

Planning Board
Meeting of July 13, 2020

TABLE OF CONTENTS

Pg. 1 - ANR - Robert Madonna

Pg. 7 – ZA TC Item No. 2020-193 - Short Term Rentals

Pg. 9 - Draft Minutes - April 24, 2017

Pg. 19 - Draft Minutes - June 22, 2020

20 JUN 19 P1:43



**Town of Barnstable
Planning Board**

**Request to Extend Time Limit Approval Not Required (ANR) Plan
Chapter 801, Article IV Approval Not Required Plans**

Date: 6/19/20

I hereby agree to extend the required time limits for the Planning Board to take final action on an Application for Approval Not Required Plan filed with the Barnstable Planning Board on 6/9/20, entitled "PLAN OF LAND" (Form A – Approval Not Required), dated, 3/5/20 drawn by BRACKEN ENGINEERING, INC.

This extension requires the Planning Board take final action and file a Decision/Notice of such action no later than July 27, 2020.

Applicant
Signature

Donald F. Bracken, Jr.

Date

6/19/20

(Applicant and/or Applicant's agent who signed the original application)

Applicant/Agent Name:

DONALD F. BRACKEN, JR.
PRESIDENT
BRACKEN ENGINEERING, INC.

Planning & Development

200 Main Street, Hyannis, MA 02601

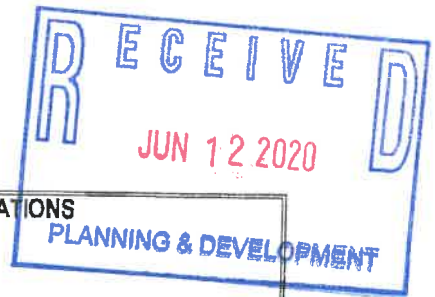
Phone: 508-862-4064 Fax: 508-862-4784

cc: Applicant
Town Clerk
File

PROPERTY: 330, 370, 390, 400 + 420 MAIN ST.

SUBDIVISION REGULATIONS

801 Attachment 2



TOWN OF BARNSTABLE SUBDIVISION RULES AND REGULATIONS

FORM A

APPLICATION FOR DETERMINATION THAT PLAN DOES NOT REQUIRE APPROVAL

Date: 6 / 9 / 2020

The undersigned owner(s) or authorized applicant(s) of the land shown on the accompanying plan request a determination and endorsement by the Barnstable Planning Board that approval under the Subdivision Control Law is not required.

Plan Title: Plan of Land in Barnstable, MA (W. Barnstable Fire District)
prepared for Robert P. Madonna

Plan Date: 3 / 5 / 2020

Assessor's Map and Parcel Number: Map (s): 133 / 134 Parcel (s): 2-1, 2-2, 2-3 & 2-4 / 2-6

Zoning: RF Area: _____ Number of Lots: 3

Drawn By: Bracken Engineering, Inc, Alan M. Grady, PLS

Address: 49 Herring Pond Road, Buzzards Bay, MA 02532
alan@brackeneng.com

Phone: (508) 833-0070

20 JUN-9 P2:55

BARNSTABLE
TOWN CLERK

The undersigned's title to said land is derived as follows:

Deed from Mary E. Paananen, recorded 4-28-1995 in Deed Book 9647, Page 47

PLEASE COMPLETE THE FOLLOWING

1. The proposed lots do X do not _____ meet the present Zoning Ord. lot size requirements, including lot shape factor requirements. (Check one).
2. The applicant believes that the plan does not require the Planning Board's approval because (please circle):
 - ☒ A. Each lot has the minimum required frontage required under the Zoning Ord. on Main Street (Route 6A) Street, which is:
 - ☒ 1. A public way, certified by the Town Clerk as maintained and used as a public way, or
 2. A way shown on a subdivision plan # _____ dated _____ / _____ / _____, and endorsed and installed in accordance with the Subdivision Rules and Regulations, or
 3. A private way which provides adequate access in accordance with § 801-12B of these Subdivision Rules and Regulations.
 - B. The division proposed is for conveyance purposes and does not reduce the lot frontage less than the minimum required in the Zoning Ordinance.
 - C. The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings shown on the accompanying plan were standing prior to the date in which the Subdivision Control Law was implemented in the Town of Barnstable. The date the buildings were constructed and the use is as follows:

BARNSTABLE CODE

Building #1 : ____/____/____ date _____ use _____

Building #2 : ____/____/____ date _____ use _____

Building #3 : ____/____/____ date _____ use _____

Other reasons: _____

4. Has a plan of this land been submitted to the Planning Board before? Yes ☒ No ____ (check one). If yes please provide the date of the plan, date of recordation with the Registry of Deeds or of the date of filing with Land Court, date of plan: ____/____/____ date of recording: 4 / 28 / 1995
Plan of Land prepared for Sheila Bearse Crowell, dated February 14, 1995

5. Are there any wetlands within this tract of land? Yes ☒ No ____ (check one).

6. The owner/applicant owns adjoining land ____ yes ☒ no

Robert P. Madonna 886 Main St., Osterville, MA 02655 / 508-833-0070 (Agent)

Signature of Owner Address Telephone

Robert P. Madonna

Print Name of Owner

_____/_____(_____)_____
Signature of Owner Address Telephone

Print Name of Owner

_____/_____(_____)_____
Signature of Address Telephone
Authorized Applicant

Print Name of Applicant

Applicant's Authorization: _____

This section is to be completed by the Registered Land Surveyor who prepared the plan or by the legal counsel representing the applicant:

I certify that no other conditions or limitations from prior plans apply to the plan of land submitted.

Company/Firm: Bracken Engineering, Inc.
Address: 49 Herring Pond Road, Buzzards Bay, MA 02532
Telephone: (508) 833-0070 Date: 6 / 9 / 2020
Certification: P.L.S. Certification #: MA #37732
Signature: Alan M. Gandy

Received by Town Clerk:

Date: ____/____/____ Time: _____ Fee: _____

Signature: _____

Please make check payable to the Town of Barnstable.

SUBDIVISION REGULATIONS

TOWN OF BARNSTABLE SUBDIVISION RULES AND REGULATIONS

FORM A

APPROVAL NOT REQUIRED PLAN - SUBMISSION CHECKLIST

This form must be completed by the plan preparer, signed, dated and returned with the completed copy of Form A along with the appropriate fee. For the complete submission requirements see Article IV of the Rules and Regulations. Please check each item submitted:

- ☒ One Copy of the completed Form A, and Form A Checklist.
- ☐ Filing Fee Paid \$ 250.00
- ☒ Copy of most recently recorded deed and copy of recent tax bill. Evidence of payment of taxes on all lots. *Karen to request*
- ☐ If the applicant is not the owner, a copy of authorization to apply signed by land owner(s).
- ☒ Evidence of right of access over any private way that provides access and frontage.
- ☒ ~~Ten~~ *8 reduced 11 x 17 copies* copies of the plan at a reduced scale of 1"=100" or other suitable scale for distribution.
- ☒ GIS file (see Appendix A) and original mylar.
- ☐ ~~Original color tracing and eight (8) prints of the plan containing the following information:~~ *4 Full-Size Prints*
- ☒ Locus Map at a scale of 1" = 2,000'.
- ☒ Undereath the locus map, the assessors map and parcel number(s), zoning district(s), zoning overlay district(s), and zoning area, frontage and dimensional requirements. North arrow.
- ☒ Title block location and Fire District, owner, applicant, date scale and bar scale. Firm responsible and original seal on all copies with signature and date. Revisions with dates and descriptions..
- ☒ Adjoining lots and owner(s). Frontage of any remaining adjoining land.
- ☒ Location of existing buildings, including front, side and rear yard setbacks and street address.
- ☒ Location and width of streets, ways and easements: legal status, name and pavement widths. Type of surface of way which gives frontage.
- ☒ Location and area of wetlands on any buildable lot.
- ☒ Lot sizes in sq. ft and/or acres; area of any remaining land; lot shape factor calculations on separate building lots.
- ☒ Lots created for conveyancing purposes only, so noted.
- ☒ Note: "No determination as to compliance with the Zoning Ordinance requirements has been made or intended by the above endorsement".

THE PLANNING BOARD MAY DENY INCOMPLETE APPLICATIONS

Signature of registered land surveyor or registered engineer: *Alan M. Grady*

Print name: Alan M. Grady, PLS

Company/Firm: Bracken Engineering, Inc.

Address: 49 Herring Pond Road, Buzzards Bay, MA 02532

Telephone: (508) 833-0070

Date: 6/9/20

Certification: PLS

Certification #: 37732

I, **MARY E. PAANANEN**, having a mailing address of P. O. Box 99, Barnstable (West), Barnstable County, Massachusetts 02668, for consideration paid of \$600,000.00

grant to **Robert P. Madonna and Paula ~~M.~~ Madonna**, husband and wife, as tenants by the entirety, both of 208 Carlson Lane, Barnstable (West), Barnstable County, Massachusetts 02668

with quitclaim covenants, the land, together with any buildings thereon situated in Barnstable (West), Barnstable County, Massachusetts, described as follows:

Lot 1 containing 3.53 acres, more or less of upland and 2.96 acres, more or less of wetland for a total area of 6.49 acres, more or less; and Lot 2 containing 1.76 acres, more or less; and Lot 3 containing 1.66 acres, more or less; and Lot 4 containing 3.76 acres, more or less of upland and 1.37 acres, more or less of wetland for a total area of 5.13 acres, more or less.

The above described four lots are shown on a plan of land entitled: "Plan of Land in Barnstable, Mass. prepared for: Sheila Bearse Crowell, Scale 1" = 50', February 14, 1995, Eagle Surveying & Engineering, Inc. 10 Seaboard Lane, Hyannis, Ma. 02601 (508)778-4422", which said plan is to be duly filed herewith in the Barnstable County Registry of Deeds in *Plan Book 512, Page 64*

The above described premises are conveyed subject to an Order under Massachusetts General Laws Chapter 130 §105 recorded in said Registry in Book 3355 Page 213.

Being the same property conveyed by deed from Martha W. Dickey to Everett W. Paananen and Mary E. Paananen, husband and wife, as tenants by the entirety dated March 2, 1972 recorded in Book 1610 Page 297. Everett W. Paananen died August 29, 1991 as evidenced by Death Certificate recorded herewith. See also Massachusetts Estate Tax Lien Release re the interest of Everett W. Paananen recorded in Book 8202 Page 265.

Location of property:
400 Route 6A
West Barnstable, MA 02668

EXECUTED AS A SEALED INSTRUMENT this 28th day of April, 1995.

Mary E. Paananen
Mary E. Paananen

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

April 28, 1995

Then personally appeared the above named **Mary E. Paananen** and acknowledged the foregoing instrument to be her free act and deed, before me,

Donald F. Henderson
Notary Public

My Commission Expires:

Donald F. Henderson
My Commission Expires
April 19, 1996

BARNSTABLE REGISTRY OF DEEDS

DEEDS RE
BARNSTABLE

04/28

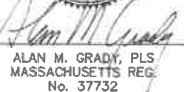
TAX 2052.00
CASH 2052.00

0768A000 14:23
EXCISE TAX

DEEDS RE
BARNSTABLE
CANCELLED
900.00
CASH
482.00
CASH
CANCELLED

20 JUN -9 P2:55

I CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN CONFORMANCE WITH THE
RULES AND REGULATIONS OF THE
REGISTRY OF DEEDS OF THE
COMMONWEALTH OF MASSACHUSETTS.



ZONING DISTRICT: RF
REQUIRED
MIN. LOT AREA: 43,560 s.f.
MIN. FRONTAGE: 150'
MIN. FRONT YARD: 30'
MIN. SIDE YARD: 15'
MIN. REAR YARD: 15'
MAX. BUILDING HEIGHT: 30'

OVERLAY ZONING DISTRICTS:
AQUIFER PROTECTION OVERLAY DISTRICT
RESOURCE PROTECTION OVERLAY DISTRICT

Notes:

1. LOCUS: #330 MAIN STREET PARCEL ID 133-028-000
#370 MAIN STREET PARCEL ID 133-002-001
#390 MAIN STREET PARCEL ID 133-002-002
#400 MAIN STREET PARCEL ID 133-002-003
#420 MAIN STREET PARCEL ID 133-002-004
2. OWNER: ROBERT P. MADONIA & PAULA M. MADONIA
886 MAIN STREET
OSTERVILLE, MA 02655
3. DEED REF: Bk: 9547 Pg: 18
4. PLAN REF: Bk: 512 Pg: 64 (LOTS 1-4)
5. LOCUS FALLS WITHIN SPECIAL FLOOD HAZARD ZONES "AE" (el. 13 & el. 14 & "VE" (el. 16) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP NO. 25001C-0532-J & 25001C-0534-J dated 07/16/2014.
6. SEE ORDER OF RESOURCE AREA DELINEATION (ORAD), MassDCP File No. SE3-5696, APPROVED BY THE TOWN OF BARNSTABLE CONSERVATION COMMISSION ON JULY 10, 2019 FOR APPROVED RESOURCE AREA BOUNDARY DELINEATIONS.
7. THE PURPOSE OF THIS PLAN IS TO RECONFIGURE THE BOUNDARY LINES OF THE FIVE (5) PARCELS NOTED ABOVE TO CREATE THREE (3) NEW PARCELS.

PLAN OF LAND
IN
BARNSTABLE, MA
(WEST BARNSTABLE FIRE DISTRICT)

PREPARED FOR

ROBERT P. MADONNA

#330 MAIN STREET PARCEL ID 134-026-000
#370 MAIN STREET PARCEL ID 133-002-001
#390 MAIN STREET PARCEL ID 133-002-002
#400 MAIN STREET PARCEL ID 133-002-003
#420 MAIN STREET PARCEL ID 133-002-004

BRACKEN ENGINEERING, INC.

49 HERRING POND ROAD

BUZZARDS BAY, MA 02532

tel: (508) 325-0044 fax: (508) 833-2282

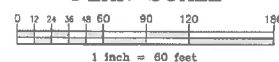
SCALE: 1" = 60' MARCH 5, 2020

BARNSTABLE PLANNING BOARD
APPROVAL UNDER THE SUBDIVISION
CONTROL LAW NOT REQUIRED

DATE APPROVED: _____

NO DETERMINATION AS TO COMPLIANCE WITH THE ZONING
ORDINANCE REQUIREMENTS HAS BEEN MADE OR INTENDED
BY THE ABOVE ENDORSEMENT.

PLAN SCALE



5. Aileen Delaney/Bonnie Jean Street 230-370-390-420 Main St. N. Room 230-420 Main Street - 2nd fl.

B. NEW BUSINESS (Refer to Planning Board)

BARNSTABLE
TOWN CLERK

BARNSTABLE TOWN COUNCIL

20 JUN 24 P4:27
ITEM# 2020-193
INTRO: 06/18/2020

**2020-193 ORDER AMENDING CHAPTER 240 ZONING, ARTICLE II, SECTION 7
ADDING CERTAIN PROVISIONS PERTAINING TO SHORT TERM RENTALS**

ORDERED that the Code of the Town of Barnstable, Chapter 240 Zoning, Article II, Section 7, be amended by adding the following subparagraph (J) to Section 240-7:

“J. Short term rentals. Notwithstanding any provisions to the contrary in this Chapter 240, short term rentals shall be permitted within lawful dwelling units in all zoning districts. A short term rental shall be defined as a residential dwelling or any portion of a dwelling rented out through the use of advance reservations, for a fee, for a period of not more than 31 consecutive calendar days, excluding: Cottage Colonies, as defined herein; hotels licensed under M.G.L. Chapter 140, Section 6; motels licensed under M.G.L. Chapter 140, Section 32B; lodging establishments licensed under M.G.L. Chapter 140, Section 23 or under Chapter 506 of the Code of the Town of Barnstable; bed & breakfast establishments or bed & breakfast homes licensed under said Chapter 506. Cottage Colony shall be defined as a group of three or more detached dwellings, legally in existence at the time of adoption of this ordinance, located on a single lot, which are customarily occupied on a seasonal basis. When a property is in use as a short term rental, on-site parking shall not be in any cultivated or landscaped area between a roadway and the part of the principal structure nearest to the roadway.”

SPONSOR: Town Council Committee to Review Zoning & Permitting Regulations: Paula K. Schnepf, Chair, Councilor Precinct 12, Britt Beedenbender, Councilor Precinct 4, Kristine Clark, Councilor Precinct 11, Jennifer Cullum, Councilor Precinct 13, Gordon Starr, Councilor Precinct 1

DATE	ACTION TAKEN
------	--------------

_____	_____
_____	_____

_____	Read Item
_____	Motion to Open Public Hearing
_____	Rationale
_____	Public Hearing
_____	Close Public Hearing
_____	Council Discussion
_____	Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2020-193
INTRO: 06/18/2020

SUMMARY

TO: Town Council
FROM: Town Council Committee to Review Zoning & Permitting Regulations
DATE: June 12, 2020
SUBJECT: Order amending Chapter 240 Zoning, Article II, Section 7 adding certain provisions pertaining to Short Term Rentals

RATIONALE: This proposed amendment to Chapter 240, Zoning, aims to provide a clear understanding of what is permitted in terms of renting a residential dwelling as a Short Term Rental in the Town of Barnstable. Currently, Short Term Rentals are neither expressly permitted nor prohibited in the Town of Barnstable; the use is not addressed in any municipal ordinance. Short Term Rentals are being, and historically have been, operated in all villages in Barnstable. According to the latest data set provided by the Massachusetts Department of Revenue, there are 663 short term rentals currently registered in the Town of Barnstable.

This proposed amendment to the Town's zoning ordinance defines Short Term Rentals in a manner consistent with the Commonwealth in the Short-Term Rental Law (Chapter 337 of the Acts of 2018, revising G.L. c. 64G, Section 3A), which includes Short Term Rentals among the list of establishments subject to the local excise tax. Short Term Rentals are broadly defined as residential dwellings, or portions of dwellings, that are rented out in advance for less than 31 days (including weekly rentals).

The proposed approach to Short Term Rentals is two-fold: a general ordinance to register Short Term Rentals with the Inspectional Services Department and require that certain standards, including life safety standards, are met; and an amendment to the zoning ordinance to recognize Short Term Rentals as an allowed use of a residential dwelling.

This item is a proposed amendment to the Zoning Ordinance to recognize and define Short Term Rentals. Short Term Rentals are defined consistent with the Short-Term Rental Law, as noted above; the definition also includes exclusions, including historical cottage colonies. The amendment also establishes parking standards for the use. Parking is appropriately addressed through zoning, as opposed to a general ordinance.

This proposed amendment to the zoning ordinance was developed with the assistance of consultant groups who provided background research on short term rental operations in Barnstable; meetings with the Centerville, Osterville, West Barnstable, Barnstable, Marston Mills, and Greater Hyannis Civic Associations; and public input at multiple Town Council and Zoning & Regulatory Subcommittee meetings.

A proposed zoning amendment requires referral by the Council to the Planning Board, and a recommendation by the Planning Board to the Town Council. The amendment then must be considered by the Town Council at an advertised public hearing, and requires a two-thirds majority vote for passage.

STAFF ASSISTANCE: M. Andrew Clyburn, Assistant Town Manager, Karen Nober, Town Attorney, Charles McLaughlin, Assistant Town Attorney, Brian Florence, Building Commissioner, Elizabeth Jenkins, Planning & Development Director, Paul Wackrow, Senior Planner, Gloria McPherson, Planning & Economic Development Coordinator



Town of Barnstable Planning Board



www.town.barnstable.ma.us/PlanningBoard

Board Members

Raymond B. Lang – Chair Mary Barry – Vice Chair David Munsell - Clerk Paul R. Curley Stephen Helman Mark R. Ferro Steven Costello
John Norman – Town Council Liaison

Staff Support

Elizabeth Jenkins, AICP, Director
Anna Brigham, Principal Planner
Karen Herrand – Principal Assistant - karen.herrand@town.barnstable.ma.us

Town of Barnstable PLANNING BOARD Minutes April 24, 2017

Raymond B. Lang – Chairman	Present
Mary Barry – Vice Chairman	Present
David Munsell, Clerk	Present
Paul Curley	Present
Stephen Helman	Present
Mark Ferro	Present
Steven Costello	Present

Also in attendance were Karen Herrand, Principal Assistant, Growth Management Dept.

Notice of Recording: This meeting is being recorded and broadcast on Channel 18 and in accordance with MGL Chapter 30A §20. The Chair must inquire whether anyone else is taping this meeting and to please make their presence known.

Approval Not Required Plans:

Thomas E. Driscoll - 900 Phinneys Lane, Centerville – Map 251 Parcel 104-H00 and T00 has submitted a plan entitled “Proposed 3 Lot Subdivision (Form A – Approval Not Required), 900 Phinney’s Lane in Hyannis, (Barnstable) Massachusetts, dated October 22, 2016” drawn by Matthew C. Costa, P.L.S., Cape & Islands Engineering, Inc.

Attorney Peter Freeman in attendance. He gives an explanation of the ANR, DPW is involved with this ANR. Adequate real frontage. He refers to the staff report, Exhibit A. They are in all four corners and they have the curb cut. He refers to the plan, Exhibit B. All prefer the common driveway. Zoning by law also allows access to lots by common driveway.

Elizabeth Jenkins states that an ANR has 3 standards in order to grant an ANR. The plan must front on, meet frontage, and vital access standard, meant to enforce the underlying premise that the process is there in order to ensure there is practical access. Enforce that all lots. Concerns, can there be access to the lot that is meaningful and adequate, up to landowners to decide about a common driveway. Is the access illusory there is a guardrail that protects the slope, 6% slope. Currently no permit that would allow access. Pulio case talks about.

Peter Freeman takes issue comments that they have submitted a plan, it is not illusory, it can be done. We do have the road opening permit from DPW. It would be preferable to have just one curb cut. Argues that this would be legally correct.

David Munsell asks for clarification re Exhibit C, DPW, trench permit.

Elizabeth Jenkins refers to this and explains that the case law raises whether or ether or not can gain access for lot 2 independently.

David Munsell asks if our Legal Dept. has been consulted? One of the most unusual ANR's he's ever seen.

Elizabeth Jenkins replies that she did let Legal know/aware but a formal request for an opinion has not been asked for yet.

Chair Ray Lang asks about the frontage, is the shape triangular? Refers to the plan, Exhibit B (2 plans). Is the common driveway in existence or will it be in existence?

Attorney Freeman replies , not in existence.

Chair Ray Lang asks if only part of guardrail being removed. Attorney Freeman states yes, correct.

Elizabeth Jenkins interjects that there has been no approval to remove any part of the guardrail. It does not extend over lot 1. No contemplation of removal/flared out frontage, which narrows to 15 ft. panhandle, there is a guardrail there (perspective).

Stephen Helman asks for clarification about the driveway with guardrail in place, would he be making a sharp right turn onto this proposed driveway coming from Route 132 from Route 28, you are already at a sharp turn, police think this is a good idea?

Elizabeth Jenkins clarifies that the perspective plan has never been clarified by fire/police. Attorney Freeman explains that they do not want to use this plan. Fire and Police were satisfied.

Chair Ray Lang is not comfortable voting on this. This ANR that should come before Planning Board as a subdivision. He sees this as a subdivision plan.

Attorney Freeman replies that maybe he should discuss with project engineer and sign an extension. He would be willing to sign an extension for an ANR.

Chair Ray Lang suggests continuing this, check with Fire Dept. and make sure it is clarified for safety reasons also.

Elizabeth Jenkins confirms that we can extend this and not have it issued by a constructive grant.

Steven Costello asks who will approve removal of the guardrail.

Attorney Freeman replies that would be DPW if that particular plan is approved.

David Munsell states that he has a right of way from 6A to his lot and there are 2 lots, have driveway in common.

Chair Ray Lang entertains a motion to continue to May 8, 2017, at 7 p.m.,

Subdivisions:

Continued Business

Road Rescission – Sub Nos. 362 & 658

Offshoot Rd

Beach Point, LLC has requested to modify Subdivision Nos. 362 & 658. The request is to rescind the southerly end of Offshoot Road and incorporate the road layout into Lot 12 of the subdivision. The plan for this subdivision modification is entitled “Definitive Plan of #127 & #133 Maushop Avenue and Modification of Offshoot Road, Barnstable, MA” prepared for Beach Point, LLC, dated October 23, 2016. The subject properties are shown on Assessors Map 278 as Parcels 046-002 & 046-003. *Continued from January 9, 2017, January 23, 2017, February 13, 2017, February 27, 2017, March 13, 2017, March 27, 2017, and April 10, 2017, to April 24, 2017.*

David Houghton, Assistant Town Attorney in attendance. Explains that they did provide an opinion, Legal memorandum, Exhibit D.

Attorney Peter Freeman in attendance, representing Marcy Dugas of Dorcas Ave. and Joe Dugas. He gives a brief history. Draft conditions just received last Friday, he refers to memorandum, Exhibit D. Key points what happened to the Development Agreement for lots, 10, 11 and 12. Sub. Approval from April of 2006 did require a Development Agreement, including covenant shall be recorded with plan and returned or decision shall be null and void. The legal memorandum doesn't address that. They were thinking they could work with/work out.

His client's objectives are to achieve:

One: They would like a condition of Planning Board approval – shall be no access between Offshoot rd. and the abutting Barrell Hill subdivision. No connection.

Second: The status of repairs of potholes, damage to /caused by heavy equipment . Require to do immediate patching of the potholes. Brian Burback /Andrew Maher

In addition thinks language should be broader to include that it be broadened for drainage/repair obligations. Wanted addresses to be Offshoot Rd. If there are other houses there, Mr. Maher did agree to that.

Subject to condition re Board of Health letter, all drainage be contained on site on each lot, he refers to this letter, Exhibit E. Make specific to all drain for lots 11 and 12. Supplement the covenant to state that notice be recorded at Registry that future owners of lot 11 and 12 to make the repairs as required as the conditions state. Makes more sense to work out details, rather than revoke the subdivision.

Also possibility of lot 12 not being developed? Discussion with Mr. Maher re this, not happened yet, in the works.

David Houghton states/replies that this issue the Planning Board is to approve the request for modification or not. This case went to Land Court. The matter couldn't be resolved. Resolution, key part was that the covenant was sufficient. No Development Agreement then. This should have been done back at that time. A court would decide this in that manner.

Paul Curley asks David Houghton if there is any impediment not to preclude the parties coming together to make resolutions on their own and not have to go to court.

David Munsell agrees. Get an assessment on the road and the work that needs to be done. A lot of wear on the road. Need some type of agreement done.

Andrew Maher in attendance. They have had a couple of draft agreements going back and forth. He will continue to work with them in order to get it done. They have an easement there already for utilities. Their plan is to sell the lot, he believes what they are asking for will take place with sale. Pothole issue; they will address that and will repair, they will not do anything futuristic for pothole repairs. He has spoken to Mr. Burbick. Intend to live there and have a nicely done road.

Name: Offshoot Rd., they support whatever the Town would approve he cannot legally bind and put in a document.

There were 7 open points: they made an offer to sign in advance of this meeting. Would like a vote tonight.

Chair Ray Lang asks for clarification, is there a bldg. permit?

Dan Ojala in attendance. He refers to the plan, Exhibit F. Lot 10, only aspect, lot released from covenant. Definitive Plan Beach Point LLC.

Mary Barry states that/refers to Andrew Maher, what is the one exception?
Andrew Maher, they did not agree to utility access.

Steven Costello, clarifies the whole road, Maushop to be repaired?

Dan Ojala replies yes, they will do a before and after look at the road. Erosion and construction. They are comfortable with the Board of Health letter, but this is unrealistic to think that no water will run down. They cannot stop all the run off. There are many aspects of this, it would be a civil matter.

Lot 11 no concern over that, isn't a concern. Lot 12 will never be developed. 12 if left natural not a problem, civil matter.

Chair Ray Lang asks to clarify the parties working together? Suggests coming back.

Elizabeth Jenkins states that it can be statutorily issued as a constructive grant. We would need consent of the applicant.

Stephen Helman reiterates that this has been continued many times.

Public Comment:

Marcy Dugas in attendance, 45 Dorcas Drive. She disagrees with the parties having a lot of opportunity to come. A lot of money spent on issues that should have been done by the Planning Board. There is building being done on a lot that doesn't exist.

Chair Ray Lang states that she is out of order, asked Marcy Dugas to please sit down.

Richard Carrol, 61 Maushop Ave., he is asking for clarification about why are we not considered abutters? Construction is being done aggravates the situation of a passable road.

David Munsell asks if one of the Planning Board members could sit in on the next meeting of negotiating?

Elizabeth Jenkins replies that it is up to Applicant to sign an extension?

Attorney Freeman and Town Attorney Houghton state that this is acceptable to them.

Andrew Maher states that he would not like to extend this matter any further.

Chair Ray Lang entertains a motion to close the public hearing, moved by Mark Ferro, seconded by Mary Barry, so voted unanimously.

Stephen Helman reads into record the Draft Motion and Conditions to Endorse Modification:

- a. Definitive Plan of #127 & #133 Maushop Avenue and Modification of Offshoot Road, Barnstable, MA prepared for Beach Point, LLC dated (last revised) February 5, 2017 drawn and stamped by Down Cape Engineering; and
- b. Sketch showing pavement extension per meeting with Fire Dept, Dated February 5, 2017 by Down Cape Engineering. The Barnstable Deputy Fire Chief and the Town Engineer find that the proposed turn-around will provide adequate access for the development of Lots 11 and 12.

This approval is inclusive of waivers to the Subdivision Rules and Regulations previously granted and requested in the memorandum from Down Cape Engineering, Inc. dated November 10, 2016, a copy of which shall be attached hereto. The Board finds granting said waivers will not adversely affect the development of Lots 11 or 12 for single-family homes.

This approval is subject to the following conditions:

1. The development shall be subject to all Subdivision Rules and Regulations, except those waived by the Board as stated herein.
2. Lots 11 and 12 remain subject to a covenant recorded in Book 22043 as Page 323.
3. The development shall be subject to all requirements of Board of Health letter dated December 22, 2016.
4. Prior to the endorsement of the subdivision plan, the Applicant shall:
 - a. Complete and endorse a Development Agreement with the Planning Board for completion of Phase II of the subdivision as approved herein.
 - b. Submit a Form S – Road Maintenance and Repair – requiring the Developer and successors in title to be responsible for all maintenance (including snow removal) and repair for Phase II of Offshoot Lane.
 - c. Road inspection fees as applicable.
 - d. A returnable check for \$1,000 to ensure recordation of the development agreement.
5. The developer shall comply with condition No. 7 of the 2006 Development Agreement that any potholes and damage to Maushop Avenue caused by erosion from construction of Offshoot Road shall be repaired.
 - a. Prior to issuance of any permits or commencement of any site work for Lots 11 and 12, the Developer shall submit a report, including an “existing conditions video” to the Town Engineer detailing the condition of Maushop Avenue.
 - b. Prior to issuance of Certificate of Occupancy for each dwelling on Lots 11 and 12, the Developer shall submit a subsequent report to the Town Engineer detailing any changes in the condition of Maushop Avenue, including, but not limited to a report of any new or further deteriorated potholes or erosion.

- c. The Developer shall be responsible for repair of any damage to Maushop Avenue as determined necessary by the report. Work completed in fulfillment of this condition shall be completed under the supervision of the Town Engineer.
6. This request modifies Condition No. 5 of the Board's Definitive Plan decision dated April 6, 2006. All other conditions of the decision dated April 6, 2006 shall remain in full force and effect.
7. The Development Agreement and Form S shall be recorded at the Barnstable County Registry of Deeds together with the approved Definitive Plan Modification. A copy of the recorded documents shall be returned to the Planning Board within 30 days of the endorsement of approval.
8. **Chair Ray Lang entertains a motion to approve the Draft Motion/Conditions, moved by Paul Curley, seconded by Steven Costello, so voted unanimously.**

Regulatory Agreements:

Application No. 2017-01

Shoestring Properties, LLC

Shoestring Properties, LLC seeks to enter into a Regulatory Agreement with the Town of Barnstable to redevelop the properties 110 School Street and 53 South Street, Hyannis. The properties are shown on Assessor's Map 326 as Parcels 121 and 125. They are zoned HD – Harbor District. The Applicant proposes to demolish all existing improvements and construct a multi-family residential condominium complex consisting of 33 market rate units in nine buildings. Parking will be located in underground garages, with street-level guest parking. Proposed accessory improvements include a fountain area, swimming pool with pool deck, courtyard area and trash sheds. The Applicant seeks multiple waivers from the zoning ordinance and general ordinances. *Continued from February 13, 2017, and March 13, 2017, to April 24, 2017.*

Attorney John Kenney in attendance, representing the Applicant. He gives a history of the last time they were here. Makes reference to the new. He has been to a couple different Commissions, also back to Hyannis Main Street Waterfront Historic District Commission (HHDC) on May 3, 2017. Still asking for a waiver in order not to have to go before them. Went to Civic Assoc. It seemed to be favorably received by them. They may take a formal position at the next meeting. Housing Committee tomorrow for workforce housing, inclusionary. They are still seeking this waiver. Density, height, mitigation, use of public way. Steamship Authority has some input. Workforce Housing, inclusionary zoning. The project is becoming cost heavy. Density: Project, Height: offset by the terrain of the property. - There is mitigation, utilities will be placed underground. New water main to be installed. ADA compliant sidewalks to the property. Grant an easement for public sidewalks. Parking for both public and private. Workforce Housing: Hyannis has done it's share.

Mark Ferro asks what the total value would be for the development?

Stuart Bornstein in attendance. He replies that the units are market in Hyannis. Doesn't think they'll get more than a million dollars, for the best unit. \$25 to \$27 million margin. This is a guesstimate with the construction prices rising. Hyannis doesn't have a high price range. Would like to bring up the level of Hyannis, higher end market that would benefit all.

Mark Ferro clarifies and agrees with development, but a lot of opposition here as well. There are some issues, the view and some others.

Stuart Bornstein replies we do not block any views.

Mark Ferro comments that the 10% of workforce housing should be done. There is a need. Stuart Bornstein replies that we cannot, as a seasonal economy can't pay.

Elizabeth Jenkins clarifies that his inclusionary zoning obligation would be 3 units.

Stephen Helman clarifies that the affordable housing needs are for year round citizens, we need affordable housing here. We are obligated to do this. He's having difficulty with this waiver and the height.

Paul Curley asks about mitigation, density. Who's looked at the water supply and the sewerage for this? How arrive at this mitigation amount?

Attorney Kenney states that Stuart Bornstein crunched numbers.

Dan Ojala in attendance. Explains mitigation: streetscape to be improved, lowering beneath the ground the utilities, past Steamship Authority. Do have to keep transformer above the flood zone. Sidewalks, curb, granite to define street edges, street trees, he refers to the plan, Exhibit G.

Gravity sewer, main, reliable. water main aged, will be replaced, working with Hyannis water. Large pump station on South St., Does not anticipate any issues with the sewer.

Paul Curley asks about hydraulics/pressure. Traffic in area? Would like to see something re traffic analysis.

Mary Barry states that she thinks the design is much better, her concern is still the density, she agrees that traffic could be an issue. It may be too much for such a small space. Concerns with it fitting in the neighborhood as well.

David Munsell states that the Growth Incentive Zone (GIZ) is to bring contractors/developers in the area, to build, so they didn't have to go through the Cape Cod Commission (CCC). Incentives for growth. Most developments have waivers. Mixed use never happened on Main Street Hyannis. Comments about taxes to be collected from these properties. Describes what's in the area. Landscape/Streetscape improvements will look good, Bollard lighting. He doesn't think it's the responsibility of the Developer to provide affordable units.

Elizabeth Jenkins clarifies that it is Growth Management's (GM) responsibility to facilitate, bring the info to the Planning Board. We have provided information from the legal perspective.

Steven Costello comments/asks how many of the 33 units have true water views, unobstructed.

Dan Ojala replies, about 20 would have a direct water view.

Steven Helman— time frame for the project? Is it assumed that construction will be done , what happens if more people want a higher end unit, possible sold at lesser price? 33 units and the density - HHDC he doesn't see the harm in including them in the Regulatory Agreement. .

Chair Ray Lang asks about Site plan, Exhibit G, floor drain? Is/does this drain into sewerage? Parking spaces - part on town and developer's land. 4 parking spaces. Move bldg's around to see how many units can have water views. South St. water would come to School St. Garages underground, will water drain properly.

Atty Kenney responds to questions:

Parking: Give town easement for public use of sidewalks, in exchange be looking for license for the parking, to be used exclusively for people in condo units, this is not new concept, has been done before. An exchange.

Dan Ojala: Drain issue. School St is not wide enough for on street parking now, widening, utilizing a small part.

Floor Drains – plumbing code now calls for floor drains in case a leak in a vehicle, those go to a tank or sewer system. Discharged into sewer, it is allowed.

Grading: 2 ft. contours, water goes from 24 to 25 to 26, sheet 4. There will be water from the highpoint down. Strip drains, subsurface drainage. Some mitigation plantings as well.

Chair Ray Lang asks for Public Comment:

Laura Shufelt in attendance. She is speaking in opposition to the inclusionary ordinance, it would be unprecedented to waive it, never been done. The need for affordable housing has become increasingly more necessary. Agrees with 3 units of affordable, per median income, should be mandated off site. She's seen too many unfavorable outcomes where mixed income doesn't work well. She suggests to satisfy with for sale of homes, outside of Hyannis. Guidelines to be approved. Homes to have approved capital lease assessment, sold to buyers at \$210,000 price. Need children to keep the Cape viable.

Mary Ann Agresti, Architect, property owner near Main St. This size project needs a separate Historic review. This project needs this type of review.

Bud Breault in attendance, Airport Manager. They are concerned with the terms because it is a potential incompatible construction re air use. Ask to complete and file FAA and air space obstructions.

Ted Williams in attendance. He comments that Hyannis is right on the edge of making it or not in his opinion. He thinks this is a great catalyst project. There would have to be waivers. He thinks this is a great benefit for the Town.

Valerie Moore, behalf of Steamship Authority, in attendance. They have reached a tentative agreement with the issues they had in regards to the communications. They would like a condition to be placed in order to have this agreement.

Dominic Alessandra in attendance. He comments that he would like to see an image of the historical nature of the neighborhood.

Wayne Kurker in attendance, owner of Hyannis and Dockside Marina. He comments that aesthetics are extremely important here. In this case the relief being requested should be up to Historic. Doesn't agree with all the waivers being asked for.

Marian Thompson (Gleed her husband) in attendance. They are only 10 ft. from the hotel and the Dockside restaurant. She agrees that Historic needs to be involved. The height is a concern to them. This will be very shocking to have something that tall there. They rent seasonally. The proximity of the proposed pool may be an issue to them, right next to their house. Thinks it is definitely an improvement, thinks good use of space. These plans are an improvement. 33 units seems so massive of a request to ask for.

Chair Ray Lang comments that this is a major project and needs major consideration. He wants to see the GIZ do well. He would like a list of all the latest correspondence

Paul Curley asks if we will be looking at a draft regulatory agreement?

Elizabeth Jenkins replies that we can get a draft agreement from the Applicant, which will allow a starting place for the Board to go by.

Attorney Kenney is in agreement and they have provide with the application. He will work with Staff to refine it. The HHDC did like what was presented, they are asking for a waiver and a final decision from that Commission. We are treating this like a comprehensive permit. We are not asking for a waiver not to go to the Historic Commission. They are looking for one decision, not multiple decisions.

Chair Ray Lang entertains a motion to continue to May 22, 2017 (which will have draft reg. agreement) moved by Stephen Helman, seconded by Paul Curley, so voted unanimously.

Zoning Amendments:

Recreational Marijuana Moratorium - Town Council Item No. 2017-108

The purpose of this hearing is to take comment on the proposed zoning ordinance amendment to add a new §240-129.1 establishing a temporary moratorium on recreational marijuana establishments and marijuana retailers and associated activities, as defined, through and including June 30, 2018. (December 31, 2018)

This amendment was referred to the Planning Board for a public hearing by Town Council Item No. 2017-108.

Chair Ray Lang entertains a motion to open the public hearing, moved by Stephen Helman, seconded by David Munsell, so voted unanimously.

Elizabeth Jenkins gives an explanation of this proposed zoning amendment. Make amendment to extend to Dec. 31, 2018.

Stephen Helman asks what is the authority to override this.

Elizabeth Jenkins replies that this zoning amendment addresses the retail establishments that would be selling. Individual towns are also being considered to opt out. This is for the sale. State is grappling with this now. This will give some time to consider and respond .

Mark Ferro asks if this could be another extension?

Elizabeth Jenkins replies yes, zoning, so same process.

Chair Ray Lang asks for any public comment – None.

Chair Ray Lang entertains a motion to close the public hearing, moved by Paul Curley, so voted unanimously.

Chair Ray Lang entertains a motion to recommend this Zoning Amendment moratorium extension to December 30, 2017, to Town Council, moved by Stephen Helman, seconded by Mary Barry, so voted unanimously.

Correspondence:

Request for review of proposed relocation of Way - 109 and 117 Eel River Rd, Osterville

Request received from Attorney Albert Schulz - Request received to continue to May 8, 2017.

Notice from Division of Fisheries & Wildlife – NHESP draft map of Endangered Species – comment until June 3, 2017

Environmental Notification – Erosion Control Project – 100 Cross St., Cotuit dated April 7, 2017

Matters Not Reasonably Anticipated by the Chair:

Future Meetings: Regularly Scheduled Meetings: May 8th and May 22, 2017 @ 7:00 PM.

Chair Ray Lang entertains a Motion to adjourn, moved by Paul Curley, seconded by Mary Barry, so voted unanimously.

The meeting adjourned at 10:37 p.m. .

Respectfully Submitted _____
by Karen A. Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on _____

Further detail may be obtained by viewing the video via Channel 18 on demand at <http://www.town.barnstable.ma.us>

List of Exhibit Documents

Exhibit A – ANR – Driscoll, 900 Phinney's Ln, Staff Report

Exhibit B – ANR – Driscoll, 900 Phinney's Ln, - Plan

Exhibit C- ANR – Driscoll, 900 Phinney's Ln, Trench Permit/DPW

Exhibit D- Sub. No. 362 & 658 – Offshoot Rd., Legal Memorandum

Exhibit E – Sub. No. 362 & 658 – Offshoot Rd., Letter from Board of Health

Exhibit F – Sub. No. 362 & 658 – Offshoot Rd.,- Plan

Exhibit G – Reg. Agreement No. 2017-001 – Shoestring Properties, LLC Dockside Project – Plans



Town of Barnstable Planning Board



www.town.barnstable.ma.us/PlanningBoard

Board Members

Steven Costello – Chair Jeffrey Swartz – Vice Chair Patrick Foran – Clerk Mary Barry Stephen Robichaud Aimee Guthinger

Mathew Levesque – Town Council Liaison

Planning & Development Dept. Staff Support

Elizabeth Jenkins, AICP, Director

Paul Wackrow, Senior Planner

Karen Herrand – Principal Assistant - karen.herrand@town.barnstable.ma.us

Town of Barnstable PLANNING BOARD Minutes June 22, 2020

Steven Costello – Chairman	Present
Jeffrey Swartz – Vice Chairman	Present
Patrick Foran – Clerk	Present
Marry Barry	Present
Stephen Robichaud	Present
Aimee Guthinger	Present

Also in attendance via remote participation were Paul Wackrow, Senior Planner, Planning & Development and Karen Herrand, Principal Assistant, Planning & Development.

In accordance with the Governor's Order Implementing a Phased Reopening of Workplaces and Imposing Workplace Safety Measures to address COVID-19 (COVID-19 Order No. 33) this meeting will be closed to the public to avoid group congregation. Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be viewed via the Channel 18 website at <http://streaming85.townofbarnstable.us/CablecastPublicSite/>

2. Real-time access to the Planning Board meeting is available utilizing the Zoom link or telephone number and Meeting ID provided below. Public comment can be addressed to the Planning Board by utilizing the Zoom link or telephone number and Meeting ID provided below:

Link: <https://zoom.us/j/93357436397>

Phone: 1-888 475 4499 Meeting ID 933 5743 6397

3. Applicants, their representatives and individuals required or entitled to appear before the Planning Board may appear remotely and are not permitted to be physically present at the meeting, and may participate through the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to Paul.Wackrow@town.barnstable.ma.us, so that they may be displayed for remote public access viewing.

Application materials may be accessed by contacting paul.wackrow@town.barnstable.ma.us or calling 508-862-4703.

Application materials will be available at www.townofbarnstable.us/PlanningBoard

Call to Order:

Roll Call Attendance

Steven Costello – here

Jeff Swartz - here

Patrick Foran - here

Mary Barry - here

Stephen Robichaud - here

Aimee Guthinger - here

Notice of Recording: This meeting is being recorded and broadcast on Channel 18 and in accordance with MGL Chapter 30A §20. The Chair must inquire whether anyone else is taping this meeting and to please make their presence known.

Approval Not Required Plans:

Robert P. Madonna has submitted an Approval Not Required Plan for 330, 370, 390, 400 & 420 Main Street, Route 6A, West Barnstable - plan entitled "Plan of Land in Barnstable MA (West Barnstable Fire District) prepared for Robert P. Madonna 330 Main St.- Parcel ID 134-026-000, 370 Main St. – Parcel ID 133-002-001, 390 Main St. – Parcel ID 133-002-002, 400 Main St. – Parcel ID 133-002-003 & 420 Main St. – Parcel ID 133-002-004 prepared by Bracken Engineering, Inc. dated March 5, 2020".

Applicant has requested to continue to next meeting, July 13, 2020.

Chair Steven Costello entertains a motion, moved by Stephen Robichaud to continue consideration of the ANR Application for 330, 370, 390, 400 & 420 Main Street, Route 6A, West Barnstable to July 13, 2020, seconded by Jeff Swartz,

Roll Call Vote:

Steven Costello – aye

Jeff Swartz- aye

Patrick Foran - aye

Mary Barry – aye

Stephen Robichaud - aye

Aimee Guthinger not present to vote, the motion passes.

Special Permits:

Monika I. Atsalis and/or HMI Parking Services, LLC, seek a Special Permit pursuant to Section 240-24.1.9.B(1) - Parking facilities within the WP Overlay District to allow for the parking of up to thirty (30) cars on the property at 110 Ridgewood. The subject property is addressed 110 Ridgewood Avenue, Hyannis, MA and is shown on Assessor's Map 328 as Parcel 215. The subject property is in the TD – Transportation Hub District and the WP – Well Protection Overlay District.

Chair Steven Costello entertains a motion to open the public hearing, moved by Mary Barry, seconded by Jeff Swartz,

Roll Call Vote:

Steven Costello - aye

Jeff Swartz - aye

Patrick Foran – aye

Mary Barry - aye

Stephen Robichaud - aye

Aimee Guthinger - aye

So voted unanimously.

Attorney John Kenney in attendance for the Applicant.
Demetrius Atsalis also in attendance.

Attorney Kenney gives an explanation for the proposed application, reference to the plan, Exhibit A, EC1.0.

Some discrepancy regarding pre conforming use. Use for overflow of lot. Ocean Street cars go from Ocean St. to Ridgewood Ave. lot, sometimes they will escort to Ridgewood Ave. lot. Section 240.24.1.2e, Planning Board is the Special Permit Granting authority here. Should be consistent and meet 7 criteria. Individual zoning regulations. Recommends more improved, section 7, sharing of parking spaces, consistent with the DIP. Buckler's doesn't need in this specific time frame, Sunday. He refers to his memorandum, Exhibit B. This is an existing area, making no changes to the location. Section M may meet the criteria for this. Remove from Waterfront area to this area, outside the congested area. Section 240, 25c. project must not derogate, his client has been using this area for the past 14 years with no complaints. Not detrimental to the area. Danger of risk to WP is nominal. No site changes. No lot changes. Does not change the overall effect or public water supply. Wellhead protection regulations. Proposed does not fall into any of the prohibited uses. Refers to Staff Report, Exhibit C. Condition No. 6 - has a proposed amendment.

Chair Steven Costello asks if any public comment. None. No comments from the public that have come in either.

Jeff Swartz comments/asks why is this coming now, thinks it's good to get right now.

Demetrius Atsalis replies that he has been permitted for 16 years for parking. Had a plan that was accepted in 2011, this should have happened years ago. He chose this area because of how the parking is here presently.

Patrick Foran states, yes operating here for many years anyway, doesn't see any issues.

Mary Barry clarifies it's a valet lot, also good re use of property. Maximize at 30 spaces?

Demetrius Atsalis replies yes, also 90 percent Friday through Sunday. Yes, downsized to 30 cars.

Aimee Guthinger doesn't see any problems/permit it.

Steven Costello asks for duration/time for a Special permit for this.

Paul Wackro answers no time limit, it will address this outstanding use, started the first parking here in 2005.

Attorney Kenney would like to address Condition No. 6, Staff Report – Suggested Conditions, Exhibit C.

Chair Steven Costello entertains a motion to close the public hearing, moved by Mary Barry, seconded by Jeff Swartz,

Roll Call Vote:

Steven Costello - aye

Jeff Swartz – aye

Patrick Foran - aye

Mary Barry - aye

Stephen Robichaud - aye

Aimee Guthinger - aye

Attorney Kenney – suggests delete the 2nd sentence and amend Condition No. 6 to only have the general public should not have direct access to the lot. Bottom of pg. 5 of Staff Report, Exhibit C.

Paul Wackrow states could make a motion to amend Condition No. 6 of the draft conditions, to read the general public shall not be allowed direct access to parked cars.

Jeff Swartz asks if any others can just call and get a parking spot there.

Mary Barry states that you would get into a different type of rules if it was for a public access facility.

Mary Barry make a motion for the Special Permit findings as follows:

1. Monika I. Atsalis and/or HMI Parking Services, LLC. is seeking a Special Permit to allow a parking facility at 110 Ridgewood Avenue, Hyannis.

2. The Subject property is addressed 110 Ridgewood Avenue, Hyannis Map 328, Parcel 215, a 1.72 acre lot located in the Transportation Hub District (TD) and Well Protection Overlay District (WP).
3. The request to operate a parking facility falls within a category specifically excepted in the ordinance for the granting of a special permit; the applicant seeks a Special Permit under Section 240-24.1.9.B. (1) for parking facility within the WP Overlay District.
4. On April 13, 2020, Building Commissioner Brian Florence issued a determination that “the use of 110 Ridgewood Av, as a parking lot is of no significant detriment to the achievement of any of the purposes set forth in Section 240-99 [Site Plan Review, Purpose] as the use of the property has been for the purpose of parking motor vehicles.”
5. The property at 110 Ridgewood Avenue is owned by Charles W. Buckler and Elaine F. Buckler, Trustees of The 100 Ridgewood-Elliott Nominee Trust, who have supplied authorization for Monika I. Atsalis and/or HMI Parking Services, LLC. to file an application for use of the property for parking cars.
6. The proposal meets the special permit granting criteria of 240-24.1.2 E (1) (f) as the proposed parking facility contributes to travel demand management by providing parking outside the core of Downtown Hyannis.
7. The proposal is generally consistent the Downtown Hyannis Design and Infrastructure Plan’s strategies for Economic and Cultural Development.
8. After an evaluation of the evidence presented, the proposal fulfills the spirit and intent of the Zoning Ordinance and would not represent a detriment to the public good or the neighborhood affected.

Section 240-24.1.D(1)

9. The nature and extent of the risk of contamination to the proposed well that will result from the grant of the special permit is unchanged from existing conditions
10. The nature and degree to which the proposal eliminates existing threats to the public water supply, is neutral with proposed site changes.
11. The overall effectiveness of existing land uses and/or protective measures on the public water supply well are unchanged as parking spaces already exist, and granting or denying the permit would not affect this criterion positively or negatively.
12. Granting the special permit may accommodate an overriding community interest by locating a surface parking lot outside of the core of Downtown Hyannis.

seconded by Jeff Swartz,

Roll Call Vote:

Steven Costello - aye

Jeff Swartz - aye

Patrick Foran - aye

Mary Barry - aye

Stephen Robichaud - aye

Aimee Guthinger - aye

So voted unanimously.

Chair Steven Costello entertains a motion, moved by Mary Barry to grant Planning Board Special Permit 2020-02 subject to draft conditions 1 through 8 in the staff report dated June 20, 2020, updated June 22, 2020, and to amend Condition No. 6 by striking out the second sentence and replacing with “the general public shall not be allowed to have direct access to parked cars at this facility”, seconded by Jeff Swartz,

Roll Call Vote:

Steven Costello - aye

Jeff Swartz - aye

Patrick Foran - aye

Mary Barry - aye

Stephen Robichaud - aye

Aimee Guthinger - aye

So voted unanimously.

Approval of Minutes:

June 8, 2020

Chair Steven Costello entertains a motion to approve the draft minutes of June 8, 2020, moved by Jeff Swartz, seconded by Mary Barry,

Roll Call Vote

Steven Costello - aye

Jeff Swartz - aye

Patrick Foran – aye

Mary Barry - aye

Stephen Robichaud - aye

Aimee Guthinger - aye

So voted unanimously.

Correspondence:

Chapter 91 401 Dredging Project – Barnstable Harbor & Blish Point – DPW

106 Notice – EBI Consulting/American Tower Corp.- Telecommunications Facility Installation – 2049 Meetinghouse Way, W. Barnstable

Paul Wackrow explains/background of Section 106, National Historic Preservation Act. Planning Board got this communication that relates to a cell phone mono pole at 2049 Meetinghouse Way, usually sent to Barnstable Historical Commission (BHC) and the applicable if in a Historic District. We have forwarded this to the BHC to see if they have any comments. They have some concerns with the compatibility, West Parish is on the National Register. Wanted to bring up to the Board, if any questions/comments. May need Zoning Board of Appeals (ZBA) and/or Historic, probably not for Planning Board to come back to.

Upcoming Events/Workshops

Matters Not Reasonably Anticipated by the Chair:

Future Meetings: July 13, 2020, and July 27, 2020, @ 7:00 p.m.

Jeff Swartz states that the committee for nomination/elections consists of Mary Barry and Stephen Robichaud, requests that this be placed as the first item on the next Planning Board Agenda.

Adjournment

Chair Steven Costello entertains a motion to adjourn, moved by Jeff Swartz, seconded by Stephen Robichaud,

Roll Call Vote:

Steven Costello - aye

Jeff Swartz – aye

Patrick Foran – aye

Mary Barry – aye

Stephen Robichaud – aye

Aimee Guthinger – aye

So voted unanimously.

The meeting adjourned at 7:44 p.m.

Respectfully Submitted _____

By Karen Herrand, Principal Assistant, Planning & Development

Approved by vote of the Board on _____

Further detail may be obtained by viewing the video via Channel 18 on demand at
<http://www.town.barnstable.ma.us>

List of Exhibit Documents

Exhibit A – SP No. 2020-02 – Atsalis/HMI Parking Services – 110 Ridgewood Ave., Hy Map/Par 328/215 – Plan EC1.0

Exhibit B - SP No. 2020-02 – Atsalis/HMI Parking Services – 110 Ridgewood Ave., Hy Map/Par 328/215 – Attorney John Kenney’s Memorandum dated June 22, 2020

Exhibit C - SP No. 2020-02 – Atsalis/HMI Parking Services – 110 Ridgewood Ave., Hy Map/Par 328/215 – Staff Report updated June 22, 2020