

Aquinnah Planning Board Plan Review Committee Meeting July 8<sup>th</sup>, 2019

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

Not Present: Isaac Taylor

Also Present: Liz Witham, Kathy Rainey, Ann-Marie Aldous, Paul Costas, Jed Smith, Duncan Caldwell, Nelson Giannakopoulos, Hugh Taylor

Meeting opened at 7:06pm

The Committee reviewed the 6/18/19 minutes. Sarah made a motion to approve the 6/18/19 minutes as presented and amended. Motion was moved by Jim N and seconded by Jim M. **The PBPRC voted 6-0, the motion passed.**

PBPRC re-opened a continued hearing from 5/20/19 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 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. Jo Ann was recused. Berta entered the meeting and recused herself from the hearing. The Committee had requested that documents be submitted determining whether Hugh Taylor had any common control of the lot. Hugh stated the following: property belongs to his brother (lot is held in a trust) and will never go into Hugh's name; his brother gives him latitude to work on and use the lot; as for ownership and control, nor Hugh or his wife are principals or beneficiaries in the trust and they have no legal connection to the trust of the lot; Stanley Lim, principal to the trust, sees the curb cut as a right which will reinforce the value of the property; the wish of the original property owner/trust was that the lot go to Hugh with land cut offs for his siblings but that never happened. The following concerns and potential issues were discussed: future use of the lot, specifically the hiring of a land use planner by the owner; Hugh's proposal to change easement access for lots behind/beyond the Outermost Inn by creating a curb cut on Map 6 Lot 43; whether there is an immediate need for the curb cut being that Hugh can grant an easement over his property to the lot and has been accessing the lot through his lot for many years; and zoning bylaws for a curb cut (not as of right and requires a special permit). In reviewing the curb cut plan, the Committee found that the proposed curb cut is not 1000ft from other curb cuts on the same side of the road per section 13.4-9D of the bylaws (proposed is approx. 700ft from Pilots Landing and 550ft from Outermost Inn road). Sophia read an opposition letter from the MV Land Bank into the minutes. There was brief discussion concerning the letter received from the Trustee of the lot stating that Hugh nor his wife have any interest, legal, beneficial or otherwise in the trust. Hugh questioned whether Sarah had a conflict of interest in the hearing being that she sits on the Aquinnah Land bank Advisory Board. Sarah, again, stated that Counsel has already determined that there is no conflict as she represents the Town on the Board. Sarah motioned to continue the hearing to the September 10<sup>th</sup> meeting. Tom seconded the motion. **The PBPRC voted 5-0-2, the motion passed.** The Committee agreed that the letter should be sent to Town Counsel and requested Hugh present a more comprehensive land use plan.

The PBPRC opened a meeting to review a Special Permit amendment request for installation of a balcony and window alterations on a previously approved garage for Matthew Born of 6 Clay Pit Road Map 4 Lot 104. Jim W and Tom were recused. After multiple meetings on the matter, the

Committee agreed that had the applicant come before the Committee requesting the changes prior to installation, changes would have been approved. Furthermore, the Committee determined that the changes and installation of the windows and balcony were not done deliberately to get around the approval process. The Committee found that the installed changes were minor. Sarah entertained a motion to approve the Special Permit amendment with the changes presented (balcony and window changes). Motion was moved by Jim N and seconded by Jim M. **The PBPRC voted 5-0-2, the motion passed.**

PBPRC opened a hearing to act upon a request from Paul Costas and Teresa Cahill of 1 Duck Pond Lane Map 6 Lot 102.7 for Special Permits to site and construct additions to existing decks on a pre-existing non-conforming structure where total footprint of structures on the lot will exceed 2,000sf. Berta was recused. Nelson Giannakopoulos, Sullivan and Associates Architects, presented the proposed plan: expand existing South side 221sf first floor deck by 419sf and existing 115sf existing second floor deck by 68sf (total increase of new footprint being 487sf). At the site visit the Committee found that the structure and proposed additions are not visible from any public ways. The Committee found that the additional decking will require 5 new footings. Due to the proximity to wetlands (within 100ft), the Committee requested that the footings be dug by hand to decrease disturbance of the area. In addition, the applicant will need to get approval from the Conservation Commission. The Committee determined that the siting of the new deck and footings are within disturbed ground given the proximity to existing deck and the foundation. The Committee found that the existing structure measures 9ft from the Eastern property lot line making it pre-existing and non-conforming, however, the proposed new deck will be sited 14ft from the Eastern property lot line and therefore is less non-conforming and no more detrimental to the neighborhood than the existing structure and deck. Jim W entertained a motion to approve a Special Permit for footprint of over 2,000sf and approved the plans as presented conditioned upon the following: digging of sonotubes to be done by hand, subject to orders and conditions set by the Conservation Commission, and all exterior lighting will comply with the Town's Exterior Lighting Bylaw. Motion was moved by Jim M and seconded by Jim N. **The PBPRC voted 6-0-1, the motion passed.**

PBPRC opened a 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 was recused. The following was discussed: visibility and siting of the structure; establishing a mean average grade by a certified Engineer; request for vantage photos of the structure on the site; Peter Temple's letter outlining what Hugh would need to present to the Committee prior to referring the application to the MVC; appropriateness of the structure in the Town; mitigation of light and sound in the proposed structure; and use of the structure (including number of events). There was brief discussion concerning permitting of special events such as weddings. Jim W entertained a motion to continue the hearing to September 10<sup>th</sup>. Motion was moved by Sarah and seconded by Jim M. **The PBPRC voted 6-0-1, the motion passed.** The Committee requested that Hugh use Peter's letter as a guideline in preparation for the September 10<sup>th</sup> hearing.

There was brief discussion again concerning the requested curb cut for 42 Lighthouse Road Map 6 Lot 43. The Committee confirmed that Sophia will send the lot's Trustee's letter to Counsel.

PBPRC opened a hearing to act upon a request from Carlos Montoya of 55 Moshup Trail of Map 9 Lot 15 for Special Permits to construct and maintain a permanent platform with two permanent tents in the Moshup Trail DCPC where total footprint on a lot will exceed 2000sf. At the site visit, the Committee found that the tents are not visible due to recent planting of vegetation. The Committee confirmed that the revised and amended bylaws pertaining to permitting tents in the Moshup Trail DCPC as permeant structures were approved by the Town and do not require Attorney General approval. Jim W entertained a motion to approve a permanent platform with two permanent tents as presented on the plan in the Moshup Trail DCPC with the following conditions: trees and vegetation are maintained to screen to the tents and platform and all Board of Health and Building Inspector conditions are met. Motion was moved by Sarah and seconded by Berta. **The PBPRC voted 7-0, the motion passed.**

Under other business, Jim W requested to speak to the Committee concerning a door unit replacement at his family home: replacement of an aluminum 16ft slider door unit (trim on this side of the house is white). The door is visible from the Sound but not the road. There will be no change in the rough opening. The Committee did not see an issue with the replacement.

With no other business, the meeting adjourned at 9:03pm.

*Respectfully submitted,  
Sophia Welch  
Board Administrative Assistant*