



**Town of Barnstable
Planning Board
Agenda
January 28, 2013**

The following hearings will be held at Barnstable Town Hall, 367 Main Street, Hyannis, MA, Hearing Room, 2nd Floor.
Meeting notice previously filed with Town Clerk - Revised as of; 1-22- 2013

Approval Not Required Plans: *None*

Subdivisions:

Preliminary Subdivision No. 822

**Plan Prepared for William Riley
Property at 2519 Main Street (Route 6A), Barnstable**

Review of Preliminary Plan for Subdivision No. 822 entitled; "Preliminary Subdivision Plan of Land in Barnstable, MA, 2519 Main Street (Route 6A), Prepared for William Riley". An Application for Tentative Approval of a Preliminary Plan to divide a 9.25 acres parcel into 6 lots has been submitted for consideration to the Planning Board. The subject property is located south of Route 6A just west of the railroad overpass in Barnstable Village. The property is shown on Assessors Map 257 as Parcel 010. The property is zoned Residential F-1 for the first 500 feet fronting Main Street (Route 6A) and the remainder of the lot is Zoned Residence G. (Precinct 1)

- *This preliminary plan was presented to the Board for consideration at the December 10, 2012, meeting and was continued January 14, 2013 and to January 28, 2013.*
- *Continued for further review. Staff memo and draft Preliminary Subdivision Decision enclosed.*

Public Hearings:

7:00 pm Public Hearing- Continued

**Special Permit Application No. 2012-03
Cotuit Solar/Peck Wind Energy Conversion Facilities**

The petitioners, Cotuit Solar LLC, and John T. Peck, are seeking a special permit pursuant to Section 240-44.1 Land Based Wind Energy Conversion Facilities. The petitioners seek to reuse the existing 100-foot mono-pole and reinstall a new wind turbine upon it to generate electrical power for use on the property. The subject property is addressed 3800 Falmouth Road (Route 28), Marstons Mills, MA and commonly known as "Peck's Boatyard". The property is shown on Assessor's Map 058 as parcel 001 and is zoned SD-1 Service and Distribution Zoning District. (Precinct 7, 12 & 5)

- *Opened April 23, 2012, continued, May 14, July 23, August 13, September 10, October 22, November 26, and January 28, 2013 – continued for further review.*
- *Follow-up Staff Report on update and processing enclosed.*
- *Continued for peer review report from Paul A. Bergman, PE, Bergman & Associates Inc. Copy of peer report enclosed.*

7:15 pm Public Hearing – Continued

**Third Modification to Regulatory Agreement 2007-02,
89 Lewis Bay LLC - Property at 89 Lewis Bay Road and 42
South St., Hyannis**

89 Lewis Bay, LLC has filed an application to modify and amend the existing Regulatory Agreement No. 2007-02, as modified. The applicant seeks to modify and amend the existing Regulatory Agreement authorizing the rehabilitation and expansion of a structure at 89 Lewis Bay Road with related parking at 42 South Street, Hyannis. The existing Regulatory Agreement granted relief from density, parking, setbacks, building height and lot coverage requirements to allow 42 residential units in $\pm 60,000$ sq.ft and $\pm 20,000$ sq.ft of ground floor space for medical offices and all other uses permitted in the Medical Services District. A modification of the Regulatory Agreement was granted to allow educational uses, including culinary arts, in 8,000 sq.ft of ground floor space. The Applicant presently seeks to modify the Agreement to construct an accessory one-story 12-bay detached garage of $\pm 2,960$ sq.ft. The accessory garage is proposed to be located at the rear west end of the parking lot on 42 South Street. The subject properties are addressed 89 Lewis Bay Road and 42 South Street, Hyannis, MA as shown on Assessor's Map 327 as Parcels 223 and 241. The property is zoned Hyannis Village Medical Services District and Harbor District. (Precinct 9)

- *Opened November 26, 2012, continued January 14, 2013, and to January 28, 2013. Staff Report, Application, and relevant materials previously distributed.*
- *Continued for Second Public Hearing and further review.*

7:30 pm Public Hearing - Continued

**Zoning Amendment 2013-055
Medical Marijuana Treatment Centers**

The Planning Board of the Town of Barnstable, acting under Chapter 40A, Section 5 of the General Laws of the Commonwealth of Massachusetts, will hold a public to take comment upon the following proposed amendment to the Code of the Town of Barnstable, Chapter 240, the Zoning Ordinance.

Amendments to Chapter 240 include: Section 240-6 Zoning Map to include a Medical Marijuana Treatment Centers Overlay District; adding to reserved Section 240-30 Medical Marijuana Treatment Centers Overlay District Special Permit; and Section 240-128 Definitions to add definitions pursuant to the Medical Marijuana Treatment Center Overlay District.

- *This hearing was opened on January 14, 2013 and continued to January 28, 2013 so that it can be heard concurrent with the public hearing on TC Item No. 2013-065 Medical Marijuana Treatment Temporary Moratorium.*

7:30 pm Public Hearing

**Zoning Amendment 2013-065
Medical Marijuana Treatment Centers Moratorium**

The Planning Board of the Town of Barnstable, acting under Chapter 40A, Section 5 of the General Laws of the Commonwealth of Massachusetts, will hold a public hearing to take comment upon a proposed amendment to the Code of the Town of Barnstable, Chapter 240, the Zoning Ordinance to place a temporary moratorium on Medical Marijuana Treatment Centers and related activities. The proposed moratorium is to be effective through and including January 1, 2014 or until ninety (90) days after the effective date of the final regulations relating to Ballot Question 3, promulgated by the State Department of Public Health, whichever occurs first.

- *This hearing should be opened and heard concurrent with TC Item No. 2013-055 Medical Marijuana Treatment Centers.*
- *Copies of each proposed Amendments and Rationales were previously distributed to Board Members along with a January 14, 2013 letter in support of the continuance from Michael K. Lauf, President & CEO Cape Cod Healthcare. If you need an additional copy please request.*
- *Public comments receive (copies enclosed);*
 - *Copy of January 3, 2013 letter to Town Council from Michael K. Lauf, President & CEO Cape Cod Healthcare*
 - *Letter dated January 7, 2013 from Rachel Youngling, President Hyannis Park Civic Association*
 - *A January 7, 2013 e-mail correspondence from Matthew Dumas in opposition to the proposed location of the Medical Marijuana Treatment Center Overlay District.*
 - *A January 14, 2013 e-mail correspondence from Skip Simpson, Anchor Inn (1 South St. Hyannis, MA) in opposition to the proposed Medical Marijuana Treatment Center Overlay District.*
 - *A January 11, 2013 e-mail correspondence from Michelle and Jeff Conover (109 Bayview St. West Yarmouth, MA) in opposition to the proposed Medical Marijuana Treatment Center Overlay District.*

Discussions:

Cape Cod Distillery LLC – Attorney Michael D. Ford, on behalf of Cape Cod Distillery LLC has requested an informal discussion with the Board regarding a proposed Regulatory Agreement between the Town and Cape Cod Distillery LLC, for the reuse of an existing buildings and site for a small scale distillery and accessory retail sales at 411 Barnstable Road, Hyannis, MA (Assessor's Map 311, Parcel 033). The subject property is a 0.53 acre parcel developed with a one-story, 11,972 sq.ft. commercial building and associated parking for 25 vehicles. The property is presently vacant.

Hyannis Harbor Hotel – Attorney Michael D. Ford, on behalf of the Harborview Hotel Investors, LLC, has requested an informal discussion with the Board regarding a possible Regulatory Agreement. The proposal is to build a detached 4-story, 68-room addition to the existing Hyannis Harbor Hotel at 213 Ocean Street, Hyannis.

Correspondence: Cape Cod Commission notice for Minor Modification Type 1 to the Development of Regional Impact Decision for the Cape Cod Mall Renovation and Expansion project approved on January 15, 2013. *(Any member wishing a full copy of the document please contact the office)*

Future Meetings: Regularly Scheduled Board Meetings: February 11, 2013, and February 25, 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 Planning Board, 200 Main Street, Hyannis, MA