



BARNSTABLE
TOWN CLERK

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**Town of Barnstable
Planning Board
Minutes
November 14, 2011**

Matthew Teague – Chairman	Present
Paul Curley – Vice Chairman	Present
Patrick Princi - Clerk	Present
Felicia Penn	Present
Raymond Lang	Present
Cheryl Bartlett	Present
David Munsell	Present

Also present were Jo Anne Miller Buntich, Director, Growth Management; Art Traczyk, Regulatory Review Planner. A quorum being met, Chairman Matthew Teague opened the meeting at 7:00 PM.

Approval Not Required Plans:

A plan entitled; “Plan of Land in (Hyannis) Barnstable, MA prepared for Shoestring Properties LP” dated November 3, 2011, has been submitted to the Board for endorsement as an Approval Not Required Plan. The ANR plan shows two existing lots, addressed 53 South Street and 110 School Street, Hyannis, MA, showing a division of the 110 School Street lot into 2 lots and an apparent perimeter plan of the existing 53 South Street lot.

Art Traczyk noted that Dan Ojala could not attend the meeting due to a previous commitment. He presented the specifics of this ANR to the Board, stating that it was a straight forward ANR plan, and that there’s no reason this plan could not be signed.

Raymond Lang commented on the plan regarding the boat docks location off the land. He asked who has ownership of these docks.

Art Traczyk stated that this is the land site of the docks and that he thinks there is some agreement between Wayne Kurker and Stuart Bornstein for ownership. This may be why the ANR Plan is before the Board.

Motion made by Felicia Penn that the plan be endorsed, so moved, seconded by Cheryl Bartlett, and unanimously voted to approve and endorse this ANR plan.

Public Hearing - Regulatory Agreement of Alan Granby and Janice Hyland:

The Chair, Matthew Teague noted that it is 7:00 pm and a Public Hearing on the Regulatory Agreement of Alan Granby and Janice Hyland was scheduled for this time. However, the Applicant’s representative is not present at this time. The Chair noted that he would call this item later in the meeting.

The Board addressed the next item on the Agenda.

Approval of Minutes:

Approval of past minutes covering 11 Board Meetings held from January 2011, to June 2011 and approval of October 24, 2011, Board Meeting minutes.

Felicia Penn addressed the Chair noting her concerns about how detailed these minutes should be transcribed.

Matthew Teague addressed Planning Board staff as to how the hard copy minutes compare with the video tapings of the minutes.

Jo Anne Buntich stated that the package of minutes addressed the arrearages with the Planning Board's meeting minutes. The minutes follow the requirements of the new Open Meeting Law which allows for a more concise notes on the meetings as video of the meetings are being archive and available for anyone to review. The video provides a far more accurate representation of what transpires at the meetings than the minutes could ever be.

Raymond Lang commented that we should have a blanket phrase, verbiage that the minutes can be obtained by video tape.

Jo Anne Buntich and Art Traczyk pointed out that we do have this phrase listed on the bottom of the hard copy minutes presently.

Felicia Penn asked how long do the video taped minutes remain posted on the website.

Jo Anne Buntich stated that they can be requested, retrieved and/or purchased through the IT department.

Raymond Lang asked how long are the minutes kept in the library, years?

Jo Anne Buntich stated that they are retained as permanent records of the Town.

Chair Matt Teague requested a motion to accept the minutes of October 24, January 10, January 24, February 14, February 28, March 14, March 28, April 11, April 25, May 9, May 23, June 27, 2011.

Motion made by Cheryl Bartlett, seconded by Raymond Lang.

Paul Curley commented regarding how certain motions were presented in the October 24, 2011, minutes.

Matthew Teague asked for staff to review these minutes again.

Cheryl Bartlett amended her Motion to approve all of these past minutes, as noted by Chair Matthew Teague, with the exception of the October 24, 2011, minutes which will be reviewed by staff and resubmitted to the board for review and approval. Seconded by Raymond Lang, and so voted unanimously.

Public Hearing - Regulatory Agreement of Alan Granby and Janice Hyland

This is the second hearing on this Agreement. The first was held on October 24, 2011.

Members: Paul R. Curley, Patrick Princi, Cheryl A. Bartlet, Raymond B. Lang, David P. Munsell and Matthew K. Teague

Patrick Princi read the legal into the record. To all persons deemed interested in or affected by the actions of the Planning Board acting under Chapter 168, Regulatory Agreement of the General Ordinances, of the Town of Barnstable, Massachusetts you are hereby notified of a Public Hearing to consider an amendment to the August 28, 2011, Regulatory Agreement between the Town of Barnstable and Alan Granby and Janice Hyland. The amendment seeks to modify provision number 4 of the Agreement. That provision limits the period of time in which a building permit must be obtained to implement the development rights granted therein to 3 years from the effective date of the Agreement. The amendment seeks an additional 3 year extension of the Regulatory Agreement. When the Agreement was entered into in August of 2008, the subject property consisted of three lots addressed 37, 49 and 53 School Street, Hyannis, MA. Since then, 49 School Street has merged into 37 School Street and today the subject property is addressed 37 and 53 School Street, Hyannis, MA, and is shown on Assessor's Map 327 as Parcels 146 and 257. The property is within the MS - Medical Services District of the Hyannis Village Zoning Districts.

Applicant's representative Attorney Kenney is now present.

Attorney Kenney stated that there has been a six month extension administratively granted to the Regulatory Agreement as a minor modification. His client is now requesting an additional three year extension. His client's do not feel that they can proceed with this project now due to the economic conditions at present.

Raymond Lang stated that a regulatory agreement should not be extended simply due to the present economic conditions.

David Munsell stated that, as he expressed at the last meeting regarding this matter, he would certainly support this extension request.

Paul Curley stated that he agrees with Mr. Munsell and that he supports this request for a three year extension.

Matthew Teague stated that he agrees with Mr. Munsell and Mr. Curley in supporting this extension request.

Matthew Teague requested a motion be entertained. David Munsell motioned to recommend to Town Council that a 3-year extension of the existing Regulatory Agreement be entered into. Seconded by Cheryl Bartlett.

Paul R. Curley, Patrick Princi, Cheryl A. Bartlett, David P. Munsell and Matthew K. Teague voted in the affirmative. Raymond B. Lang abstained from the vote.

The Chair stated that the motion carried by an affirmative vote of 5 members.

Discussion on Executive Minutes:

Matthew Teague stated that he will be reviewing the Executive Minutes tomorrow.

Jo Anne Buntich stated that the upcoming Board postings will be including Executive Minutes as an Agenda Item.

Correspondence Received:

The Chair noted that a letter from Attorney Jeffrey M. Ford, dated November 1, 2011, enclosing the executed Amendment No. 1 to the Regulatory Agreement of HSR Realty Trust, Wayne Kurker Trustee was received.

Felicia Penn stated that part of the Regulatory Agreement for this project is the protection of the surrounding neighborhood, lighting, landscaping as coordinated with the town, and improvement issues to be done at the intersection of Stevens Street and High School Road. What is the progress and/or update for those improvements and the landscaping of this site.?

Raymond Lang commented on the Regulatory Agreement for Mr. Kurker stating it was his understanding that it was to be for boat storage not for an automobile dealership.

Jo Anne Buntich stated that the Regulatory Agreement did include use of the property as it was formerly used as a car dealership. Applicant is now focusing on the site plan and design and infrastructure plans that the board imposed on the property. She stated that this item can be put on a future Agenda and the details can be provided at that meeting along with a copy of the executed Regulatory Agreement.

Matthew Teague stated that if the board is going to look at the issues raised by Ms. Penn it would be included on the January 9, 2012, Agenda to allow staff time to prepare and update in the schedule.

Raymond Lang commented on the Special Permit for the Bornstein property located at Iyannough Rd. He expressed concern that a parking problems could arise due to business that may go into the building. He would like to see an as built plan regarding this building.

Matthew Teague asked if Staff would refresh this agreement.

Jo Anne Buntich commented that she would like to remind the Board that the Open Meeting Law requires that any material or matters to be discussed have to be on the Agenda, and if the Board has any issues through the Chair that they would like included on the Agenda to please inform and they will be added. The public needs to be properly noticed for any discussion.

Matthew Teague stated that a quick review of both issues could be scheduled for the January 9, 2012, meeting.

Jo Anne Buntich confirmed that the staff would have materials prepared for the Board to discuss those issues at that time.

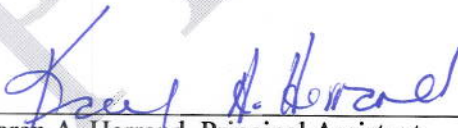
Future Meetings:

Matthew Teague noted there will be no November 28, 2011, Planning Board Meeting, there are not enough items on the Agenda. Regularly Scheduled Planning Board Meeting – December 12, 2011@ 7:00 p.m.

Motion entertained by Matthew Teague to adjourn, so moved by Felicia Penn, seconded by Cheryl Bartlett, unanimously voted to adjourn.

The meeting adjourned at 7:27

Respectfully Submitted


Karen A. Herrand, Principal Assistant

Approved by vote of the Board on

Dec. 12, 2011

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