



Town of Barnstable
Hyannis Main Street Waterfront Historic District Commission

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BARNSTABLE
TOWN CLERK

18 DEC -6 P1:26

To all persons deemed interested or affected by the Town of Barnstable's Hyannis Main Street Waterfront Historic District Commission Ordinance under Chapter 112, Article III of the Code of the Town of Barnstable, you are hereby notified that a hearing was held at Town Hall, 367 Main Street, Hyannis, MA Selectmen's Conference Room, 2nd Floor at 6:30 pm on **Wednesday, November 7, 2018.**

APPROVED AS AMENDED MINUTES

Members Present: David Dumont, Betsy Young, David Colombo, Marina Atsalis, Taryn Thoman and Cheryl Powell

Members Absent: Timothy Ferreira

Staff Present: Karen Herrand, Principal Assistant, Planning & Development Dept., Paul Wackrow, Principal Planner, Planning & Development Dept., Elizabeth Jenkins, Director, Planning & Development Dept., and Ruth Weil, Town Attorney.

An announcement was made by Dave Dumont, Clerk, who is acting Chair for tonight's meeting, stating the meeting is being recorded and broadcast on Channel 18 and in accordance with MGL Chapter 30A, §20; and requested that anyone taping this meeting to please make their presence known.

Call to Order

Taryn Thoman interjects - **Motion to conduct elections right now before any other matters in order to fill the openings of Chair and Vice Chair, Cheryl Powell seconds the motion states she will second.**

Acting Chair David Dumont replies that he will not be entertaining this motion at this time.

Town Attorney to address questions about board composition

Town Attorney Ruth Weil in attendance:

Based upon questions raised by Commission members, I have been asked by staff to appear to briefly discuss the issue of Board composition. Starting with the basics, as you are aware, § 112-27A provides that the Commission shall consist of seven unpaid members who shall be appointed by the Town Council to serve for terms of three years § 112-27D. states three alternate members may be appointed annually by the Town Council. In the case of absence, inability to act, or unwillingness to act because of self-interest on the part of any member of the Commission, his or her place shall be taken by an alternate member designated by Chairman

So in appointing alternate members the Town Council does so with the clear understanding that alternative members will exercise all the responsibilities of full members when any of the full members are absent or unable to act for any reason. It is my understanding that this Commission has had members that are absent from the Commission seasonally so it is fairly common occurrence for alternative members to serve as full members. And this is apparently so common, that there hasn't been a formal appointment by the Chair for the alternatives to sit. It has just been assumed that in the absence of the permanent members the alternates will sit. I suspect that part of the circumstances that have developed with regard to the election of officers has its genesis in the fact that there was no real distinction between permanent members and alternate members as these members functioned on the Commission.

To summarize, in the absence of full complement of permanent members it is contemplated under § 112-2D that alternate members will sit on hearings and participate as full members.

With regard to role of the Chair, it is axiomatic that the purpose of electing a Chair is to designate an individual to ensure that meetings are conducted in an orderly fashion, that a an agenda is prepared and posted and that each meeting is conducted in accordance with all applicable law including the open meeting law as stated in § 112-27G. The fact that through a misunderstanding related to the status of several members of the Commission, an alternate member served as Chair does not in my opinion give rise to any adverse legal consequences. As noted, the role of the Chair is to serve the parliamentary function as the presiding officer to facilitate the smooth running of meetings.

In the situation the Commission now finds itself, the elected Clerk serves as Acting Chair with all the responsibilities of the Chair.

Acting Chair Dave Dumont would like to move an item (sign application) on the Agenda out of order.

New Business

CC Entertainment Inc./Peter Kempton – 294 Main Street, Hyannis – Map 327 Parcel 254 New Business Signage

Peter Kempton/Applicant in attendance. Mary Ann Agresti, Design Initiative, in attendance.

Mary Ann Agresti explains the proposal for the new business Flashback. Will be putting the sign where existing sign is now, they would like similar backlit signage. Pictures passed around of existing signage and signage in the area and comparison of, see Exhibit A.

Dave Colombo confirms that a trade flag, some type of trade signage can be used, but cannot be out at the same time.

Betsy Young clarifies the white wood will be on the front of the bldg.

Mary Ann Agresti clarifies that the sign will have some dimension to it. They would like to keep the existing, black awning and change the wording to their own.

Marina Atsalis asks about the colors/review of and design of the pink stripes and black background on the signage.

Mary Ann Agresti confirms that no white, it is a solid pink shape.

Motion entertained by David Dumont, moved by Cheryl Powell to accept the sign application as presented, and the additional lettering on the awning, seconded by David Colombo, Marina Atsalis abstains. The vote passes.

Motion made by Cheryl Powell to allow the applicant to come back with a proposal/amendment for the design for the trade flag, and not have to pay an additional fee, seconded by David Dumont, so voted unanimously. (continued matter).

Motion entertained by David Dumont, moved by Betsy Young to accept the open/close sign as presented, seconded by Cheryl Powell, so voted unanimously.

Certificate of Appropriateness

Verizon New England, Inc. – 49 Ocean Street, Hyannis – Map 326 Parcel 025
Proposed reinforcement and 50 +/- ft. extension to existing tower

Certificate of Hardship

Verizon New England, Inc. – 49 Ocean Street, Hyannis – Map 326 Parcel 025

Proposed reinforcement and 50+/- ft. extension to existing tower

Attorney Michael Ford in attendance.

Cheryl Powell states that she would like to recuse herself as a Verizon stockholder.

Cheryl Powell leaves the room.

Elizabeth Jenkins states that if Cheryl Powell feels she has a sufficient conflict of interest then this may be appropriate.

Attorney Michael Ford in attendance. He is asking the Commission for a continuance for both applications, he has a consultant that is not here for tonight's meeting. He would like to continue to next meeting, December 19th, 2018, and ask for an extension of time limits.

Motion entertained by Dave Dumont to accept the request to continue this matter to December 19th, seconded by Taryn Thoman, so voted unanimously. Cheryl Powell abstains.

Public Comment.

Deb Krau in attendance and would rather not have this continued to December 19th date, would like this to be moved to January date/time.

Attorney Michael Ford agrees to extend and would like to continue this matter to January 16th, 2019.

Motion to reconsider the original motion for continuance to December 19th 2018, date made by Taryn Thoman, seconded by Dave Dumont, so voted unanimously by those present.

Motion made by Dave Colombo to continue this matter to Jan 16, 2019, seconded by Taryn Thoman, so voted unanimously by those present, Marina Atsalis abstains.

Other Business

Dave Dumont would like to wait to do elections until two more members be appointed to this Commission because we are down a few members.

Discussion of the timing of nominations and elections for Chair and Vice Chair

Taryn Thoman comments that we have had strong leadership in the past. We need leadership right now, there are communication problems.

Cheryl Powell states that her opinion is there are two seats that are open now. If we wait for new people and hold off until then it will take awhile to get used to the position. She would like to propose nominations at this time and options re alternate members as well. Thinks Commission should proceed with elections.

Marina Atsalis comments that she would be ok to vote to get this board on the right track.

Dave Colombo comments that we should have a realtor, an architect and historical commission member. People have resigned because of friction on this board. He would rather do the search for the realtor and the architect. He doesn't feel comfortable.

Betsy Young agrees, she would like to wait until a full board is in position.

Elizabeth Jenkins refers to the admin code there is some guidance from the administrative code, it does state that elections should occur June/July.

Paul Wackrow confirms that this is a unique situation and the only guidance is Section 112 and the admin code.

Cheryl Powell states that she spoke to Town Councilor Jessica Rapp Grasseti, confirming that if we choose we can have elections.

Taryn Thoman asks if any nominations for Chair?

Elizabeth Jenkins interjects that typically majority votes are done by a quorum. The item on the Agenda is discussion and timing and that the Chair and the Vice Chair should be voted on by permanent members.

Motion made by Taryn Thoman that the timing be now. Motion made by Taryn Thoman to nominate Cheryl Powell.

Cheryl Powell would like to see elections happen now. The majority is asking for elections.

Betsy Young comments that this group does have the spirit for historic duty, maybe do in January when we have a full board, we can start fresh. Dave Colombo agrees.

Motion entertained by Acting Chair Dave Dumont to hold elections now, Taryn Thoman, Cheryl Powell and Marina Atsalis are in favor, David Colombo is opposed.

Nominations for Chair:

David Colombo nominates himself for Chair.

Vote: Cheryl Powell, Taryn Thoman and Marina Atsalis abstain. Vote does not pass.

(on the floor) - Motion made by Taryn Thoman to nominate Cheryl Powell for Chair, seconded by Marina Atsalis, Cheryl Powell, David Colombo abstains. The vote passes.

Nominations for Vice Chair:

David Colombo nominates himself for Vice Chair, **seconded by Marina Atsalis.**

Vote: Cheryl Powell, Taryn Thoman and Marina Atsalis abstain. Vote does not pass.

Marina Atsalis nominates Taryn Thoman for Vice Chair.

Vote: Seconded by Cheryl Powell, Taryn Thoman and Marina Atsalis vote yes. David Colombo abstains. Vote passes.

Approval of October 17, 2018, Minutes

Motion made by Taryn Thoman to table the minutes to the next meeting, seconded by Marina Atsalis, all in favor.

Discussion of cancelling November 21st meeting

Motion made by David Colombo to cancel November 21, 2018, meeting, seconded by Taryn Thoman, so voted unanimously.

Matters not Reasonably Anticipated by the Chair

Next HHDC meeting scheduled for November 21, 2018 and December 5, 2018

Not an Agenda Item: Cheryl Powell hands out manuals to Commission members re signage requirements/regulations/guidelines.

Motion to adjourn entertained by Dave Dumont, seconded by Betsy Young, so voted unanimously.

The meeting adjourned at 7:55 p.m.

Respectfully submitted
Karen A. Herrand

List of Exhibit Documents

Exhibit A – pictures of existing signage in area/colors – 294 Main St. – Map/Par 327/254

