

Aquinnah Board of Selectmen  
Minutes of Meeting 9/22/2014  
Aquinnah Town Hall Selectmen's Mtg Room

Members present: Chairman Jim Newman, Julianne Vanderhoop, Spencer Booker  
Also present: Town Administrator Adam Wilson, Beverly Wright, Len Butler, Betsey Mayhew, Sarah Thulin, Richard Skidmore, David and Dianne Jensen, Roger Howlett, Jim Pickman

The meeting began at 6:15 pm.

There was only one item under Old Business – A meeting with the Gay Head Lighthouse Committee and the lighthouse move Planning Board Special Permit.

-A draft proposal from the Lighthouse Committee had been presented at the 9-16 meeting that listed a number of concessions members of the committee had worked out with the condominium owners up at the lighthouse that were to go to the Planning Board for possible inclusion into the site special permit the town was requesting from the Planning Board Plan Review Committee.

-Jim started off by stating that the 5<sup>th</sup> concession – Funds for Ongoing Maintenance – needed to be removed on the advice of town counsel. Jim explained that the advice given was that future budgetary actions cannot be bound into this agreement since it takes away the right of the voters to have final approval of an annual budget.

-The Selectmen reviewed the concession eliminating sunset tours on Saturdays.

-Spencer thought that closing on Saturday evenings puts the licensee at a financial disadvantage. Betsey said Friday nights is the busier of the two. She said originally the lighthouse was only open Fri – Sun for two hours each night without being open every day. It was 3 years ago when the lighthouse began to be open more regularly.

-Juli said she doesn't know the total costs involved in running and maintaining the lighthouse. She wants to know the revenue figures and if reducing hours will impact the financial ability the museum would have to make money. In looking at concession # 3 Restrictions Within Lighthouse, she said she's only comfortable with restricting the number of people allowed onto the observation deck at 8.

-Spencer asked is everyone happy? Len said the museum will continue to operate and manage the lighthouse. He said that because it's a licensing arrangement, the town would only receive a pre-determined fee. There is no direct correlation between the town and the number of hours of operation and what the Town will make. He said that in fact the revenues from the limited hours should not impact the ability to make money.

-there was discussion about weddings and how the museum will generate revenue from them and what the town can be entitled to.

-There was discussion about inserting the provision of a review of the concessions after they are put in place. Jim said a review should occur after the 1<sup>st</sup> year of operation and then the 3<sup>rd</sup> year and, if necessary, every 3 years after that.

-David J. talked about the Planning Board's special permit and how restrictive usage is maintained. He talked about if there's more intrusiveness with the move; the limitations have to be able to stay in place.

Sarah talked about the proposed use concessions going to the Planning Board and that they are issues that board has to take up, with possibly the advice of counsel. There was discussion about how the BOS will make its recommendation to the PBPRC with changes including a review of the concessions after one year.

-Spencer went back to the operating hours. The 5<sup>th</sup> bullet about weddings and events was a talked about. Were the numbers proposed based on historical evidence of how many events had occurred in past seasons? Len said it's based on history that there are only 20 events all year, if that. Jim said that the limitation may only minimally impact the overall operation of the lighthouse. The limitation of 4 events in July and August was discussed.

-Spencer said he's fine with the numbers but Juli said there should be no limitations. She talked about the site becoming a public area. She doesn't want to see it limited, especially weddings. She talked about the place being sacred for everyone in Aquinnah.

-Len suggested weddings that involve a tour of the lighthouse being limited to 4 in July and August. He said that some of the concessions could be between the owners and the Selectmen only, since the Selectmen have to negotiate the license/lease to a lessee. Other concessions can be part of the Special Permit with the Planning Board.

-The Board went back to the Restrictions Within the Lighthouse and the proposal to cordon off 180 degree portion of the viewing gallery area. There was discussion about public vs private interest. There was discussion about the concept of limited access to a public building.

-Spencer brought up the proposal in Physical Screening and the 4<sup>th</sup> and 5<sup>th</sup> bullets of providing mitigating construction being one-time events and can't be open ended. David J. said the owners don't have a problem with those two proposals not being ongoing maintenance.

-Going back to the Restrictions Within the Lighthouse and the 3<sup>rd</sup> concession about signage. There was discussion about limiting the number of persons to 8 on the viewing gallery and the signage needed to accomplish that.

-Spencer asked if there is signage asking people to respect the rights of the condo owners, why block the view. David J. said that people spend an inordinate amount of time on the backside of the tower. He said it's a primary intrusion because people see them and can be heard, both ways. He said there is no privacy. Spencer said it's been an issue where the lighthouse currently is. David said now the structure will be 50% closer and the hours have quadrupled. Cordoning off the back side of the watch level is the key concession the owners were looking for.

-Len said this was a big point in the discussion of what could be conceded. The committee feels the concession does not compromise the experience of the views that everyone comes up there for. There was discussion about bolting the ladder to the wall so that it allows passage back and forth. Len thought that will stop the congregation on the backside of the tower. 180 degrees is what's being proposed but it was thought 120 would be sufficient. Len explained the reasoning for why the lighthouse is being moved to site 1 instead of the other considered site closer to the shops and the overlook.

-Richard gave his opinion on why the observation deck is such an experience and how limiting it will keep people out or from going in. He said it's an impulse thing when people go in and if there is any kind of "waiting in line scenario", it will compromise potential admissions.

-Juli has concerns about people not being able to go all the way around. She worried about the disruption of the flow. Spencer thought there can be enforcement of a no loitering rule. Betsey said the guides can only really allow 25 people at one time into the structure and then only 8 on the balcony.

-Sarah said that there should be a chance to see how the new location will play out before restrictions are put in place. David J. stated that this is the condo owners' only opportunity to be heard as a group. He said they are only looking for a little bit of privacy. He talked about the impact they have had already from the increased hours by the museum and now is their time to voice their concerns because in their opinion, the intrusion is about to become worse.

-Jim P. said the 180 degree provision was what's got the prior discussions between the condo owners and members of the lighthouse committee going. He said the proposal should be agreed to and then subject to review after one year. He said the document would be something everyone has to live with but then looked at again.

-There was discussion about screening, how the angle of the relocated lighthouse prevents any effective screening from up above as well as the need for more screening at ground level. The main concern the condo owners have is visual and sound.

David showed the view he had from a phone camera shot inside the bedroom. Spencer asked what happens if the 180 degree block off is not accepted by the town. David said there was another option that the condo owners would have to consider.

-By a 2(Juli & Spencer) to 1(Jim) consensus, the Board removed the proposal to cordon off a 180 degree portion of the outside viewing gallery area. They also changed the 3<sup>rd</sup> bullet to say, "Will post discreet signage (See below)".

-By unanimous consent, the Board changed the last bullet in the **Hours** section to say, "The overall number of weddings and private events, excluding solstice and tribal events; during July and August will be limited to a total of four that have access to the lighthouse tower.

-By unanimous consent, the Board eliminated the 5<sup>th</sup> concession, **Funds for Ongoing Maintenance**, as advised by Counsel.

-By Unanimous consent, the Board added language in the 6<sup>th</sup> concession, **Signage**, to add signs calling on time frames to visit the gallery level.

-By unanimous consent, the Board added language that allows for a review of the concessions specially permitted after the 1<sup>st</sup> year of renewed operation, the 3<sup>rd</sup> year of operation and every 3 years after that, if necessary.

Spencer made a motion to recommend the concessions to the Planning Board Plan Review Committee as amended. Julianne Seconded.

**The Board voted 3 – 0 in favor. The motion passed.**

-Jim asked if there was anything else to discuss. Hearing none...

A motion was made and seconded to adjourn.

**The Board voted 3 – 0 in favor. The motion passed.**

The meeting ended at 7:45 pm.