

Town of Barnstable Planning Board Agenda February 25, 2013

Barnstable Town Hall, 367 Main Street, Hyannis, MA, Hearing Room, 2nd Floor. Meeting notice previously filed with Town Clerk - Revised as of; 02-19-2013

Planning Board Workshop:

7:00 P.M. to 7:30 PM:

Zoning Amendment 2013-055 Medical Marijuana Treatment Centers and 2013 - 065 Temporary Moratorium

The Planning Board will hold a workshop to review and discuss proposed zoning amendments to Chapter 240 of the Code of the Town of Barnstable: Medical Marijuana Treatment Centers and a Temporary Moratorium on the Establishment and Permitting of Medical Marijuana Treatment Centers and Associated Activities. The Town Attorney and the Growth Management Director will participate in the workshop.

Approval Not Required Plans: None Submitted

Subdivisions:

7:00 P.M. Public Hearing

Proposed Definitive Subdivision No. 820, Wayside Lane Ext. Stephen E. Wallace et al.

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. 820. The plan for this subdivision is entitled "Definitive Plan of Land in West Barnstable, MA "Wayside Lane Ext." as prepared for Stephen E. Wallace et al. The plan proposes the division of 5.84 acres addressed 0 High Street, West Barnstable into two developable lots and the extension of Wayside Lane to serve the new lots. The subject property is shown on Assessors Map 110 as Parcel 007.

Application submitted January 15, 2013. Decision has a 90-day timeframe unless extended. Decision on this subdivision must be filed with the Town Clerk Office no later than April 12, 2013.

A preliminary subdivision plan was reviewed and approved with modification as per a June 28, 2011 decision filed with the Town Clerk.

Application (Form C), Subdivision Plan and related materials enclosed.

Regulatory Agreement Pubic Hearing:

7:00 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 ±60,000 sq.ft and ±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 ±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, January 28, 2013, February 11, 2013, and to February 25, 2013. Staff Report, Application, and relevant materials previously distributed.
- Continued for further review. Revised Site Plan (2/19/2013) showing motion lighting to rear of proposed garage structure has been submitted (copy enclosed).

Zoning Amendments:

7:00 P.M. 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 Definition to add definitions pursuant to the Medical Marijuana Treatment Center Overlay District.

This hearing opened January 14, 2013, continued January 28, 2013 and to February 25, 2013, continued for further review

Copy of proposed amendment (T.C. Item No. 2013-055) enclosed.

7:30 P.M. Public Hearing

Proposed Zoning Amendment 2013-060 – Prohibiting Use Variance within 300 feet of Route 6A

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 on Monday, February 25, 2013, at 7:30 p.m. in the Hearing Room of the Barnstable Town Hall, 367 Main Street, Hyannis, MA. The purpose of this hearing is to take comment upon a proposed amendment to the Code of the Town of Barnstable, Chapter 240, The Zoning Ordinance, Article XII, Administration and Enforcement, Section 240-125B (1) Zoning Board of Appeals, General Powers, Paragraph (e) Use Variance. The amendment proposes to prohibit the granting of Use Variances within 300 feet of Route 6A in West Barnstable and Barnstable Village. This proposed amendment was referred to the Planning Board for a public hearing by Town Council Item No. 2013-060.

Copy of the proposed amendment (T.C. Item No. 2013-060) is enclosed.

Correspondence:

Federal Emergency Management Agency (FEMA) notification of Discovery Meeting (Work Map Meeting) to introduce FEMA's Risk MAP (Mapping, Assessment & Planning) Program and review of community work flood risk maps. This meeting will be held in Barnstable Town Hall, 2nd Floor Hearing Room, Monday, February 25, 2013 from 9:00 AM to 10:00 AM (copy of FEMA letter enclosed).

Future Meetings: Regularly Scheduled Board Meetings: March 11, 2013, and March 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 Office, Growth Management Department, 200 Main Street, Hyannis, MA