

Aquinnah Planning Board Plan Review Committee Meeting August 8, 2017

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

Members Not Present: Jim Newman

Others Present: Marilyn Vukota, Paul Gombos, Meghan Gombos, Reid Silva, Meredith Holdsworth, Wendy Swolinsky, Chris Murphy, Jonathan Mayhew, Vernon Welch, Tom Shockey, Philip Regan, Kris Horiuchi, Joan Hughes

Meeting opened at 6:40 pm.

First on the agenda was the review of the June 7th minutes. Sarah made a motion to approve June 7th minutes as presented. Jim M seconded. The PBPRC voted 4-0-1, the motion passed.

PBPRC reviewed a request from George Sourati to extend a special permit for Carla Theodore at 4 Harpoon Hollow Map 5 Lot 145 dated June 29, 2017. The Special Permit was set to expire on August 4, 2017. Being that the PBPRC did not meet in July and the August 8th meeting would exceed the expiration date, Peter reviewed the bylaws to see if the permit could still be extended. Peter informed everyone that section 6.4-2 of the bylaw states that if the request to extend is in before the expiration date the PBPRC has up to 45 days to approve even if that goes past the date of expiration. Peter had checked with Town Counsel and they confirmed. Sourati had informed Peter that there are no changes to the plan. Sarah made a motion to approve the extension of the Special Permit for 4 Harpoon Hollow Map 5 Lot 145 by 1-year pursuant to section 6.4-2 of the Aquinnah Zoning Bylaws. Berta seconded. The motion passed unanimously.

PBPRC reviewed a request to amend the Special Permit for Slatas at 7 Meadow Way Map 5 Lot 20.5 to convert an existing dwelling to an accessory apartment. Peter reminded everyone that the special permit granted to Slatas included the condition that the kitchen in the detached dwelling be removed. Within the time since approving the special permit, Town bylaws changed to permit accessory apartments with special terms and conditions. PBPRC determined that the request was too significant of an amendment and that it would require a public hearing. Sarah made a motion determining that the request submitted by Slatas to convert the existing dwelling into an accessory apartment is a significant amendment to his plan and requires a public hearing. Jim M seconded. The motion passed unanimously.

Peter opened the following Public Hearing at 6:45pm: *Paul Gombos 9 Old Field Road Map 10 Lot 64.4 for Special Permits under sections 3.3-5, 13.4-7 to construct and maintain an accessory apartment where total footprint on a lot will exceed 2000 sf.*

Peter reminded everyone that this was a continuation hearing and that at the May 2nd hearing the PBPRC had discussed the request for an intensive archaeological survey to be conducted and an approval from the Conservation Commission. Peter asked if a letter from MHC had been received to which the answer was no. Meghan Gombos had received email confirmation from PAL stating that no further survey was needed and the recommendation was to continue with the project. A final draft of the findings has been sent to MHC. Discussion took place on the timeline of receiving a MHC letter and the building permit process. The applicant would not be granted a building permit without a positive MHC letter. Peter determined that the special permit be subject to a satisfactory letter from MHC determining that no further archaeological work would be necessary. Peter asked if there was anything else that Gombos wanted to discuss. Gombos requested to change the height of the building from 21 ½ ft. to 22 ½ ft. in the case that ground water is hit during construction of the foundation. PBPRC discussed the request and determined that the change would not be approved; however, if the situation arises where ground water was hit, they would try to work with the applicant on an emergency basis. Jim M stated that it is best to stick with the application that has been presented. Berta stated that a foot in height can be a significant change to the neighbors and that they would have to be notified. Peter entertained a motion to approve a special permit for the project as presented conditioned upon review of the email from PAL to the applicant stating that no further archaeological survey is required and that the recommendation to MHC is to continue with the project and that upon receipt of a letter from MHC confirming that no further archaeological work is required there is no further determination to such affect required from PBPRC and the applicant may apply for

their building permit directly if all conditions are met. Motion was moved by Jim M, seconded by Sarah. **The motion passed unanimously.**

Public meeting – Dipietro 5 Sunset Lane Map 6 Lot 105.2 for review of a landscaping plan and MHC findings. Berta was recused.

Discussion took place on whether there was a quorum for a vote, if needed, being that there were only 4 Board members that could continue voting on the project; Sarah had previously voted in opposition to the Dipietro Special Permit. Peter stated that the Special Permit granted is only valid if the next step of the process, the landscape plan, is approved. Discussion took place on what constitutes a quorum for the PBPRC.

Jo Ann arrived at 7:14pm making a voting quorum for the Dipietro meeting.

Peter formally opened the meeting with a reminder that a Special Permit has been approved including conditions subject to MHC findings and a landscape review being that the location of the Dipietro site is highly visible. Reid Silva, Vineyard Land Surveying and Engineering, updated the Board on the MHC findings. He stated that there is no further survey needed for the site, however, given the history of the current building on the site, MHC recommended that the Aquinnah Wampanoag Tribe be consulted prior to demolition. Reid has contacted Bettina Washington, Tribal Historic Preservation Officer of the Tribe, and she has expressed interest in photos of the interior of the current building. Bettina was to write a letter, addressed to the PBPRC, explaining her interest. Reid was to be copied on that letter and he has yet to receive anything from Bettina. Reid will be following up with Bettina. Peter asked what the PBPRC would need for a resolution. Reid assumed there would be two letters from the Tribe one requesting photos of the building and a second letter confirming that photos had been received. With no further discussion, the Board continued onto the review the landscape design.

Kris Horiuchi, landscape design consultant to Hutker, presented the PBPRC with a draft of the landscape design for the site. The design included 3-proposed areas for tree groupings in areas that Hutker had identified as vantage points and would provide screening and filtering of the structure. The design also proposed under story planting of native vegetation such as beach plum, blueberry, bayberry and a ground story palate of sweet fern, bayberry and low bush blueberry. The design idea is to create full texture and layering of native material and to treat the site as a native plant habitat. Hutker felt that beetlebung would be the best tree to accommodate the weather elements as well as provided the shading the PBPRC has asked for. Within the 3-proposed tree groupings, the beetlebung would be planted with other vegetation to create a layering of native plants. The PBPRC expressed concerns of visibility during the winter season. Isaac suggested to add evergreen to aid in screening and developing the beetlebung. Because the site is significant, the PBPRC asked to review the photos of the site again. Based on reviewing the vantage point photos, a lengthy discussion took place on the location of the clumping of trees and whether more were needed to screen the structure. Philip Regan discussed the berm that will be filled in to the level the grade. The berm will aid in minimizing visual western side of the structure. Philip presented the PBPRC with the materials that will make up the new structure. The materials will mimic the natural coloring of the landscape including browns, greys and black palates. Philip felt that the new structure will stand out less. Hutker is considering grey zinc coated copper for the roof which will complement the natural coloring of the landscape and not be as visible as other structures. Windows will be custom and most likely a mahogany grain and will be sensitive to glare and reflection. The siding material will be a combination of grey and brown and the foundation will be a cement grey board form. A lengthy discussion took place on whether the landscape design was sufficient enough for screening the structure and whether year-round screening needed to be incorporated into the design. The PBPRC discussed what would be needed to continue to the next step for Dipietro. Being that there are multiple vantage points of the site and the location is sensitive year-round, the PBPRC requested Hutker to re-work the location of the tree clumps with consideration of the primary vantage points and abutter's view easements. Hutker was also asked to generate a photo with an overlay of the current structure and new structure. Peter asked that at the next site visit that poles be constructed in the location of the tree clumps to get a better sense of the location and screening. Peter entertained a motion to schedule the next Planning Board Plan Review Committee meeting for September 12, 2017 and to continue the Dipietro public meeting on September 12th at 6:30 with a site visit at 6:00. Motion was moved by Jim W, seconded by Isaac. **The PBPRC voted 5-0-1. The motion passed.**

Peter opened the following Public Hearing: *Holdsworth 583 State Road map 8 Lot 139 for Special Permits under sections 13.4-3, 13.4-4 & 13.4-11A to construct an addition and extend the roof line on a preexisting nonconforming structure.*

Peter informed everyone that this site is nonconforming but the use of the structure has been approved as a residence. Meredith Holdsworth came before the PBPRC to present plans for a 12' X 11' extension on cement footings and in addition, plans to raise the roof line of the current structure to 18' which is the maximum ridge height allowed for the Roadside DCPC. The current structure would be increased from 320sf to 505sf. The plans included a second story screened in porch on top of the extension that would only measure half of the first floor. Due to the location of the easement on the site, the proposed plan includes a small diagonal deck off the expansion and would be considered as the entrance to the structure as well as housing for the water pressure tank. The PBPRC also discussed the location of the shed and relocation of the parking area. After further review of plot lines, the PBPRC and applicant decided on a location of the shed that was sited as not visible and adheres to property line and wetland setbacks. the applicant also informed the PBPRC of plans to bury the utility lines that are currently in the air. The PBPRC determined that the additions and expansion in terms height of the structure is no more detrimental to the neighborhood than the existing nonconforming structure. Peter entertained a motion to approve the plans as presented subject to the following conditions: applicant must submit amended and certified plot plan and elevation; subject to the orders of conditions set by the Conservation Commission; all exterior lighting must comply with the Towns Exterior Bylaw; all trim must be of natural materials and/or neutral colors; and any changes made to presented plan must come back to the PBPRC for further review. Motion was moved by Jim M and seconded by Sarah. **The motion passed unanimously.**

Peter opened the following Public Hearing: *Miller 63 Hebrons Way map 12 lot 41 for Special Permits under sections 11.3-1, 13.4-1, 13.4-7 to construct a 503sf addition to an existing structure where total footprint on a lot will exceed 2000 sf in the Moshup Trail District.*

Joan Hughes came before the PBPRC to present plans for a 525sf addition to the back the existing structure. The addition would include a 4th bedroom, 3rd bathroom and a small study. The plans also proposed a new septic system to accommodate the 4th bedroom. Joan informed the PBPRC that the addition would have a four-pitch roof and solar panels which would not be visible. The PBPRC determined that no further archeological survey is needed because the addition is sited on disturbed soils and because the location of the proposed new septic system had already been included in the original archeological survey. The PBPRC also found that the addition will not be visible and is behind the mass of the existing building. Peter entertained a motion to approve the project as presented which would include a special permit for the sitting of an addition on a lot where there will be more that 2000sf of structure and the sitting of solar panels on the addition subject to the following conditions: subject to the orders of conditions set by the Conservation Commission; all exterior lighting must comply with the Towns Exterior Bylaw; all trim must be of natural materials and/or neutral colors; and any changes made to presented plan must come back to the PBPRC for further review. Motion was moved by Jim W and seconded by Jo Ann. **The motion passed unanimously.**

Peter opened the following Public Hearing: *The Town of Aquinnah and Wendy Swolinzky, lease of lot "B", Map 3 lot 34.6 under sections 2.4-1A,B,C,D & 10.1-4 for the relocation of a preexisting nonconforming structure located on lot "A" to lot "B" (as shown on a Plan of Lease Lots, Gay Head (Menemsha) Mass. 7 July 1992) in the Marine Commercial Coastal District. Berta was recused.*

Peter informed the PBPRC about the current situation regarding the submitted application. Peter had spoken with Town Counsel and according to the confidential mediation with the Town, the Swolinzky Party and the Welch Party, an agreement has not completely been reached. Peter relayed that Town Counsel had felt that this hearing should not only be a question of moving the existing shack on Lot "A" to Lot "B" but also the construction of a new shack on Lot "A" in place of the existing structure. In effect, the notice of this hearing is incorrect and the Town does not want to apply for a special permit without both the movement of the shack and construction of a new shack. Peter felt it best to open the hearing to review the materials that had been prepared so far and to make sure that when the PBPRC does hear the application in full at the next meeting that all the documents needed are going to be prepared thus making it a smother and easier deliberation for the PBPRC and all parties involved. Peter also felt that the real goal of this hearing should be to draft the proper advertisement and notice for the next hearing.

Sophia stated that she had filed a Discloser of Financial Interest based on her relation to one of the parties involved in the application but felt that she could continue her job without it being a conflict of interest. The PBPRC agreed that because Sophia is not a voting member that there wouldn't be a conflict of interest but acknowledged that the proper forms have been filed.

Peter proposed to review which permits/determinations were required by zoning in reviewing the project. Discussion took place on the age of the shack and whether the MV Commission should be notified and if the DRI checklist needed to be referenced. Discussion also took place on the ability for the shack to be moved. Reid informed the PBPRC that the engineering had already been done for the shack and it is structurally sound to be moved. Peter noted that there are many levels of approval required for this application and it partly depends on where the PBPRC approves for siting. Reid questioned whether zoning in the district would allow for more than one structure on those lots being that all the Aquinnah Menemsha leases sit on the same lot. A brief discussion took place concerning the new Menemsha lot line. Reid felt that the PBPRC should be looking whether this application is acceptable to the town for the sited area.

A lengthy discussion took place on the following identified issues with the Menemsha lease lots and the application.: history and age of the shack on Lot "A" (MV Commission and DRI Checklist), structural soundness of shack, parking for lease holders and lack thereof, Menemsha Creek agreement, and the MA State intent of Menemsha lot leases. Jim M felt that Town Counsel should be present and involved in the discussion and for that reason no decision should be made. The PBPRC asked for a copy of the Menemsha Creek Agreement between Chilmark and Aquinnah.

Reid presented the plans to the PBPRC on behalf of the Town. He noted that there hasn't been a discussion on whether Vernon would be replacing the existing deck but that the proposed building replacing the shack is about the same measurements as the one being moved; those measurements being 12'4" x 16'6" with a height of 12'. The PBPRC asked whether the pilings could be moved. Reid felt that they are fine where they are now but if they were to be moved that they would fall apart. Four new pilings would need to be constructed to hold the shack on Lot "B" and would possibly require movement of boulders for the pilings to fit. Discussion took place on placement of the pilings, cost and minimizing impact. Reid stated that, assuming the use aspect of this district is consistent with what has been approved, then approval of the permit it is ultimately left to location and size of the structures and that there isn't much variation. A discussion took place on whether the shacks could be reconfigured to allow for more parking. Peter reviewed the zoning restrictions for the Marine Commercial District and the new FEMA restrictions. Reid stated that the application meets FEMA requirements and would comply with all the conditions. In meeting those special requirements, the PBPRC would be able to approve a special permit for the moving of the shack and the construction of its replacement. Peter asked if there was any more questions or concerns. Hearing none, Reid, on behalf of the Town, withdrew the application. The PBPRC, by consensus, agreed to schedule a separate hearing when the Town submits a corrected application.

Meeting adjourned at 10:25pm.

Respectfully submitted,

Sophia Welch

Board Administrative Assistant