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Aquinnah Planning Board Plan Review Committee Meeting July 31<sup>st</sup>, 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: Reid Silva, Len Butler, Bruce MacNelly, Gerald Green, Valerie Rosenberg, Nelson Oliver, Erik Litt, Dietra Litt, Erik Burk, Phil Regan, John McDonald, Tom Shockley, Jim Vercruysse, Lane Bazzy, Meg Bodnar, Gary Foster, Heikki Soukkeli, Scott Westerbeke

Meeting opened at 6:40pm

Sarah made a motion to approve the 7/10 minutes as presented and amended. Motion was seconded by Jim N. The PBPRC voted 4-0, the motion passed.

Peter opened a meeting to review a final MHC letter for the Locust Lane Property Map 5 Lot 191.1. Peter read the MHC letter dated July 10, 2018 and the Committee found that one site had been identified during the intensive archeological survey. However, MHC determined that it was not likely to present additional significant data, did not meet the criteria for listing in the National Register of Historical Places and recommended no further survey. Peter informed the Committee that an archeological determination was not a special permit and therefore 4 Committee members made a quorum to vote. Based on the MHC letter and the recommendation that no further survey is required, Sarah entertained a motion determining that no further archeological survey is required. Motion was moved by Jim N and seconded by Berta. The PBPRC voted 4-0, the motion passed.

Jim M entered the meeting.

Jim M, acting Chairman, opened a hearing to act upon a request from Stevenson & Nietert of 1 Sea Horse lane Map 5 Lots 71 & 72 for Special Permits to replace an existing shed with a 240sf shed located in the Town Wide DCPC. Nelson Oliver presented the plans to replace and extend the existing shed. The Committee reviewed the site plan and determined that the proposed increase was modest and that the shed would not be visible from the public road. The Committee found that the siting of the shed on the site plan did not align with the location presented at the site visit and a certified site plan must be submitted showing the exact proposed location. In addition, the Committee found that the existing shed is non-conforming but if the front corner of the new shed is moved 5ft further from the lot line it would be less non-conforming (still within the 30ft setback). Jo Ann entered the meeting. At the site visit, the Committee found that the exterior lighting on the main building did not conform with the exterior lighting bylaw and would need to be changed by the end of the project. Sarah made a motion to approve the plan to replace an existing shed with a larger shed because it is no more detrimental to the neighborhood than the existing shed; approval is conditioned upon the following: submission of a certified plot plan showing the exact location of the new shed (with the intent that the new shed will be further away from the lot lines); the exterior light-

ing on the main building must be changed to comply with the Town's Exterior Lighting By-law. Motion was seconded by Jim N. The PBPRC voted 6-0-1, the motion passed. Jo Ann abstained from the vote.

There was brief discussion on creating a checklist for the special permit application in conjunction with the building permit application, including the exterior lighting compliance. There was brief discussion on how other towns address exterior lighting. The Committee requested that Berta look into exterior lighting regulations in other towns in the State and across the country.

PBPRC opened a hearing to act upon a request from Eric Litt of 11 Harpoon Hollow Map 4 Lot 141.1 for Special Permits to build a garage, driveway and parking area where total footprint of structures on the lot will exceed 2,000sf. The Committee found that they had already approved the proposed project, but because the applicant did not apply for a building permit within the 1-year time limitation, the special permit expired, and the applicant needed to re-submit the request. The Committee reviewed the site plans and elevations and found that there were no new changes to the original approved plans nor any changes to the conditions specified in the Special Permit dated May 15<sup>th</sup>, 2017. Peter entertained a motion to approve the plan as presented. Motioned was moved by Jim N and seconded by Sarah. The PBPRC voted 7-0, the motion passed.

PBPRC opened a meeting to review the request for a special permit amendment for Levitt of 61 Moshup Trail Map 10 Lot 29.3. Jo Ann was recused. Reid Silva presented the modified plans for a 3-bedroom septic system upgrade. The Committee found that, based on the denial of a 4-bedroom septic system expansion and upgrade from the Board of Health and Conservation Commission (per conditions set in the original special permit), the plans for the 3-bedroom upgrade still required the removal of vegetation (including 3 trees) which provides significant screening of the home from the public roadway. The system remains in the original proposed location but will be slightly smaller. The Committee maintained their original request that the same amount of screening that the 3 trees provide be replanted upon completion of the project. In addition, the Committee agreed to conduct a post completion landscape review to ensure that adequate screening has been planted. The Committee also found that the exterior lighting still does not comply with the exterior lighting bylaw and the applicant must make those fixtures compliant by the end of the project. Based on these findings, Peter entertained a motion to approve the requested amendment and modified plan for a 3-bedroom septic system upgrade with the additional condition that there be a post completion landscape review; all other conditions specify in the original special permit still apply. Motion was moved by Sarah and seconded by Jim N. The PBPRC voted 6-0-1, the motion passed.

PBPRC opened a hearing to act upon a request from Lorusso of 13 Oxcart Road Map 2 Lot 24 for Special Permits to site and enclose 185sf of existing deck and site and construct an 84sf shed below an existing deck in the Coastal District and in the Velocity Zone. Reid Silva presented the plan to enclose existing deck with weather walls and build a shed below existing deck (185sf of addition and 84sf of shed below deck). In reviewing the plans, the Committee found that per section 10.1-4 of the Coastal DCPC, because the building is within

100ft of a feature, expansions are not permitted for residential structures where footprint is measured by the weather walls in the Coastal DCPC; Only reconstruction and/or alterations are permitted by Special Permit. In further review of 10.1-4-E language, the Committee felt that clarification was needed, and the word “only” should be added to the section. There was brief discussion regarding the proposed shed and whether break-away-walls would be required for the proposed non-living space. The Committee had more questions regarding the proposed shed, but the applicant didn’t feel it was worth discussing further and would potentially revisit it at a later time. Based on these findings, the applicant requested to withdraw the application. Sarah made a motion to accept the withdrawal of the application. Motion was seconded by Jim N. **The PBPRC voted 7-0, the motion passed.**

Jim W, acting Chairman, opened a hearing to act upon a request from Green of 2 Evergreen Way Map 9 Lot 56.1 for Special Permits to site and construct a 2 story 361sf addition and expand the existing 2<sup>nd</sup> story deck where total footprint of structures on the lot will exceed 2,000sf. Bruce Mac Nelly presented the proposed plans to construct an addition with a ridge height of 24’ and sited on sono-tubes. The Committee found that the existing deck is larger than expected and therefore the total proposed expansion of the deck will be reduced to 436sf (originally proposed at 577sf), making the new total proposed footprint 797sf. The Committee found that, while the second floor of the proposed addition will be used as a viewing/sitting room, the windows will not exceed the 50% “wall of glass” policy. In addition, the Committee determined that the addition will not be highly visible and is within the tree-line. There was discussion concerning an archeology determination. While the ground surrounding the existing structure is flat and most likely disturbed and a shed had been constructed on the lot within the past 15 years, the Committee has no correspondence from MHC concerning this lot. Unless there is an existing MHC letter that clearly states that the proposed location of the addition does not require any further archeological survey, the applicant must file a Project Notification Form (PNF) with MHC and the determination must be reviewed by the PBPRC prior to commencing the project. Based on these findings, Jim W entertained a motion to approve the plan as presented conditioned upon the following: a letter concerning archeological will be submitted to MHC; exterior lighting be changed to comply with the Town’s lighting bylaw; trim on the new construction will be neutral in color and/or natural material; height is not to exceed 24’; if in the future the owner replaces windows and/or trim on the existing structure, it will be replaced with natural materials and/or neutral colors; not white. Motion was moved by Jim N and seconded by Jim M. Peter amended the motion to read that unless there is an existing MHC letter that clearly states that the proposed project area does not require further survey, applicant must submit a PNF to MHC. **The PBPRC voted 7-0 to approve the amendment and motion.**

PBPRC opened a hearing to act upon a request from Rosenberg of 517 State Road Map 8 Lot 134 for Special Permits to site and construct a garage where total footprint of structures on the lot will exceed 2,000sf. The Committee reviewed the plans as presented by Valerie Rosenberg to construct a 24’x28’ garage for storage with a ridge height of 16’. The Committee found that the proposed location for the garage will require one large Oak tree to be removed, however, removal of the tree will not increase visibility of the structure. The structure will be sited on a cement slab and sono-tubes. There was discussion on how deep

the foundation will go and whether an archeological survey is required. Being that the applicant had not submitted a PNF to MHC, the Committee requested that they submit a PNF prior to construction to determine archeology. Based on the findings, Peter entertained a motion to approve the project as presented conditioned upon the following: subject to the results of an application to MHC determining archeology; subject to the submission of a certified site plan showing the exact location of the structure. Motion was moved by Jim N and seconded by Jim M. **The PBPRC voted 7-0, the motion passed.** There was brief discussion on the existing structure's color (white) and the Committee requested that if and when the time comes to repaint the structure that it be painted a neutral color (not white).

PBPRC opened a hearing to act upon a request from Berke of 634 Lighthouse Road Map 4 Lot 40 for Special Permits to site and construct a pergola over an existing deck located in the Coastal District where total footprint of structures on the lot will exceed 2,000sf. Phil Regan presented the plans to construct the pergola over existing deck. The Committee found that the pergola will be supported by several posts attached to the deck (no digging required). In addition, the Committee found that the structure will be lower than the existing ridge height of the building, will line up beneath the upper windows and will not be visible from the road because it will be within the mass of the existing structure. All materials used will be consistent with the existing building (neutral in color and/or natural materials). Based on these findings, Sarah entertained a motion to approve the plans as presented. Motion was moved by Jim N and seconded by Jim M. **The PBPRC voted 7-0, the motion passed.**

The Committee reviewed recent construction changes on the building at 65 Moshup Trail Road. Abutters Jim Vercruysse and Lane Bazzy spoke about the more obstructive change and addition of a chimney. The Committee felt that the change was significant and needed to be addressed at an advertised hearing. Phil assured the Committee that the current silver chimney is being replaced with a black chimney and informed them that the existing chimney is lower than the brick chimney that had been originally approved. The Committee noted that the approved brick chimney was within the roofline where as now the chimney sticks out above the roofline. None the less, Phil agreed that the changes should be reviewed by the Committee and will submit a request for amendments for the Special Permit to be reviewed at the next hearing meeting.

The Committee scheduled the next hearing meeting for September 11<sup>th</sup>, 2018 at 6:30pm. Sarah left the meeting.

PBPRC opened a hearing to act upon a request from McDonald of East Pasture Road Map 8 Lot 80 for Special Permits for trimming and topping of trees on Sheriffs Meadow Foundation owned property off East Pasture Road Map 8 Lot 87. At the site visit, the Committee found that the previously approved tree trimming had been done effectively so that the view from the structure was increased but the structure was still screened adequately. The Committee reviewed a new proposal to selectively trim/top 3 Black Oaks on the McDonald property instead of removing them completely. The Committee felt that if this approach was taken then the Black Oak tree labeled "D" on the site plan submitted by Schofield, Barbini and Hoehn dated September 11, 2017 could be removed. The Committee also felt that there should be a sub-committee present during the time of trimming to make sure not too much is removed.

There was discussion regarding the visibility of the pool and structure behind the main building but determined that would be addressed at a later time during the post completion review. John McDonald agreed to move forward with the new trimming approach. With no metric to go by when addressing visibility of structures, John felt that the Committee could approach the issue the same way they do with glass (50% “wall of glass” policy), where they could place a percentage of visibility on a structure. The Committee asked for John to present this idea at the next public bylaw input session. Based on the findings, Peter entertained a motion to permit selective tree trimming and topping on the McDonald property and approve the removal of one Black Oak tree on the Sheriffs Meadow property and potential topping of others as the start of a plan for view channels. Motion was moved by Jim N and seconded by Jim M. The PBPRC voted 6-0. Peter amended the motion to include the condition that a sub-committee be present at the time of trimming and topping and that they can modify any plans on site. **The PBPRC voted 6-0 to approve the amendment and motion.**

Planning Board opened a meeting to discuss a preliminary Form A Subdivision for Burlage of 5 Clay Pit Road. Reid Silva presented the plan to divide a 5-acre lot into two lots. The Committee found that the current lot has frontage on Clay Pit but if divided into two lots, one would not have adequate frontage. The lot has a paper road, but it cannot be used as frontage. The Committee reviewed potential divisions and avenues for frontage for both lots.

PBPRC opened a meeting to review the request for a special permit amendment for the University of Indiana of 17 East Pasture Road Map 8 Lot 76. Scott Westerbeke gave a brief update on the progress of the lot and presented a revised site plan showing a wider driveway. The Committee reviewed the plan and the two features that had been located on the site. While the features are in the vicinity of the driveway, the Committee found that both features have been fenced off and the area has been reinforced with metal staking. The Committee determined that if the resources are protected per the avoidance and protection plan approved by PAL and/or MHC, then the widening of the driveway should have no adverse effect. In addition, the Committee found that no trees are being removed in the widening of the driveway; only low brush. The Committee determined that the request to widen the driveway is no more detrimental to the neighborhood and does not require a public hearing. Based on these findings, Peter entertained a motion to approve the new driveway plan conditioned upon review by PAL ensuring that the avoidance and protection plan is still adequate or will be amended appropriately to protect resource number two on the site. Motion was moved by Jim W and seconded by Jim N. The PBPRC voted 6-0, the motion passed. Scott is to send a copy of the plan to PAL and a copy of the appropriate pages of the protection plan to Sophia.

PBPRC opened a meeting to review the request for a special permit amendment for Macphail of 41 Lighthouse Road Map 6 Lot 44 and 45.1 for the siting of a 1000-gallon pump chamber and 1500-gallon septic tank for the approved garage with a detached bedroom. The Committee reviewed the site plan and determined that the request was not significant and no more detrimental to the neighborhood than the previously approved plan. While the applicant had an intensive survey done in 2006 where there were no significant findings, given that the depth of the proposed tanks is undisturbed ground (not in the area of the driveway), the

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Committee determined that the digging should be done in the presence of a qualified archeological observer. Peter entertained a motion to approve the site plan and amend the Special Permit to reflect the addition of a pump chamber and septic tank so long as the digging is done in the presence of a qualified archeological observer. Motion was moved by Jim W and seconded by Jim N. The PBPRC voted 6-0, the motion passed.

Meeting adjourned at 9:23pm.

*Respectfully submitted,*

*Sophia Welch, Board Administrative Assistant*