conditions: no further archeological survey is required, subject to the submission of a certified plot plan showing the final location and footprint of the structures including the incremental addition of the detached bedroom, subject to the submission of elevations reflecting the final height and size of the

structures, height is not to exceed 13' above grade for the flat roof, all trim and materials must be neutral color and/or natural material, no white; all exterior lighting will be compliant with the Town's Exterior Lighting Bylaw, approval of the use of the detached bedroom is subject to a determination by the Building Inspector and the Board of Health as to the adequacy of the septic system and the configuration of the current structure to accommodate an additional 280sf bedroom, detached bedroom is allowed to have a small refrigerator, a bathroom and a bar sink but nothing that would make it a kitchen (no stove or large refrigerator); A Special Permit for the total footprint of all structures on the lot to exceed 2,000sf is granted because the additional structure is low and screened by over 30' of vegetative buffer, which will be maintained by the applicant. Motion was moved by Jim N and seconded by Jim M. The PBPRC voted 6-0-1, the motion passed. There was brief discussion regarding the appeal period.

PBPRC opened a continued meeting to review final comments from MHC on the recent intensive archeological survey for Lake and Hodgson of 1 East Pasture Way Map 4 Lot 71. Without the final MHC letter, Angie Francis and John Abrams of South Mountain Company requested that the Committee approve a final determination conditioned upon the review and approval of the MHC letter. The Committee expressed concern regarding the amendments that had been made at the previous meeting and whether they had been added to the avoidance plan submitted to MHC. The applicant reassured the Committee that the amendments were added to the plan. Peter entertained a motion that no further archeological survey is required on this project subject to Peter Temple's review of the MHC recommendation letter to confirm that it includes the amendments the Committee requested at the hearing of May 22, 2018. Motion was moved by Jim W and seconded by Jo Ann. **The PBPRC voted 7-0, the motion passed.**

PBPRC opened a meeting to discuss a failed well on the Gerhard property on East Pasture Way. Peter informed the committee that an emergency well has been dug and the owner is looking to trench a new water line to the house. It was suggested that a qualified archeological observer be present for the trenching, however, the observer does not feel comfortable with the digging of a trench. Peter has spoken with the Tribe who informed him that there were additional findings on the lot (made by the Tribe while observing another project) that were never reported to the Committee or MHC. Sarah made a motion to allow the installation of a new water line using directional boring or another alternative that is acceptable to MHC given MHC determined that there are resources in the work area. Motion was seconded by Jim N. **The PBPRC voted 7-0, the motion passed.**

PBPRC opened a hearing to act upon a request from Jennifer Staples and the Wampanoag Tribe of Gay Head Aquinnah of Aquinnah Circle Map 6 Lot 20.2 for Special Permits to construct a temporary canopy and storage unit and to operate a gift shop located in the Gay Head Cliff DCPC, Coastal DCPC and Town Wide DCPC. Berta was recused. In reviewing the proposed plans, the Committee found that the applicant plans on constructing a permanent wooden structure in the future but given the time frame for this season is requesting to erect a temporary 10'x13' canopy and 5'x3' lockable shed. The Committee found that the canopy would remain erect overnight and the metal framing of the canopy would be secured in place with cement footings at each corner (no guide wires). The Committee and abutters expressed safety concerns with leaving the structure up overnight where the Cliff area is prone to high winds and could cause the canopy to break away. While there isn't a Commercial District for the Cliff area (the lot falls in the Rural Residential District) and there is nothing in the bylaws that would restrict the

temporary structure, the Committee found that the request does not meet the requirements of the Tribe-Town Cliff Lot Lease agreement where it states: lessee shall provide wood shingles on all exterior sidewalls and buildings must have white trim and/or maintain trim as natural wood. There was discussion on the character of the area and whether the structure fits within it. There was discussion on the current condition of the lot that has been left vacant and the Committee determined that the lot should be leveled for safety reasons. After further discussion on the safety factors of the temporary structure and more substantial temporary structure options, the applicant agreed to continue the hearing to a later date so that they could explore more permanent options to present. The Committee continued the hearing to later in the meeting to schedule a continued hearing date.

PBPRC reopened the continued hearing to act upon a request from Vernon Welch (Lot Lessee) of Boathouse Road Lease Lot "A" Map 3 Lot 34 (hearing was continued from 5/22/18) for a Special Permit to construct a seasonal removable boat ramp in the flood plain and the Marine Commercial District. Berta was recused. After further review of the bylaws, Peter informed the Committee that the decision before the Committee was very clear and there was no need to contact FEMA as discussed in the previous meeting. The Committee reviewed bylaw section 10.2 Flood Plain Zone and found that the proposed plan meets the requirements outlined in the bylaw. The Committee determined that, in the case of 10.2-2-B.1, where the Flood Plain is in an overlay district, the applicant must make sure that the proposed structure is in compliance with Chapter 131, Section 40 of the Mass General Law and the following: Building Code, Wetlands Protection Regulations, Inland Wetlands Restriction, and the Coastal Wetlands Restriction. Also, the applicant must obtain all other proper approvals that are not within the PBPRC jurisdiction. In reviewing section 10.2-4-B.1 with Town Counsel, Peter informed the Committee that the language of the bylaw was incorrect and should read "Granting the Special Permit will not result in increased flood heights, additional threats to public safety, extraordinary public expense or conflict with the existing local by-laws". The Committee determined that permitting the structure would not increase flood heights, however, it could potentially increase threats to public safety should it break away and cause damage. Vernon assured the Committee that the structure would be removed if weather conditions get dangerous. The Committee determined that removal of the structure should be subject to weather conditions deemed by the Building Inspector. Peter read a letter from Town Counsel determining that any lease holder additions to the lot and separate from the existing structure (currently in litigation) is at the lessee's own risk. Based on these findings, Peter entertained a motion to approve the addition and construction of the temporary boat storage ramp per the plans submitted because it meets the requirements of section 10.2-4-B of the Flood Plain Zone and because, if all other inspections and requirements of the laws that apply are met, it should not present additional threats to public safety, extraordinary expense or conflict with existing local bylaws and is conditioned upon the following: applicant will remove the structure when weather conditions reach the point (to be determined by the Building Inspector) where leaving the structure in place would be a possible threat to public safety, the ramp is for seasonal use only. Motion was moved by Jim M and seconded by Jo Ann. Jim N recused himself. **The PBPRC voted 5-0-2, the motion passed.** There was brief discussion regarding the appeal period.

PBPRC re-opened the hearing for Staples. Berta was recused. Peter entertained a motion to continue the Staples and WTGHA hearing to June 20th, 2018 at 8:00am. Motion was moved by Jo Ann and seconded by Jim M. **The Committee voted 6-0-1, the motion passed.**

PBPRC opened a meeting to review preliminary plans to construct a garage on 3 Meeting House Way Map 9 Lot 83 and 100. Doug Plumer, owner, presented the plans to site and construct a 24'x24' structure. The Committee found that the structure would be 2-stories, however, it would be built into an existing knoll and the garage would be sited below grade and the ridge of the 2nd-story (studio with bathroom) would be 18' above grade. There was brief discussion on access to the garage and setback requirements. There was discussion regarding the capacity of the septic system where the studio would be considered as a detached bedroom, however, adequacy of the septic system would be determined by the BOH and Building Inspector. The Committee suggested that an informal site visit be done (once height and location are determined) and requested that, should the applicant continue with a Special Permit application and hearing, they submit elevation plans and meet with ConCom for appropriate approvals.

PBPRC opened a meeting to review preliminary plans for an addition on 2 Evergreen Way Map 9 Lot 56.1 where the current footprint is 2,150sf. Bruce MacNelly presented the proposed plans on behalf of the owner Thomas Green to expand the 2nd-story deck and construct a 16'x16' 2-story addition with access via the deck (830sf total proposed footprint). The Committee found that the applicant is requesting to site the addition at 27' high (existing structure height) where most of the addition would be sited behind the mass of the existing structure. There was discussion on visibility of the structure from the public road way. The current structure is pre-existing and non-conforming, and the addition would have to conform to current bylaws where allowable maximum height is 24' if not highly visible. The Committee felt that once the mean average grade and visibility of the structure are determined, the Committee could address height. There was brief discussion on the Committee's "wall of glass" policy. The Committee suggested that an informal site visit be done to address visibility and any other potential issues.

PBPRC reviewed a request from Benton of 315 State Road Map 11 Lot 47 for a zoning determination to conduct perc tests. Chris Alley presented the plans to conduct two perc tests (test holes 25sf surface area each and potentially 10' deep each). The Committee found that the tests would begin in the driveway where the ground is already disturbed. The Committee determined that the lot is archeologically sensitive but if the topsoil scrapping and hole digging were done in the presence of a qualified observer then the project would not be significant and no more detrimental to the interest of abutters. Chris assured the Committee that he has spoken with Randy Jarden, Tribal Cultural Monitor and qualified observer, who agreed to observe the proposed project. The Committee found that an archeological survey will be done prior to construction of a septic system. Sarah made a motion to approve a zoning determination for perc tests conditioned upon the following: a qualified archeological observer is present during scraping and digging and no trees are to be removed. Motion was seconded by Jim M. **The PBPRC voted 6-0, the motion passed.**

PBPRC reviewed a request form Vaziri of 2 Old Bayberry Lane Map 5 Lot 202 for a zoning determination to site and construct a 6'x 8' shed. In reviewing the proposed plans, the Committee found that the shed will be 22ft from the private roadway but meets setback requirements from property lines (Old Bayberry Lane runs through the lot). The Committee found that the North-West corner of the shed will be 10ft from the edge of an existing rock and will run parallel along the edge of the lawn and will be screened with natural vegetation. Sarah made a motion to approve the plans as presented to site and construct a 48sf shed conditioned upon the following: no trees are to be removed and all trim must be of natural materials and/or neutral colors; no

white paint. Motion was seconded by Jim N. The PBPRC voted 6-0, the motion passed.

PBPRC opened a continued meeting from May 22nd, 2018 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, aside from reviewing the lighting plan for the Circle, the applicant has requested to amend the plan to include a retaining wall on the south side of the shop area (picnic area). The Committee determined that the request falls within the scope of the original application (area is included in the original landscaping plan and the leveling of the picnic area meets the goals of making the entire area more tourist friendly) and is not significant enough to require a new or separate hearing. Abutters were present at the site visit and are aware of the proposed construction.

Derrill Bazy presented lighting options for the Circle and sited two proposed locations for lights (pathway leading to the Lighthouse and at the steps to the shop area). The Committee found that, because the telephone poles will not be removed until the Fall, the current overhead lighting will remain until the Fall. The Committee requested that more investigation in lighting options that comply with the Town Exterior Lighting Bylaw be done. The Committee continued the review of permanent lighting fixtures to the Fall. There was brief discussion on making the existing vending machines and ATM machine at the Cliffs compliant with the Town's Exterior Lighting Bylaw. The Chairman requested that Town Administrator Jeffrey Madison enforce the Town's Exterior Lighting Bylaw at the Cliffs.

In reviewing the requested amendment to include the construction of a retaining wall on the south side of the of the shop area, the Committee found that the wall would be used to level out the picnic area and make it much more tourist friendly. The Committee determined that the total effected area of the project would be 140sf and the retaining wall would be 80ft and would use native stone. The grade of the picnic area would increase 30in (at the lowest point) and the stonewall would be 5ft high off the existing grade and fill would be added on the outside of the wall making the effective height of the wall 30in above grade outside and 14in on the interior side. The Committee found that the retaining wall would be similar to the retaining wall at the Lighthouse which is flat and strong enough, so the stone will not shift if stood or sat on. The Committee expressed concern regarding the steepness of the drop off on the part of the retaining wall running along the road. The applicant proposed to move the wall back 2ft (away from the road), which would leave a flat area before the drop off. The Committee requested that vegetation be planted along the edge from the end of the retaining wall to where the guardrail starts to keep people from walking up and down the steep hill to the road. There was brief discussion regarding the proposed bus shelter for the VTA stop. The Committee determined that no further archeological survey is required because the area is disturbed. Based on these findings, Peter entertained a motion to approve the construction of the retaining wall as designed and amended to have a 2ft set back along the road conditioned upon the following: no further archeological survey is required; subject to the review and approval of a post completion landscaping plan. Motion was moved by Sarah and seconded by Jim W. The PBPRC voted 5-0-1, the motion passed.

The Committee briefly discussed landscaping options for the picnic area including sod and bluestone. The Committee requested and approved removal of the Cherry tree at the beginning of

the access road as well as removal of the vegetation growing along the guardrail up to the lookout. There was concern from abutters regarding the retaining wall construction during the summer season and potential blockage of the access road. There was brief discussion on siting a flag pole in the Circle in honor of Carl Widdiss.

With no other business to address, the meeting adjourned at 10:06pm.

Respectfully submitted, Sophia Welch, Board Administrative Assistant