



**Town of Barnstable
Planning Board
Agenda
August 26, 2013**

Barnstable Town Hall, 367 Main Street, Hyannis, MA, Hearing Room, 2nd Floor.
Meeting notice previously filed with Town Clerk - Revised as of; 08-22-2013

Approval Not Required Plans: *None*

Workshop: **Medical Marijuana Treatment Centers Workshop**

- *This workshop is intended to bring the Board up to date on what has occurred on this topic. It is expected to take some 45 minutes.*
- *Staff Report dated August 26, 2013, sent via email to Board Members (hard copy enclosed)*

Subdivisions:

7:15 PM **Continued**

**Proposed Definitive Subdivision No. 822
Aberle Way – 2519 Main Street Barnstable - William A. Riley**

To all persons deemed interested in the Planning Board acting under the General Laws of the Commonwealth of Massachusetts, Chapter 41, Sections 81A, through 81GG, Subdivision Control and all amendments thereto and the Town of Barnstable Chapter 801, Subdivision Regulations of the Code of the Town of Barnstable you are hereby notified of a Public Hearing to be held to consider Subdivision No. 822. The plan for this subdivision is entitled "Definitive Plan of Land in Barnstable, MA #2519 Main Street - Riley Subdivision" prepared for William A. Riley. The plan proposes the division of a 9.24-acre lot addressed 2519 Main Street, Barnstable, MA into six developable lots and creation of Aberle Way off Main Street (a/k/a Route 6A) to serve the new lots. The subject property is shown on Assessors Map 257 as Parcel 010.

- *Opened July 22, 2013, continued to August 26, 2013 - Follow-up issues:*
 1. *Board of Health Review of Subdivision – See July 25, 2013 Letter with 6 Recommendations*
 2. *Applicant to review relocation/elimination of the existing utility pole on Route 6A that sits close to the proposed new roadway*
 3. *Applicant to investigate some low level lighting at the entrance to the subdivision.*
 4. *Easement to Homeowners needed for sloped retaining wall bordering the cul-de-sac (plan and/or text)*
 5. *Final review by Board's Engineer needed.*
- *Continued for review of draft subdivision documents; Decision, Development Agreement Home-owners Association Declaration*
- *Application submitted June 20, 2013. No Extension of Time. Filing of Decision due September 20, 2013*
- *Draft Decision, Development Agreement, Board of Health correspondence*

Subdivision No. 405

**Goldman High Noon & Judith Eve
Request for Release of Security**

A letter dated August 5, 2013, from Attorney Jeffrey W. Oppenheim, in representation for the Estate of David Goldman, has requested the release of security. The Board had requested a \$5,000 security on September 10, 2012,

to ensure that drainage improvements are properly functioning, grass be established in disturbed areas and overhanging vegetation be cleared. The securities were to be held by the Treasurer's office for a period of one year, at which time, and upon request by the developer, the Planning Board review the subdivision and if it is found to be completed, the Board will authorize the monies be returned to the developer.

- *Copy of letter dated August 5, 2013, from Attorney Jeffrey Oppenheim enclosed*

Regulatory Agreement:

7:45 PM Continued Hearing

Regulatory Agreement No. 2013- 03

Hyannis Harbor Suites Hotel, LLC or Nominee & Harborview Hotel Investors, LLC

Regulatory Agreement No. 2013-03 is the application of Hyannis Harbor Suites Hotel, LLC or Nominee & Harborview Hotel Investors, LLC, seeking to enter into an agreement with the Town of Barnstable to construct and operate at 213 Ocean Street, Hyannis, MA a new four (4) story year-round hotel with up to sixty-eight (68) rooms, each room containing its own kitchen facility. This proposed hotel building is in addition to the existing 136 room Hyannis Harbor Hotel situated on the 3.4 acre lot. The subject property is located in the HD-Harbor District of the Hyannis Village Zoning Districts and is shown on Assessor's Map 326, Parcel 035.

The Regulatory Agreement seeks waivers from the Barnstable Zoning Ordinances, specifically:

Section 240-24.1.7.A – Harbor District, Permitted uses to allow hotel rooms with kitchens.

Section 240-24.1.7.C – Harbor District, Dimensional, bulk and other requirements, including maximum building height, to allow 4-stories where only a 2.5 story buildings are permitted, waivers of the 10-foot minimum side and rear setbacks, waiver of the 70% maximum lot coverage and waiver of the 10-foot front yard landscape setback.

Section 240-24.1.10 - Site Development Standards and Section 240-53 – Landscape Requirements for Parking Lots, including waivers from the following; the 6-foot minimum setback for parking lots, 10% interior parking lot landscaping, required minimum number of trees, dumpster setback from lot line and any other necessary relief.

Section 240-56 - Schedule of Off-Street Parking Requirements to allow a reduction in the required on-site parking.

In addition, the Regulatory Agreement seeks relief from the general ordinances of the Town, Chapter 112, Article III, Hyannis Main Street Waterfront Historic District seeking the Planning Board to act on behalf of the Hyannis Main Street Waterfront Historic District Commission.

- *Opened April 8, 2013, continued June 10, 2013, July 22, 2013, August 12, 2013, and to August 26, 2013 - continued for further review and finalizing of a Regulatory Agreement*

Discussion:

ZBA Comprehensive Permit Application No. 2013-047 - Habitat for Humanity – By letter dated August 16, 2013, the Zoning Board of Appeals has requested the Planning Board's review of an application for a Comprehensive Permit submitted by Habitat for Humanity to build 2 affordable housing units at 28 and 29 Sesame Street, Marstons Mills, MA, Assessor's Map 173 parcels 007-001 and 007-002.

- *Staff Report, Request letter and select Application documents enclosed*

Follow-up to Election of Board Officers – Execution of Signature Documents for the Registrar, Registry of Deeds Barnstable County and Recorder, Boston Land Court

Correspondence: Cape Cod Commission Hearing Notice for Proposed Amendment to Chapter H, Municipal Application for Revisions to DRI Thresholds, August 29, 2013

Future Meetings: Regularly Scheduled Meetings: September 9, 2013 and September 23, 2013 @ 7:00 p.m.

Please Note: The list of matters are those reasonably anticipated by the chair, which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Committee may go into executive session. The Committee may also act on items in an order other than they appear on this agenda.

* Public files are available for viewing during normal business hours at the Growth Management Department, Town Offices, 200 Main Street, Hyannis, MA