

**MINUTES
TOWN OF BARNSTABLE
PLANNING BOARD
November 9, 2009**

A regularly scheduled and duly posted meeting of the Barnstable Planning Board was held on November 9, 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
Matthew Teague, Clerk
Paul Curley
Patrick Princi

STAFF

Ellen Swiniarski - Recording Secretary
JoAnne Buntich- Intm. Director - Growth Management Dept.
Jackie Etsten - Principal Planner - GMD

APPROVAL NOT REQUIRED PLANS

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

“Plan of Land, Lots 5A & 7, Harris Meadow Lane, Barnstable, MA”, prepared for Robert W. Howe, dated October 19, 2009, scale 1”=20’; prepared by Norman Grossman, PLS, East Falmouth, MA, Map 279, Parcel 087 & Map 280, Parcel 041. Zoning: Residence F-1.

Joe Harvey addressed the Planning Board and explained that the ANR plan represented a 1,218 s.f. swap of land between lots which still conform to lot shape factor and frontage.

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

SUBDIVISIONS

Cape Cod Hospital/Wilkens Ambulatory Medical Campus

Eliza Cox of Nutter McClennen & Fish, LLC represented the applicant. A vote was needed for the Planning Board to enter into the development agreement and covenant.

Motion was duly made by Paul Curley and seconded by Patrick Princi to enter into the Modification of Development Agreement and Covenant as provided. So voted unanimously.

OTHER BUSINESS

Motion was duly made by Paul Curley and seconded by Patrick Princi to accept Sub Committee minutes of October 20, 2009 and Planning Board minutes of October 26, 2009 as submitted. So voted unanimously.

Motion was duly made by Patrick Princi and seconded by Matthew Teague to accept the 2010 Planning Board schedule as provided. So voted unanimously.

Discussion regarding Hyannis Office/Multifamily Zoning District and Medical Uses

JoAnne Buntich provided background regarding by right use of medical clinics in the Medical Services District and the concern for this use in the North Street Area in the Growth Incentive Zone. At the request of Stuart Bornstein, the Planning Board was asked to consider medical use in the North Street area of the OM District. Distinctions between medical office and clinic definitions were discussed by the Board, also, whether a medical use would be allowed by right or require a special permit in the OM District.

Stuart Bornstein addressed the Planning Board and stated that he proposes medical use to be allowed

in the North Street area by appointment only during specific hours and days. It was agreed that this discussion would be continued to the next Planning Board meeting on November 23, 2009.

ANR Plan Signature and Duplicate Lot Release Signatures Outside of Planning Board Meeting

It was discussed that in the event that at a Planning Board meeting, the Planning Board has previously voted to approve an ANR Plan, the Planning Board may want to consider allowing said ANR Plan to be subsequently signed by any one of the three officers of the Planning Board outside of a Planning Board meeting. It was also discussed that in the event that the Planning Board has previously voted to release a lot from covenant and a duplicate lot release for the same lot has been requested, staff can make provisions outside of a meeting to provide a release based upon the Planning Board's prior decision without needing to place the matter onto a Planning Board agenda.

Motion was duly made by Patrick Princi and seconded by Paul Curley to allow any one of the 3 officers of the Planning Board to sign a previously approved ANR Plan outside of a Planning Board meeting. So voted unanimously.

Motion was duly made by Matthew Teague and seconded by Paul Curley to allow staff to make provisions for a duplicate lot release outside of a Planning Board meeting. So voted unanimously.

Local Comprehensive Planning

JoAnne Buntich stated that the Land Use Section of the LCP will be the next section to be redlined.

Conflict of Interest Law

Instructions regarding the required testing, and mandatory filing of certificate regarding Conflict of Interest Law with Town Clerk were provided to the Planning Board members.

Motion was duly made by Patrick Princi and seconded by Paul Curley to adjourn. So voted unanimously.

Respectfully submitted,

Ellen Swiniarski, Recording Secretary
Regulatory Review Coordinator - GMD