



**Town of Barnstable
Planning Board
Agenda
May 13, 2013**

Barnstable Town Hall, 367 Main Street, Hyannis, MA, Hearing Room, 2nd Floor.

Meeting notice previously filed with Town Clerk - Revised as of; 05-06-2013

Approval Not Required Plans: – Gutowski - A plan entitled “Plan of Land in Barnstable Massachusetts prepared for Andrew Gutowski”, dated April 30, 2013, as drawn by Demarest Land Surveying has been submitted for endorsement as an Approval Not Required Plan. The subject property is addressed as 172 Millway, Barnstable MA. The plan proposes to re-divide the existing lot into two lots. Lot 1 is shown as a 2.18-acre lot containing the existing dwelling and garage. Lot 2 is shown as a 1.17-acre lot that is vacant. The property is accessed via an unnamed 12-foot wide right-of-way created by plan recorded in 1934. The subject property is in the RF-1 Zoning District.

- *Staff Report, Application, Plan and relevant materials enclosed*

Subdivisions: None

Zoning Amendments:

7:00 P.M. Public Hearing - Continued

**Zoning Amendment - TC Item No. 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 continue the public hearing 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 Definition to add definitions pursuant to the Medical Marijuana Treatment Center Overlay District.

- *This hearing opened January 14, 2013, continued January 28, 2013, February 25, 2013, and to May 13, 2013, for further review and update on Mass. Department of Public Health regulations*
- *Final Mass Department of Public Health regulation has yet to be approved and issued.*
- *Given the circumstances, staff recommends that the Board continue this hearing to September 9 or 23, 2013, at 7:00 PM.*

7:00 P.M. Public Hearing - New

**Zoning Amendment – TC Item No. 2013-133
New Sign Code for Osterville Business B Districts**

The Planning Board of the Town of Barnstable, acting under Chapter 40A, Section 5 of the General Laws of the Commonwealth of Massachusetts, will open a public hearing on a proposed zoning amendment to create a new sign code for the Osterville Business B Districts. The amendment proposes to amend the Code of the Town of Barnstable, Chapter 240, The Zoning Ordinance, Article VII, Sign Regulations as follows:

Section 1 proposes to add a new Section 240-65.1 to be titled “Signs in the BA Districts”. The new section is intended to address the unique signage needs for business located in the Osterville Business Districts and to provide added flexibility in the types of signs allowed.

Section 2 proposes to amend Section 240-65, "Signs in B, BA, UB, HB, HO, S&D and SD-1 Districts" by removing the reference to the BA District from that section's title.

Section 3 proposes to delete Provision "F" from Section 240-72, Trade Flags. Provision "F" now allows for the display of a trade flag by antique stores located in the Osterville Business B Zoning Districts.

Section 4 proposes to amend Section 240-60, Definitions by revising the definition of "Open/Close Sign" and provide a new definition for "Neon Sign".

- *Full copy of proposed amendment and rational attached.*

Special Permit:

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, April 8, 201, and to May 13, 2013 – continued for review and finalizing of a decision.*
- *Follow-up Staff Report with attachments enclosed.*

Regulatory Agreement:

7:00PM Public Hearing - Continued

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.

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 to May 13, 2013- for further review.*
- *Application and plans previously distributed to the Board. No new information has been submitted.*

7:30pm 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, April 8, 2013, and to May 13, 2012. Continued for further review and finalizing of the Regulatory Agreement.*
- *Application and plans previously distributed to the Board. No new information has been submitted.*

Special Permit:

7:30 P.M. Public Hearing (New)

**Modification of PIAHD Special Permit Settler’s Landing II -
Subdivision No. 812 - Martha M. Morin, Trustee of Settlers
Landing Realty Trust II**

The Planning Board acting under the General Laws of the Commonwealth of Massachusetts, Chapter 40A, Section 9, and all amendments thereto and the Town of Barnstable Zoning Ordinances will open a Public Hearing to consider an application for a fourth Modification for the Private Initiated Affordable Housing Development (PIAHD) Special Permit issued for Settlers Landing II - Subdivision No. 812. The Petitioner, Martha M. Morin, Trustee of Settlers Landing Realty Trust II, is seeking:

- To add two new house plans, identified as the “Dover Plan” containing approximately 2,051 square feet of living area and the “Chatham Plan” containing approximately 1,736 square feet of living area to the list of the 11 approved house design plans for the development and,
- To allow for up to five of the 29 dwellings to be built as four-bedroom homes provided the fourth bedroom is created within an approved house design plan.

The locus is the southern 7.75 acres of the subdivision commonly know as Settler’s Landing located off Castlewood Circle in Hyannis, MA. The 29 parcels are shown on Assessor’s Map 273 as Parcel 122, Lots 013 through 027 and Assessor’s Map 272 as Parcels 212 to 225. The lots are addressed from 75 to 174 Settler’s Landing, Hyannis, MA. The locus is Zoned Residential C-1.

- *A copy of the Growth Management Staff Report and the Application, as submitted, are attached.*

Future Meetings:

Special Board Meeting, May 20, 2013 @ 7:00 PM has tentatively been scheduled.

Regularly Scheduled Board Meetings: June 10, 2013 and June 24, 2013, @ 7:00 PM.

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 Office, Growth Management Department, 200 Main Street, Hyannis, MA