

**MINUTES
TOWN OF BARNSTABLE
PLANNING BOARD
January 12, 2009**

A regularly scheduled and duly posted meeting of the Barnstable Planning Board was held on January 12, 2009 at 7:00 p.m. at the New Town Hall, second floor Hearing Room, 367 Main Street, Hyannis, MA.

The meeting was called to order at 7:00 p.m. with the following Members/Staff present:

PLANNING BOARD MEMBERS

Patrick Princi, Chairman
Felicia Penn, Vice Chairman
Ray Lang, Clerk
Marlene Weir
Dave Munsell
Paul Curley
Matthew Teague

STAFF

Ellen Swiniarski - Recording Secretary
JoAnne Buntich - Interim Director - GMD

CORRESPONDENCE RECEIVED

Various Chapter 91 License Applications and Public Hearing Notice addressed to the Planning Board were noted for the record as received without further discussion by the Board.

COMMITTEE REPORTS

Mr. Raymond Lang stated that the Zoning Subcommittee met January 6, 2009 at which meeting the procedure and forms for "Mullen Rule" were discussed. Signs in West Barnstable discussion was postponed as well as Restaurant Definitions in West Barnstable until the next subcommittee meeting due to the absence of the Counselor from that District. The discussion for Hilton Garden Inn Regulatory Agreement to Wednesday, January 14, 2009 6:00 p.m., Selectman's Conference Room.

OTHER BUSINESS

Motion was duly made by Felicia Penn and seconded by Ray Lang to accept the minutes from the Joint Meeting of the Planning Board/Economic Development Commission from September 16, 2008 meeting as submitted, so voted unanimously, Matthew Teague abstained.

Subdivision #817 draft decision was not discussed and draft decision will be distributed for vote at the next regularly scheduled Planning Board meeting of January 26, 2009.

10 MINUTE RECESS OF THE PLANNING BOARD

7:15 p.m. - PUBLIC HEARING Regulatory Agreement 2008-04 Greenery Development

The following was read into the record:

Regulatory Agreement Application 2008-04 to modify Regulatory Agreement 2007-02. The applicant seeks to modify the existing Regulatory Agreement to change use from the approved use of 42 residential condominium units with 20,000 square feet of medical office space to a new use of an assisted living facility with 82 units with support offices, recreational rooms, lounges and cafeteria on the first floor. Additionally, applicant seeks to remove lot #42 South Street, Hyannis, MA, Assessor's Map 327, Parcel 241, consisting of 11,472 +/- square feet, from the 2007-02 agreement said lot to revert to a separate buildable lot. In addition to relief granted in Regulatory Agreement 2007-02, relief is requested for use and any potential merger or zoning status with respect to #42 South Street. The applicant is the Greenery Development, LLC. Properties are addressed 42A and 42B South Street, Hyannis, MA located in the Hyannis Village Harbor District and 89 Lewis Bay Road, Hyannis, MA located in the Hyannis Village Medical Services District and shown on Assessor's Map 327 as Parcel 241 and Map 327 as Parcel 223, respectively .

Motion was duly made by Felicia Penn and seconded by Ray Lang to open the Public Hearing, so voted unanimously.

Attorney Lawler presented the application before the Board:

- Provided history of parcels and background of existing Regulatory Agreement
- Presented the changes provided for in the modification: 42 South Street, Hyannis will not be included and revert to buildable lot.
- Modification application proposes the same mitigation package
- Economic downturn of condominium market basis of modification.
- Questions were raised by the Board regarding the accuracy of some of the sections on the new RA application. Correction will be provided.
- Affordable restriction was raised by a board member- According to Atty Lawler, affordable restriction could possibly sink the project.
- Board questioned what entity would run facility - a website and brochure of a possible entity was provided for general information.
- Internal floor plans will change.
- Question was raised as to whether the Planning Board would need consultant to help.
- Vacant lot may be used to store equipment during construction since it is not part of new proposal. Loom and grass will be provided in the interim on the vacant lot.
- Specific details of the proposal will be further provided at subcommittee meeting and 2nd Public Hearing.

Public comment was invited and Victor Skende of 77 South Street, Hyannis spoke:

- Concerned that originally there would be 42 high-end luxury condos that would be owned not rented felt the added story was a decent tradeoff.
- What is proposed now is 82 assisted living units to be rented if it even goes forward.
- What he was made comfortable with a year ago is not what is being put forward today.
- Felt that this project cannot be the only alternative to an empty lot and building.

Additional information requested of the applicant:

- Corrected application.
- More information about Royal Health Group regarding
- What are the modifications requested to the original Regulatory Agreement?
- Details for a proposed draft RA will be compiled
- What does Royal Health Group consider as assisted living?
- Need plan setting out the s.f. of each of 82 units and how laid out.
- Applicant's written response to the site plan review comment letter of December 30, 2009.

Motion was duly made by Ray Lang and seconded by David Munsell to continue the Public Hearing to February 23, 2009 at 7:00 p.m. so voted unanimously.

OTHER BUSINESS

Review of Cape Cod Auto Connection proposed draft decision for Special Permit 2008-03:

- Frontage was confirmed to be 30 feet on Ridgewood Avenue not 100 ft.
- Zoning status per SPR required only relief for the use needed to be granted.
- Italicized questions within the draft decision were addressed.
- Condition of decision that business license # of vehicles will be updated.
- Additional landscaping will be provided where possible.

Motion was duly made to grant Special Permit 2008-03 as presented in the Growth Management draft decision with the deletion of Paragraph 6 under Finding of Facts and the change of Condition 5 of the decision to state that additional landscaping on the site will be provided where possible. Seconded by David Munsell.

ROLL CALL VOTE AS FOLLOWS:

AYE: Ray Lang, David Munsell, Felicia Penn, Paul Curley, Patrick Princi

NAY: None

COMMITTEE REPORTS

Marlene Weir LCP Chair - Discussion regarding further requests for information for traffic neutral policy and wastewater for final consideration. Committee formed between Town Council and Planning Board to further review.

Motion was duly made by Ray Lang and seconded by David Munsell for Planning Board Chair to create letter to the Town Council regarding their request for further information for final consideration of the Local Comprehensive Plan. So voted unanimously.

Motion was duly made and seconded to adjourn. So voted unanimously.

Respectfully submitted,

Ellen Swiniarski,
Recording Secretary