

**MINUTES  
TOWN OF BARNSTABLE  
PLANNING BOARD  
AUGUST 10, 2009**

A regularly scheduled and duly posted meeting of the Barnstable Planning Board was held on August 10, 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**

Felicia Penn, Chairman  
Raymond Lang, Vice Chairman  
Matthew Teague, Clerk  
Paul Curley  
Patrick Princi  
Marlene Weir

**STAFF**

Ellen Swiniarski - Recording Secretary  
Jackie Etsten - Principal Planner - GMD

**OTHER BUSINESS**

**Motion was duly made by Patrick Princi and seconded by Paul Curley to accept the Planning Board minutes of the July 27, 2009 meeting. So voted unanimously with Marlene Weir abstaining.**

There was discussion regarding the possibility of having members of the Cape Cod Commission attend a Planning Board meeting for the purpose of a workshop regarding the Land Use Vision Map. The August 24, 2009 Planning Board meeting was being considered.

There was discussion regarding review of the Action Plan for the Local Comprehensive Plan. This item will be placed on the August 24, 2009 agenda.

There was discussion regarding proposed changes in the September and October Planning Board meeting Schedule which will be finalized at the August 24, 2009 meeting.

**APPROVAL NOT REQUIRED PLANS**

**50 MARCHANT AVENUE NOMINEE TRUST**

The following was read into the record by Matthew Teague, Clerk:

“Plan of Land in Barnstable (Hyannisport), Massachusetts, being a division of parcel shown on LCC 13298A”, prepared for 50 Marchant Avenue Nominee Trust, dated August 4, 2009, scale 1” = 40 ft; prepared by CapeSurv, Osterville, MA, Map 286, Parcel 23. Zoning: RF-1. Clocked with the Clerk August 5, 2009 + 21 days = August 26, 2009.

Attorney Michael Ford was present and addressed the Board regarding the application. Plan under Chapter 81L and P and divides land that has 2 existing structures which predate the adoption of subdivision control law in the Town of Barnstable. Main house was constructed approximately 1904 and garage/carriage house was constructed in 1929 which both predate adoption of subdivision control law in 1962. Report by Jackie Etsten was referenced which suggested endorsement of the plan as an ANR. Attorney Ford requested that the mylar be endorsed after review by Land Court on August 12, 2009 to be sure of their acceptance without any revisions and the Board agreed.

**Motion was duly made by Patrick Princi and seconded by Paul Curley to endorse the plan as an ANR plan. So voted unanimously.**

## **SUBDIVISIONS**

### **Open Space Definitive Subdivision Plan 818 - Gimbel, Trustee**

Letter was received requesting the extension of time to record open space deed and conservation restrictions. Attorney Sarah Turano-Flores of Nutter, McClennan and Fish addressed the Board regarding this request for extension of time. She provided background regarding documents that have been recorded and provided to the Town. However, pursuant to the Open Space Special Permit and Subdivision decisions, as well as Subdivision Rules and Regulations and Open Space By-Law, the Open Space Deed restrictions, and deed conveying into the Homeowner's Association were also supposed to be recorded. The request for extension of time to record these documents and the rationale for same was explained in her letter to the Board dated July 21, 2009. Jackie Etsten noted that the drafts for deed restrictions and homeowner's association documents were currently problematic and that changes had been requested. New drafts will need to be provided, reviewed by the Town Attorney and come back to the Planning Board for review within the requested 120 day extension. The need for a 120 day extension is related to the National Heritage review of the open space lot. The three recommendations from Jackie Etsten's staff report are referenced: Documents are required to be submitted at least 2 weeks prior to Planning Board meeting; Town Attorney should have opportunity to review documents; and until the documents are signed and recorded, the subdivision cannot be conveyed in its entirety or in part.

**Motion was duly made by Raymond Lang and seconded by Matthew Teague to approve the requested 120 extension of time to record documents, conditioned by staff's 3-part recommendations as set forth in staff report by Jackie Etsten. So voted unanimously.**

### **Gonsalves Road, Hyannis - Cape Cod Hospital, Inc.**

Covenant Modification Request review of draft Development Agreement. Request for continuance to August 24, 2009 agenda was received.

**Motion was duly made by Raymond Lang and seconded by Matthew Teague to continue Gonsalves Road Modification request to August 24, 2009. So voted unanimously.**

## **OTHER BUSINESS**

Committee reports included:

- Ray Lang -discussion subcommittee meeting DCPC Centerville and also Town Council Joint Hearing and suggested holding subcommittee meeting inviting all other interested parties for final draft preparation for next Joint Hearing to be held September 3, 2009 regarding same.

**Motion was duly made by Raymond Lang and seconded by Paul Curley to adjourn. So voted unanimously.**

Respectfully submitted,

Ellen Swiniarski, Recording Secretary  
Regulatory Review Coordinator - Planning Board/Site Plan  
Growth Management Department