

Aquinnah Planning Board Plan Review Committee Meeting September 10<sup>th</sup>, 2019

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

Not Present: Jim Newman

Also Present: Kathy Rainey, Ann-Marie Aldous, Hugh Taylor, Kate Taylor, Jeff Madison, Paul Manning, Peter Temple, Kristina Hook, Jenifer Staples, Bret Stearns,

Meeting opened at 6:34pm

Zoning Administrator Peter Temple gave a brief update: there is no fee schedule for zoning determinations and the Committee should decide on one; there are no regulations on fire pits and this may be something the PBPRC should discuss; Peter approved a Zoning Determination for Kass 639 Lighthouse Road: archeology determination to construct concrete foundation below portion of existing residence; Peter approved a Zoning Determination for Eisenberg 3 Sea Mist Lane; 4'x3' second story window addition on the far end of residence; Peter approved a Zoning Determination for Collins 572 Lighthouse Road: 168sf shed; Peter approved a Zoning Determination for Swolinzki to increase boat storage from 5 to 7, a special permit application has been submitted but because it wouldn't be heard until October, Peter approved a temporary determination subject to PBPRC review.

Peter informed the committee of a Zoning Determination request from Benton 315 State Road for removal of a tree (landscaper assured owner that the tree would not survive replanting). However, Peter did not take any action because the original Special Permit did not require the replanting of the tree. Dipietro has requested to install roof solar panels. Peter had not seen the plans and didn't know if they will fall into the "as of right" guidelines. Depending on the plans, he may redirect the request to the Committee for review.

Peter agreed to continue as the Zoning Admin for another month and bring Sophia up to speed. The Committee reviewed a Zoning Determination fee schedule. Sarah motioned to approve the Zoning Determination Fee Schedule as presented. Motion was seconded by Tom. The PBPRC voted 7-0, the motion passed. Sarah moved to retroactively pay for the work that Peter has done (whatever is legally allowable). Motion was seconded by Tom. The PBPRC voted 7-0, the motion passed.

The Committee reviewed the 7/8/19 minutes. Tom moved to approve the minutes from the 7/8/19 meeting. Motion was seconded by Sarah. The PBPRC voted 6-0-1, the motion passed. Isaac abstained as he was not present at the 7/8 meeting.

PBPRC opened a hearing to act upon a request from the Town of Aquinnah of Aquinnah Circle Map 6 Lot 21.1 for Special Permits under sections 12.3, 13.4 and 13.4-7 of the Aquinnah Zoning Bylaws for removal of existing blacktop, minor regrading and the siting and construction of a wooden platform/deck located in the Gay Head Cliff Area DCPC where total footprint on a lot will exceed 2,000sf. Berta was recused. Jeff Madison, Town Administrator, presented the proposed plans to remove the existing blacktop at the cliff overlook and replace it with decking and vegetation (native species). In reviewing the elevations, the Committee found that the renovation will comprise of 3 connected decks at 3 different elevations (eastern deck being the

highest deck at approx. 20” above existing grade). Decking will be supported with diamond pier footings (minimal ground disturbance). For public safety and keeping people from walking to the cliff edge, galvanized fencing will surround the entire deck. The Committee found that area will be ADA compliant. Grading will be reduced around the existing “Pill Box” monument so that the existing windows will be visible. The Committee requested that the exact square footage of the decking be submitted to Sophia. The following was briefly discussed: occupancy limitation for the area (will be sufficient to handle the current traffic of the area); picnic tables versus benches; nighttime lighting; and potential erosion of the area and mitigation solutions. Sarah motioned to approve the project as presented with the consideration of working with all the people on the Cliff area Committee and Bret Stearns (Wampanoag Tribe representative) on potential erosion mitigation, with the future eye on lighting and square footage of project to be submitted for the Special Permit. Motion was seconded by Jim M. **The PBPRC voted 6-0-1, the motion passed.** Jeff informed the Committee that construction will begin around October 15<sup>th</sup> and be completed before the end of December.

The Committee scheduled the next meeting for Monday October 21<sup>st</sup> at 7:00pm.

Given that there was not a quorum for the continued hearing of Domini Amy L TR and Stanley LIM TR of 42 Lighthouse Road Map 6 Lot 43 (amendments to a Special Permits to site and construct a curb cut and driveway), the Committee and the applicant agreed to continue it to October 21<sup>st</sup> at 7:15pm.

There was brief discussion concerning the following: what constitutes the super majority when there is less than 8 Committee members present; adopting the Mullin rule (ability for Committee members to vote on a hearing if they missed a meeting provided that they listen to or read the previous meeting minutes); and the alternate member bylaw. The Committee requested that Sophia contact Town Counsel to clarify the legality of the Mullin rule.

PBPRC re-opened a continued 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 and Isaac were recused. Hugh Taylor presented artist renderings of the proposed project from 3 vantage points: Lighthouse Road, Lighthouse and from the Land Bank pathway. Hugh stated that he doesn’t intend to do a rooftop deck, although it is still part of the submitted plans. The building will be 56’x56’, 16’ high and will have a closed septic system (2,000-gallon tank within the bathroom that would be pumped out). Hugh stated that he hopes to use the MVC and their resources for noise and light issue mitigation. The Committee informed Hugh, that the MVC requested that the PBPRC collect and review all of the information for the proposed project prior to MVC referral. There was brief discussion concerning Peter Temple’s letter which outlined specific issues for Hugh to address.

The following issues and concerns were discussed: concern with the mass of the structure and visibility; parking (Hugh stated that usually people were bused in for weddings); ground disturbance and impact; the need for architectural drawings; and number of events to be held on

the lot (to be conditioned by the PBPRC). Abutters voiced concern with potential noise from the rooftop deck and requested that the Committee consider the fact that there is no commercial zoning and that this project will be within residential zoning and will impact residences nearby. The Committee informed Hugh that they need more specifics to move forward and requested the following: Hugh to address what is outlined in Peter's email, architectural drawings and elevations of the proposed project and another site visit with the building envelope staked out. With the applicant's agreement to continue, Jim M motioned to continue the hearing to October 21<sup>st</sup> at 7:45pm. Motion was seconded by Tom. **The PBPRC voted 5-0-2, the motion passed.**

The Committee scheduled a November meeting for November 18<sup>th</sup> at 7:00pm.

With no other business, the meeting adjourned at 8:29pm.

*Respectfully submitted,  
Sophia Welch  
Board Administrative Assistant*