



**Town of Barnstable
Planning Board
Agenda
April 8, 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; 04-02-2013

Approval Not Required Plans: *None*

Subdivisions: *None*

Extension Request:

A March 15, 2013, letter from Attorney Ron S. Jansson has requested a 1-year extension of Special Permit No. 2011-02, issued pursuant to Section 240-16.1 Multi-family Affordable Housing, to Lyndon Paul Lorusso Charitable Foundation of 2002 for development of 42 units of affordable housing at 850 Falmouth Road (Route 28), Hyannis MA (Map/Parcel 250/036). This request is being made in accordance with Section 240-125.C(3)(a) Special Permits Period of Validity.

- *Copy of March 15, 2013, letter from Attorney Jansson 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, January 28, 2013 and April 8, 2013 – continued for further review.*
- *Continued for peer review report from Paul A. Bergman, PE, Bergman & Associates Inc. Copy of peer report enclosed.*
- *Draft decision to grant the special permit is also enclosed for the Boards consideration.*

7:00 pm Public Hearing - Continued

**Regulatory Agreement No. 2013- 01
Cape Cod Distillery LLC**

Regulatory Agreement No. 2013-01 is that of Cape Cod Distillery LLC seeking to enter into an Agreement with the Town of Barnstable to reuse the properties located at 411 Barnstable Road, Hyannis for a small scale distilling of

alcoholic spirits and accessory retail sales of spirits distilled on-site. The property is zoned HG – Hyannis Gateway District and is shown on Assessor's Map 311, as Parcel 033.

The Regulatory Agreement seeks waivers from the Barnstable Zoning Ordinances, specifically: Section 240-24.1.8.A - Hyannis Gateway Permitted Principal Uses to allow a distillery, Section 240-24.1.8.C - Dimensional, bulk and other requirements, to allow the existing non-conforming setbacks for the proposed new use of the site, and additionally, applicant seeks any necessary relief from applicable parking requirements.

- *Opened February 11, 2013, continued March 11, 2013, and to April 8, 2013. Continued for further review and finalizing of the Regulatory Agreement.*
- *An April 2, 2013, letter from Attorney Michael D. Ford requesting a continuance of this hearing to April 22, 2013, to allow time to finalize the agreement (copy enclosed)*

7:30pm Public 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 as 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 requirement.
- Section 240-24.1.10 - Site Development Standards and Section 240-53 – Landscape Requirements for Parking Lots, including waivers from the following requirements; 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 for 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.

- *Application, plans, and associated documents enclosed.*

Discussions:

Community Preservation Committee Appointment: Planning Board representation of the Community Preservation Committee (CPC). Paul Curley's appointment expires this June and the Town Council Appointments Committee is seeking the Boards input on reappointments to the CPC.

Planning Board Reappointment: Reappointment Forms for Terms Expiring June 30, 2013, received from Town Council. Terms expiring for David Munsell and Paul Curley.

Correspondence:

Cape Cod Commission Hearing Notice, April 11, 2013, for Chapter A, DRI Enabling Regulations Governing Review of Developments of Regional Impact Proposed Amendment.

Cape Cod Commission Notice for Minor Modification, March 26, 2013, for Type 1 to the Barnstable Municipal Airport Improvements Project Development of Regional Impact Decision approved by Cape Cod Commission on March 25, 2013 (*Any member wishing a full copy of the document please contact the office*)

Approval of Minutes: Approval of January 28, 2013, and February 11, 2013, Board Meeting Minutes – *Copy of minutes attached*

Future Meetings: Regularly Scheduled Board Meetings: April 22, 2013 and May 13, 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