



**Town of Barnstable
Planning Board
Minutes
April 8, 2013**

BARNSTABLE TOWN CLERK

2013 AUG 13 PM12:25

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

Also in attendance were Art Traczyk, Regulatory Review Planner.

Approval Not Required Plans: *None*

Subdivisions: *None*

Extension Request:

A March 15, 2013, letter from Attorney Ron S. Jansson has requested a 1-year extension of Special Permit No. 2011-02, issued pursuant to Section 240-16.1 Multi-family Affordable Housing, to Lyndon Paul Lorusso Charitable Foundation of 2002 for development of 42 units of affordable housing at 850 Falmouth Road (Route 28), Hyannis MA (Map/Parcel 250/036). This request is being made in accordance with Section 240-125.C(3)(a) Special Permits Period of Validity.

Correspondence received from Attorney Jansson dated April 5, 2013, regarding no extension needed. (Note; handed out to Board members at meeting, see Exhibit A). Subsequently a request to withdraw has been made.

Matt Teague states that this meets the requirements and this matter will not be heard.

Public Hearings:

7:00 pm Public Hearing- Continued

Special Permit Application No. 2012-03

Cotuit Solar/Peck Wind Energy Conversion Facilities

The petitioners, Cotuit Solar LLC, and John T. Peck, are seeking a special permit pursuant to Section 240-44.1 Land Based Wind Energy Conversion Facilities. The petitioners seek to reuse the existing 100-foot mono-pole and reinstall a new wind turbine upon it to generate electrical power for use on the property. The subject property is addressed 3800 Falmouth Road (Route 28), Marstons Mills, MA and commonly known as "Peck's Boatyard". The

property is shown on Assessor's Map 058 as parcel 001 and is zoned SD-1 Service and Distribution Zoning District. (Precinct 7, 12 & 5)

- *Opened April 23, 2012, continued, May 14, July 23, August 13, September 10, October 22, November 26, January 28, 2013 and April 8, 2013.*
- *Continued for peer review report from Paul A. Bergman, PE, Bergman & Associates Inc.*

Paul Bergman, President of Bergman & Associates Inc. in attendance. He explains his review of the proposed installation of the wind turbine. New turbine comes from the manufacturer, Endurance Wind Power S343, from British Columbia. He spoke with manufacturer regarding the design lifetime for the tower/turbine, which is 20 years. It does comply with the standards from the International Energy Association, specifically for small wind turbines. Both wind turbine and the tower are designed not to excite the natural frequency of the tower. Did recommend to staff/town to consider getting a copy of the turbine warranty for the machine and recommended maintenance procedures.

Matt Teague states/asks that the public concern is the individual failure of the turbine blades under extreme conditions. Was there any analysis done regarding methodology for dynamic analysis, the blades at speed?

Paul Bergman answers yes, they spoke with 3 engineers, about this IEC 61400 is for this fatigue design of the wind turbine, he was assured it was designed under this code, blades and the entire turbine.

Patrick Princi asks if there was any testing/engineering done regarding a piece of plastic/debris getting caught in blade? It's a public safety issue and concern for the community.

Paul Bergman answers that he doesn't have any experience or knowledge of this. Bird strikes are a rare possibility, he hasn't heard of a failure due to debris, typically there may be one from lightning or manufacture defect. There is a very specific limited failure mode.

Matt Teague interjects that the previous turbine's failure may have been due to a piece of debris/plastic that got caught in the blades.

Paul Bergman responds that he can't see such a lightweight object causing a blade to break off. The blades need a significant weight reduction to cause an imbalance in the rotor. It is his opinion that this is not enough to cause failure.

Ray Lang asks if there were any noise surveys/reports done for this? Any special maintenance needed?

Art Traczyk answers no, Mr. Bergman was not in charge of any noise issues.

Paul Bergman replies that any wind turbine manufacturer will have their own prescribed set of maintenance and inspection procedures and intervals.

Ray Lang asks what the wattage is? Is it half of what the previous turbine was?

Conrad Geyser in attendance, he answers that it the name plate wattage on this machine is 5kw, the original was a 15kw. All renewable energy has metering.

Ray Lang directs to Paul Bergman if he had any information regarding flicker?

Paul Bergman answers no.

Matt Teague asks for comment from the Applicant.

Conrad Geyser comments that this particular model turbine is in use in Martha's Vineyard (6 installations) and they have not had any complaints or issues. If something did get caught in blade it would have a vibration sensor, which would shut down the machine. Braking style like a train, the mechanism, the default would be the brake coming on. Much different engineering approach than previous manufacturer. The height is less than previous turbine. He doesn't believe flicker will be an issue. This is a significantly quieter machine. He requests if they can respond to any public comment at the end of the hearing?

Matt Teague answers yes.

Stephen Helman asks if the 6 turbines on the Vineyard are in comparable locations like this one being proposed?

Conrad Geyser replies yes, they are near populated areas, with significantly less background noise than this area. This turbine they are proposing is also quieter than the previous.

Public Comment as follows:

Richard Lesniewicz, of 1500 Old Post Rd., Marstons Mills in attendance. He is disappointed with the location of the unit, thinks wrong place for it. He contests whether the turbines in Martha's Vineyard are in residential areas. Sound is a major concern, and how it will impact property values. Thinks sound issue should be addressed. He refers to Staff's Draft Decision, Pg. 4, Item No. 10 (Exhibit B) "Regarding noise levels generated by this proposed wind turbine, the applicant has submitted information that they believe supports that this proposed turbine will conform to the noise standards.....".

Marcia Llewellyn, of 9 Caitlyn Circle, Marstons Mills in attendance. She would like to know how far would a blade from the turbine go if it were to become unattached and operating at maximum speed? She is asking because the farther it goes the more of a safety issue it becomes.

Robert Hayden of Old Post Rd., Marstons Mills in attendance. (Note; hands out correspondence to Board members dated April 8, 2013, at meeting, see Exhibit C). This is a commercial area, the turbines on the Vineyard are not near commercial areas. The public is in and about in this area. He is opposed to this turbine being put in this site.

John Norman of 1625 Old Post Rd., Marstons Mills, Precinct 12 Town Council for the Town in attendance. He is the person who came upon the blade in Mr. Hayden's yard with the first turbine when it malfunctioned. The plastic had thrown off the balance of the blade. It is his opinion from what he saw that it was a piece of plastic that threw the machine off balance. He's asking the Board to set more rigid conditions in a maintenance plan/agreement. This issue has generated the most concern from citizens in the area.

Robert Bortolotti of 45 Industry Rd. Marstons Mills in attendance. He has been at this property since 1996. He refers to the layout of the Cotuit Landing area. He feels it is a little offensive to the area. Refers to tenancy of people in the building. Do they allow tenants to do this type of installation or is this the owner? He states that the previous turbine was noisy. Concerned about public safety. He questions the integrity of the pole that will be supporting the new turbine.

Attorney Michael Ford in attendance, representing Robert Hayden. He makes reference to Paul Bergman's report, and the Findings (Exhibit D).

He refers to Draft Decision (Exhibit B) and asks how does this fit into an accessory use and into the by-law requirement? Cotuit Solar would own the turbine/pole and the energy would be used by Peck's Boats.

Conrad Geyser responds as follows:

The risk of blade breaking - There is no data, these turbines have not ever broken a blade. They haven't tried to calculate the risk of driving on Rte 28 or in the local. The instance rate is zero.

Tower engineering - The tower is separately engineered by a company that makes towers for all types of purposes. The tower was specifically engineered for the significantly larger/heavier turbine that was there previous.

Maintenance - They have a 10 pg. maintenance plan, part of a regular program, done by Endurance (company) themselves. They are responsible.

Sound - Data was removed from website, nonprofessional people were using the data in inappropriate ways for published sound data.

Accessory Use - Third party owning a renewable energy installation is very standard procedure, it puts the onus on the third party doing installation to make sure works correctly.

Matt Teague asks for confirmation that Peck's is receiving the net metering credit for the electrical power, Cotuit Solar takes a credit/green energy?

Conrad Geyser states correct, it feeds into the electrical grid.

Stephen Helman asks if the previous turbine had a history of any blade failure/malfunction?

Conrad Geyser answers that the company had not told them about any such risk and they are no longer in business. The new company that they are working with now, has a 6 year reputation and has had no issues that he is aware of.

Ray Lang asks about sound literature. Why would this be eliminated from the report?

Conrad Geyser refers to his previous comment, that the sound data was being misused. The prior turbine had uncontrolled rpm,. This new machine has a controlled speed

Ray Lang asks about decibel levels. How can you address this with no data?

Conrad Geyser answers you would measure the decibel background noise with the decibel meters. The background noise at this site is significantly greater here at the property boundary, going out of the boundary is less.

Felicia Penn refers to the Draft Decision (Exhibit B), this is a testament, and addresses many of the issues brought up tonight. There is information in our ordinances for noise, whereby nuisance violation would be covered in the existing by law(s). If someone makes a complaint it would be dealt with accordingly.

In the Background of the Draft Decision it states "A site plan dated February 10, 2012 for the replacement of the wind turbine was before the Site Plan Review Committee and found approvable by that committee on February 21, 2012. The Site Plan approval specifically excluded the communication antennas shown on the plan submitted to that Committee" There are no communication antenna on this turbine/pole/tower?

Conrad Geyser answers correct, not at present. The tower was engineered for any additions.

Felicia Penn makes reference to the Draft Decision, Findings of Facts, Item No. 2 (Exhibit B). How does the pole get extended?

Conrad Geyser answers that it's a steel flange that's bolted to the top, stub tower.

Felicia Penn refers to the following:

Draft Decision, Findings of Facts, Item No. 7. There is a typo "it" on the second line should be "it's".

Draft Decision, Findings of Facts, Item No. 8, "No complaints had been registered with respect to that prior installation regarding its visual impact or color aspects." Wanted to point this out.

Draft Decision, Findings of Facts, Item No. 16. "The property fronts on Falmouth Road (Route 28) and is situated between the Marstons Mills Shopping Plaza at 3840 Falmouth Road and the John-Lawrence Funeral Home at 3778 Falmouth Road. It is common knowledge that at times, visitors to the funeral home park in the shopping plaza lot and walk to the funeral home passing by/through Pecks' Boats. There is no sidewalk developed along route 28 as the right-of-way is too narrow to accommodate a pedestrian sidewalk. The existing pedestrian situation is unsafe and should be corrected."

She doesn't understand the relevance of this and thinks it should be stricken from this draft.

Attorney Caroline Schmitt diel in attendance. She answers that they had an objection to this as well.

Art Traczyk explains that this is a dangerous situation, when people are attending the funeral home and they cut across the front of the Peck's building. The town has no right of way here.

Matt Teague confirms that John Peck is the owner of the property and they would not be able to grant an easement anyway. They will not be discussing sidewalks tonight.

Felicia Penn suggests as follows:

Draft Decision, Conditions, Item No. 1, last sentence (Exhibit B) "All new owners and parties are subject to and bound by all conditions and restriction of the decision" be changed to read "All successive owners and parties are subject to...."

Draft Decision, Conditions, Item No. 6, be eliminated.

Draft Decision, Conditions, Item No. 10 C, be eliminated.

Ray Lang states that he will support any sidewalk effort here.

Patrick Princi suggests: Draft Decision, Conditions, Item No. 13, that some language be added for a designee/Bldg. Inspector, someone be allowed a site visit to property prior to any storms.

Felicia Penn interjects that Draft Decision, Conditions, Item No. 10 a, has some language re inspections of the site.

Stephen Helman is concerned with clarification of the noise level/data.

Matt Teague explains that it does exist and makes reference to Findings of Fact, Item No. 8: "The existing monopole was erected in 2009 and once supported a wind turbine. No complaints had been registered with respect to that prior installation regarding its visual impact or color aspects." How it failed is opinionated.

Ray Lang comments that the noise level by law has to be reviewed. Complaints should be acted upon quickly and some resolution process for. The accessory use has to be addressed by Legal Dept.

Matt Teague entertains a motion to continue the Public Hearing to May 13, 2013, at 7:00 p.m., moved by Paul Curley, seconded by Ray Lang, so voted unanimously.

7:00 pm Public Hearing - Continued

**Regulatory Agreement No. 2013- 01
Cape Cod Distillery LLC**

Regulatory Agreement No. 2013-01 is that of Cape Cod Distillery LLC seeking to enter into an Agreement with the Town of Barnstable to reuse the properties located at 411 Barnstable Road, Hyannis for a small scale distilling of alcoholic spirits and accessory retail sales of spirits distilled on-site. The property is zoned HG – Hyannis Gateway District and is shown on Assessor's Map 311, as Parcel 033.

The Regulatory Agreement seeks waivers from the Barnstable Zoning Ordinances, specifically: Section 240-24.1.8.A - Hyannis Gateway Permitted Principal Uses to allow a distillery, Section 240-24.1.8.C - Dimensional, bulk and other requirements, to allow the existing non-conforming setbacks for the proposed new use of the site, and additionally, applicant seeks any necessary relief from applicable parking requirements.

- *Opened February 11, 2013, continued March 11, 2013, and to April 8, 2013. Continued for further review and finalizing of the Regulatory Agreement.*
- *An April 2, 2013, letter from Attorney Michael D. Ford requesting a continuance of this hearing to April 22, 2013, to allow time to finalize the agreement (copy enclosed)*

Motion entertained by Matt Teague to continue this Public Hearing to May 13, 2013, at 7:30 p.m. so moved by Felicia Penn, seconded by Paul Curley, so voted unanimously.

7:30pm Public 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 as 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 requirement.

- Section 240-24.1.10 - Site Development Standards and Section 240-53 – Landscape Requirements for Parking Lots, including waivers from the following requirements; 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 for 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.

Matt Teague entertains a motion to open the Public Hearing, so moved by Ray Lang, seconded by Felicia Penn, so voted unanimously.

Attorney Michael Ford in attendance, representing the Applicant, Harborview Hotel Investors LLC. Doug Cohen, Matt Eddy, Engineer, Baxter and Nye and Kent Beirne, Architect from Pro Con. He gives a brief history of the project thus far. There are some dimensional aspects that do not comply that they are requesting waivers for.

The site now is/has 3.4 acres land, existing hotel, Applicant has owned for 10 years. Proposing a year round hotel, there are none at present in this area. Would be a stand alone bldg. with the existing hotel as well. Relief is needed for a waiver for height, the height is limited to 2.5 stories and they are proposing a 4 story bldg. May need some front yard landscape waiver, 10 ft. minimum now. Side and rear yard setbacks, seeking waiver of 10 ft. minimum and lot coverage requirements. Parking required for all of the units on a ratio of .8 spaces per room, this is based on Applicant's experience of the existing hotel and in combination with the Applicant/owner's other hotel locations. Presently in the ordinance the ratio is 1.1 per unit. They do have a proposed valet parking alternative plan.

Total of 68 rooms proposed to be year round, with kitchen facility, kitchenettes. This would be transient occupancy.

Kent Beirne, Architect, Pro Con gives a Power Point presentation (Exhibit F). He gives a history of hotels that they have done. He gives a briefing of the slide and different views of the existing Hyannis Harbor Hotel and the proposed hotel. 14 units on the main, first floor and 18 on the other floors, levels 2 through 4.

The bldg. height is about 40 ft. to the bottom of the truss and 43 ft. to the actual roof surface. Rooftop deck, top of the guardrail is about 46 ft. Roof has elevator and stair penthouse, goes to roof deck, hot tub, self contained firepit with seating, small bar and restrooms. Two means of egress. Kitchenettes in each room, which has sink, small refrigerator and a microwave under wall cabinets. Proposed lighting plan, for the southern half of the existing site/parking area.

Attorney Ford states that they have sought a waiver from Hyannis Waterfront Historic District Commission. They intend to get onto their agenda with respect to this design and get their comments. They are still working with water. There is concern about the size of the water main on Ocean Street. They have had a fire suppression test done, which shows that this new bldg. could be built and it would be satisfactory, but the present hotel bldg. does not have sufficient fire flow to be protected. There needs to be an upgrade of the water main. They will be talking with the Town Manager's office about improvement re this issue and infrastructure.

The Angler's club (an immediate abutter) is concerned about light/air issues as it would affect their building. They are also working on an alternative design, possibly pulling back the bldg. 20 or 30 ft. in reference to this issue.

This hotel would provide some year round employment and economic benefit to the area.

Paul Curley asks if the sewerage aspects for the infrastructure have been addressed? Do the kitchens have garbage disposals?

Matt Eddy answers yes, he has worked with Town Engineer, Roger Parsons and there is capacity in the pump station to accommodate for the sewerage.

Kent Beirne answers yes, there are garbage disposals.

Matt Eddy replies they did not discuss garbage disposals but will.

Paul Curley asks about title to the hotel. It should be stated that this is a hotel, not condominium units.

Doug Cohen answers that originally it was purchased in condominium form, but it is a hotel and operation will be as such.

Attorney Ford states that this can be recited/added into the regulatory agreement.

Patrick Princi asks if there has been any feedback from Hyannis Main Street Waterfront Historic District?

Attorney Ford answers not as yet. They will be meeting with them.

Ray Lang asks if all of Ocean Street would need an upgrade re the water? Traffic issues? Maybe a traffic impact analysis should be done?

Attorney Ford answers no, just one section of Ocean St., would need an upgrade for water. There has not been any request for traffic issues.

Doug Cohen explains that the deliveries are far less than a restaurant would have, not a lot of deliveries. They will be closing a curb cut that currently exists as well.

Felicia Penn asks about the required parking space being 1.1, should be 1.2? Employee parking should be addressed as well. She'd like to see traffic impact analysis also. This parking lot is always packed in season. How would sound and light impact the existing neighborhood? Rooftop, would like to hear how this would effect the area. Removal of a phone pole mentioned in Site Plan's letter (Exhibit E)?

Matt Eddy answers that NSTAR will be relocating this utility pole about 20 ft. north, they will be shifting the entrance.

Felicia Penn refers to slide no. 2 from slideshow (Exhibit F), is there a visual of this heading north, down towards the beach and from Channel Point Rd? Crosswalk being relocated? Fire pump boat for back up water? Stacked parking should not be done here and she does not support it.

Directs to Staff: Why isn't a Formal site plan review required? Can we request one?

Art Traczyk answers it is not required for a development agreement. You could request one.

Ray Lang mentions that the roof would make the bldg. beyond the 40 ft. height.

Attorney Ford answers yes, we have taken into account and fire/site plan realizes this.

Doug Cohen answers that this is just at a one place stairway access/location. They can take the roof away.

Matt Teague asks for any public comment.

Public Comment as follows:

George Jessup in attendance, Chairman of Hyannis Main Street Historic District Commission. His concern is the removal of the responsibility of the Historic Commission as part of this application. Concerned with the bldg. itself and appearance of the bldg., not necessarily the parking etc. Would like the Historic Board be consulted.

Nick Atsalis of 242 Ocean St., Hyannis. He reads correspondence that his mother, Marina Atsalis would like to have heard, she is unable to attend the meeting. He would like to give voice to her thoughts.

"I have been a resident of Ocean Street for 43 years, a member of the Hyannis Main Street Waterfront Historic Commission and Hyannis Civic Association. After receiving a letter from the Planning Board regarding tonight's hearing I decided to talk with members of the Historic Commission and the Hyannis Civic Association. I find it very disturbing that the office of Growth Management did not find it necessary to inform our Commission Chairman, George Jessup or Bill Cronin of the Civic Association of the intent and the importance of tonight's meeting. It would have been appropriate and a courtesy to have been recognized and informed thus giving credibility to the volunteer involvement of time and effort through the years of both the Historic Commission and the Hyannis Civic Association members.

This project will greatly impact our waterfront and neighborhood. Growth Management must realize we are an accredited and viable board and should be given the same consideration as our other historic boards in the Town of Barnstable. Reading forward I again found it disturbing that the Applicant's have been given the impression that the Main Street Waterfront Historic District Commission can be bypassed and excluded from this project. What message is being sent out for future appropriate development in the Historic District? Will this impending exclusion of step one of the Historic Commission review set a precedent for future projects? How will we answer to past applicant's who have gone through the steps of due process that are in place? To allow this review process to be bypassed or combined thus shortened for the convenience of the current applicants does not make sense.

Step one of any project of this scope has one common factor, applicants have been allowed enough time to submit their plans and to then appear before the Historic Commission working within the regulations and recommendations set forth to the completion and final approval of their plans.

Main Street and the waterfront have been visually and economically significantly improved and I like to think that since its inception the Historic Commission with its careful guidance and knowledge has been a big part of it. This outcome was achieved with the cooperation, willingness and vision of established business men and women, entrepreneurs and residents living within the district that are appeared before us. We are proud and independent members of the Commission who volunteer our time because we live, work and play in Hyannis and are proud of our village.

I hope the Planning Board will recognize the Historic Commission as an integral part of the Hyannis Harbor Suites Hotel project and not circumvent the duties of the Historic Commission or allow the multiple waivers submitted in

the regulatory agreement. Thank you for listening and entering this letter into the minutes of tonight's hearing. Sincerely, Marina Atsalis."

Nick Atsalis makes comment/asks. Since the current hotel is not year round, why not use the existing hotel year round? Valet parking, where will that occur? They have not heard from the owners of the project. Why should 4 story bldg. be allowed (almost 5 stories with rooftop) when only 2.5 are allowed? Will the rooftop turn into a bar? Concerned with noise. He's not against construction, he is concerned that other boards will be cut out of the process. If relief is granted and Hyannis Main Street Waterfront Historic Commission is left out and the waivers sought are granted this will have a negative impact on the area for many years, not to mention the precedent it would set for future applicants who may want to avoid the most thorough application process when seeking approval.

Doug Cohen replies that he has met with George Jessup of the Historic Commission. He is open to talk with anybody about anything regarding this project. He spoke to Bill Cronin half a dozen times. He wants an open process. They want a nice, quiet, high quality hotel.

Matt Teague makes reference to two letters; Konstantinos R. Atsalis of 165 Ocean Street, email letter dated April 8, 2013, (Exhibit G) in opposition

- "Regarding the proposed Regulatory Agreement application by Hyannis Harbor Suites Hotel LLC, or Nominee & Harborview Hotel Investors, LLC, the Katina Atsalis family, which owns 165 Ocean St., where the Black Cat Tavern operates, is opposed to the waivers being sought. We believe this proposed construction does not belong on the waterfront and goes against the historic character of the area. Specifically we are against going above the 2.5 story threshold, and any waivers for Harbor District dimensional bulk and other requirements including waiver of minimum side and rear setbacks, and waiver of 70% maximum lot coverage and front yard landscape setback requirements, etc."

Hy-Line, letter dated April 5, 2013, from Philip Scudder, Vice President/Marketing (Exhibit H) in support.

- "Members, Barnstable Planning Board, I am writing in support for the proposed year-round 68 unit addition to the Hyannis Harbor Hotel. I have know Doug and Jon Cohen since they purchased the property back in 1999. Throughout their ownership they have continually renovated and revitalized the hotel and have always been an involved and cooperative neighbor. It is our feeling that a year round hotel on Hyannis Harbor would benefit the District and is the logical next step in the development of a vibrant waterfront. The Cohen's have many years experience running hotel properties and feel the relief from parking requirements would not adversely affect their operation. They believe the parking provided would be sufficient for the proposed use. We agree with their assessment and will certainly do whatever we can to help mitigate possible congestion. Thank you for your time and favorable action on this important project."

Matt Teague comments on the traffic report suggested earlier. It is hard to predict this as it is a seasonal use. We already know traffic is bad here for about 12 weeks out of the year. Another creative solution may be better. Maybe underground parking?

Attorney Ford states/asks that this hearing be continued, they have more work to and outreach for the project.

Matt Teague entertains a motion to continue the public hearing to June 10, 2013, at 7:00 p.m., moved by Ray Lang, seconded by Paul Curley, so voted unanimously.

Discussions:

Community Preservation Committee Appointment: Planning Board representation of the Community Preservation Committee (CPC). Paul Curley's appointment expires this June and the Town Council Appointments Committee is seeking the Boards input on reappointments to the CPC.

Paul Curley states that he is willing to serve another year for the Community Preservation Committee (CPC).

Planning Board Reappointment: Reappointment Forms for Terms Expiring June 30, 2013, received from Town Council. Terms expiring for David Munsell and Paul Curley.

The forms need to be signed. Paul Curley has signed for reappointment.

Correspondence:

Cape Cod Commission Hearing Notice, April 11, 2013, for Chapter A, DRI Enabling Regulations Governing Review of Developments of Regional Impact Proposed Amendment.

Cape Cod Commission Notice for Minor Modification, March 26, 2013, for Type 1 to the Barnstable Municipal Airport Improvements Project Development of Regional Impact Decision approved by Cape Cod Commission on March 25, 2013 *(Any member wishing a full copy of the document please contact the office)*

Approval of Minutes: Approval of January 28, 2013, and February 11, 2013, Board Meeting Minutes

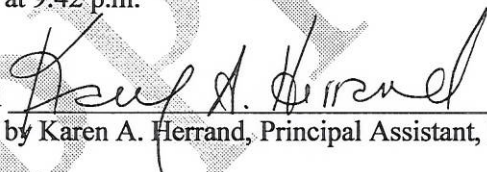
Patrick Princi makes a motion to approve both the January 28, 2013, and February 11, 2013, minutes as presented, seconded by Ray Lang, so voted unanimously.

Future Meetings: Regularly Scheduled Board Meetings: April 22, 2013 and May 13, 2013 @ 7:00 p.m.

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

The meeting adjourned at 9:42 p.m.

Respectfully Submitted



by Karen A. Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on

August 12, 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 – Letter from Ron S. Jansson, Esq. dated April 5, 2013 – File Special Permit No. 2011-02

Exhibit B – Draft Decision and Notice, dated March 29, 2013 – File Special Permit No. 2012-03

Exhibit C – Letter from Robert F. Hayden, Jr., dated April 8, 2013, – File Special Permit No. 2012-03

Exhibit D – Report from Paul A. Bergman, President of Bergman & Associates, Inc., dated January 21, 2013, – File Special Permit No. 2012-03

Exhibit E – Letter from Site Plan Review, dated March 27, 2013, – File Special Permit No. 2012-03

Exhibit F – Power Point Presentation dated April 8, 2013, (12 pgs.) – File Reg. Agrmnt. No. 2013-03

Exhibit G – Email letter dated April 8, 2013, from Konstantinos R. Atsalis – File Reg. Agrmnt. No. 2013-03

Exhibit H - Letter from Philip Scudder, VP Marketing, Hy-Line Cruises, dated April 5, 2013 – File Reg. Agrmnt. No. 2013-03