



**Town of Barnstable
Planning Board
Minutes
October 28, 2013**

BARNSTABLE TOWN CLERK

2013 NOV 26 PM 1:55

Matthew Teague – Chairman	Present
Paul Curley – Vice Chairman	Present
Patrick Princi - Clerk	Present
Felicia Penn	Not Present
Raymond Lang	Present
David Munsell	Present
Stephen Helman	Present

Also in attendance were Art Traczyk, Regulatory Review Planner.

Approval Not Required Plans: *None*

Subdivisions - Surety:

Subdivision #305, Rue Michelle – Update on Subdivision Completion, Subdivision Bond Surety of \$34,687.50 expires November 15, 2013.

Marcia Elliott in attendance. She explains she has a signed contract from BSC Group that gives her a date of November 7, 2013, which states the road work will be completed. She has spoken to Steve Seymour re his report (Exhibit A) and explains the percentage/security being held to ensure the completion.

Ray Lang comments/clarifies that as of November 7, 2013, this will be done? He asks why would they approve this before it is done?

Art Traczyk replies that it is a matter of Planning Board's meeting schedule. The expiration of the bond is before the next Planning Board meeting. This will delegate and allow staff to make the determination by the November 7, 2013, date to determine if the work is complete or not, and to call the bond if not completed by this date.

Marcia Elliott comments that she a good track record with the Town and completing/adhering to her deadlines.

Patrick Princi makes a motion to delegate and allow authority for staff to review the completion criteria for Form M, and to continue to November 25, 2013, for final endorsement by the Board, and for an amount of \$7,500 to be called from the Bond Co. if the work is not complete by November 7, 2013, seconded by Stephen Helman, so voted unanimously.

Subdivisions – Definitive Plan Approval:

7:00 PM Continued Hearing

**Definitive Subdivision No. 819 - Maki Hill Lane, West Barnstable
Maki Realty Trust, Susan A Maki Trustee**

This is a continuation of the Public Hearing to consider Definitive Subdivision Plan No. 819 for Maki Realty Trust. The plan is entitled "Definitive Plan of Land in West Barnstable, MA "Maki Hill Lane" prepared for Maki Realty Trust, dated April 2, 2013. The plan proposes the division of a 6.94-acre parcel, now addressed 0 Oak Street, West Barnstable, MA into 3 developable lots and creation of Maki Hill Lane off Oak Street to serve the new lots. The subject property is shown on Assessors Map 215 as parcel 014-003.

- *Opened September 9, 2013, continued to October 28, 2013- Continued for rendering of a decision*
- *Enclosed Staff Drafts of; Decision Notice, Form F Covenant, Form S Road Maintenance & Repair, Development Agreement*
Homeowner's Association Declaration of Trust, Proposed Association Rules & Regulations forthcoming.
- *Application filed August 2, 2013. No Extension of Time. Filing of Decision due October 31, 2013*

Matt Teague makes reference to request, Agreement to Extend Time Limits from Applicant (Exhibit B).

Matt Teague entertains a motion to continue this Public Hearing to December 9, 2013, at 7:30 p.m., moved by Ray Lang, seconded by Paul Curley, so voted unanimously.

Regulatory Agreement:

7:30 PM Continued Hearing

Regulatory Agreement No. 2013- 03

Hyannis Harbor Suites Hotel, LLC or Nominee & Harborview Hotel Investors, LLC

Regulatory Agreement No. 2013-03 is the application of Hyannis Harbor Suites Hotel, LLC or Nominee & Harborview Hotel Investors, LLC, seeking to enter into an agreement with the Town of Barnstable to construct and operate at 213 Ocean Street, Hyannis, MA a new four (4) story year-round hotel with up to sixty-eight (68) rooms, each room containing its own kitchen facility. This proposed hotel building is in addition to the existing 136 room Hyannis Harbor Hotel situated on the 3.4 acre lot. The subject property is located in the HD-Harbor District of the Hyannis Village Zoning Districts and is shown on Assessor's Map 326, Parcel 035.

The Regulatory Agreement seeks waivers from the Barnstable Zoning Ordinances, specifically:

Section 240-24.1.7.A – Harbor District, Permitted uses to allow hotel rooms with kitchens.

Section 240-24.1.7.C – Harbor District, Dimensional, bulk and other requirements, including maximum building height, to allow 4-stories where only a 2.5 story buildings are permitted, waivers of the 10-foot minimum side and rear setbacks, waiver of the 70% maximum lot coverage and waiver of the 10-foot front yard landscape setback.

Section 240-24.1.10 - Site Development Standards and Section 240-53 – Landscape Requirements for Parking Lots, including waivers from the following; the 6-foot minimum setback for parking lots, 10% interior parking lot landscaping, required minimum number of trees, dumpster setback from lot line and any other necessary relief.

Section 240-56 - Schedule of Off-Street Parking Requirements to allow a reduction in the required on-site parking.

In addition, the Regulatory Agreement seeks relief from the general ordinances of the Town, Chapter 112, Article III, Hyannis Main Street Waterfront Historic District seeking the Planning Board to act on behalf of the Hyannis Main Street Waterfront Historic District Commission.

- *Opened April 8, 2013, continued June 10, 2013, July 22, 2013, August 12, 2013, August 26, 2013, September 23, 2013 and to October 28, 2013 - continued for; further updates, and possible review of a Draft Regulatory Agreement*

- *It is Staff's understanding that a request for a continuance will be made.*

Matt Teague makes reference to information received from the Applicant, requesting a continuance to November Planning Board meeting (Exhibit C)

Matt Teague entertains a motion to continue this Public Hearing to November 25, 2013, at 7:45 p.m., moved by Paul Curley, seconded by Stephen Helman, so voted unanimously.

Subdivision No. 822 – Plan Endorsement:

Aberle Way – William A. Riley et al.

On September 9, 2013, the Board voted to approve Subdivision No. 822, 2519 Main St., Barnstable, Aberle Way, for William A. Riley et al. That plan involved the development of a 6 lot subdivision on a 9.24-acre parcel. The decision was signed and filed with the Town Clerk's Office on September 18, 2013, and the 20 day appeal period has elapsed. The Town Clerk has certified the decision and plan and the Board may now endorse the plan for recording.

- *Copy of plan to be endorsed by Board enclosed*

This item was taken out of order.

Discussion:

Correspondence from Attorney Schulz received October 18, 2013, regarding 21 Indian Trail, Oyster Harbors, Osterville. This is a request presented to the Planning Board to waive a notation made on a 1989 Approval Not Required (ANR) Plan endorsed by the Board on November 16, 1989.

Attorney Albert Schulz in attendance, representing Home Port Investments, LLC. He hands out a copy of the plan with the enlarged statement, notation on the 1989 plan (Exhibit D).

Attorney Schulz gives an explanation as to the combination of the lots and that his client would like this notation removed. He quotes the Note listed on the plan (Exhibit D). "Lots 242 & 243 are not to be considered as building lots and are to be combined with lot 241. Lots 245 & 246 are not to be considered as building lots and are to be combined with lot 244".

He's trying to eliminate the words "combined" and leave the notes to read that 242 and 243 are not to be considered as buildable lots. That would solve the problem. This would keep the intent of the notes that were meant to point out that 242 and 243 were not to be buildable.

David Munsell states that it seems like this would be a legal issue.

Matt Teague states that they need to know how to do this procedurally, correctly as to not violate some other intent that may have been with this plan.

Art Traczyk interjects that the middle lots are unbuildable anyway, except as accessory to a buildable lot.

Attorney Schultz suggests to continue this matter and that he will prepare a draft document for the Legal Dept. to review and then present to the Board.

Matt Teague suggests that this be continued to December 9, 2013.

Attorney Schulz agrees with this.

Correspondence:

The following Cape Cod Commission Notices have been received:

Minor Modification to the DRI Decision for Cape Cod Hospital Emergency Center Expansion, September 11, 2013

Minor Modification to the DRI Decision for the NSTAR Transmission Line Project, October 2, 2013

October 8, 2013, Notice of Barnstable County Ordinance 13-07, establishing a Cape-Wide Fertilizer Management District of Critical Planning Concern

Approval of Minutes: Approval of June 10, June 24, July 22, August 12, and August 26, 2013, Board Meeting Minutes –

Matt Teague entertains a motion to accept the meeting minutes for June 10, June 24, August 12, August 26, 2013, as presented, moved by Ray Lang, seconded by David Munsell, so voted unanimously.

Future Meetings:

Regularly Scheduled Meetings: November 25, 2013 and December 09, 2013, @ 7:00 PM.
Discussion to consider cancellation of December 23rd Meeting
Proposed 2014 Planning Board Meeting Schedule (copy attached)

Matt Teague mentions/reminds the Board Members that at the next meeting, November 25, 2013, there will be a Medical Marijuana Workshop and they should ask for public comment.

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Matt Teague suggests that this plan be signed/endorsed by four members as required. The plan is signed.

Matt Teague entertains a motion to cancel the December 23, 2013, meeting, moved by Paul Curley, seconded by Stephen Helman, so voted unanimously.

Matt Teague entertains a motion to adjourn, moved by David Munsell, seconded by Ray Lang, so voted unanimously.

Meeting adjourned at 7:31 p.m.

Respectfully Submitted


by Karen A. Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on

November 25, 2013

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 – Memorandum from Stephen Seymour, dated October 28, 2013 – File Subdivision No. 305, Rue Michele, Marcia Elliott

Exhibit B – Agreement to Extend Time Limits to take final action dated October 28, 2013 – File Subdivision No. 819, Make Hill Lane, Maki Realty Trust

Exhibit C – Email correspondence dated October 22, 2013, with information regarding progress and continuance – File Hyannis Harbor Hotel, Regulatory Agreement No. 2013-03

Exhibit D – Copy of Plan of Land In Barnstable Oyster Harbors Mass, dated November 16, 1989, enlarged Note – Discussion item for 189 ANR for 21 Indian Trail