



**Town of Barnstable  
Planning Board  
Minutes  
June 10, 2013**

BARNSTABLE TOWN CLERK

2013 OCT 30 PM 1:27

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

Also in attendance were Art Traczyk, Regulatory Review Planner and JoAnne Buntich, Director of Growth Management.

**Approval Not Required Plans:** None

**Subdivisions:** None

**Zoning Amendment:**

**7:00 P.M. Public Hearing – New**

**Zoning Amendment – TC Item No. 2013-126  
Personal Wireless Communication**

The Planning Board of the Town of Barnstable, acting under Chapter 40A, Section 5 of the General Laws of the Commonwealth of Massachusetts, will hold a public hearing to take comment on a proposed amendment to the Code of the Town of Barnstable, Chapter 240, The Zoning Ordinance, Article X, Personal Wireless Communication, Sections 240-108 & 240-109.

The amendment proposes to allow in all zoning districts additional communication antennas to be installed on existing communication towers by special permit from the Zoning Board of Appeals, and to allow as-of-right co-location of additional communication antennas on existing communication towers lawfully permitted for the purpose of supporting FCC-licensed antennas.

This proposed amendment was referred to the Planning Board for a public hearing by Town Council Item No. 2013-126.

- *This amendment was introduced in Town Council on April 25, 2013. Notice of Planning Boards public hearing published May 24 & 31, 2013. Public hearing scheduled for June 10, 2013. Planning Board Recommendation to Town Council due within 21 days after close of the Public Hearing.*

Matt Teague entertains a motion to open the public hearing, so moved by Patrick Princi, seconded by Felicia Penn, so voted unanimous.

JoAnne Buntich makes reference to the Zoning Board of Appeals Agenda, dated February 13, 2013 (Exhibit A), and the listing of items to be addressed related to this matter.

Matt Teague confirms that this proposal is to allow additional antennas on existing towers by right, to be added without coming before the Town Boards?

Elizabeth Jenkins, Principal Planner in attendance. She answers that this is correct and explains that they would still have a two part review process, whereby they would go before Site Plan Review and Building, for the permit process.

Matt Teague asks for any public comment. No public comment.

Patrick Princi makes a motion to close the public hearing, seconded by David Munsell, so voted unanimously.

Matt Teague entertains a motion to recommend adoption of the amendment, moved by David Munsell, seconded by Patrick Princi, so voted unanimously.

### **Regulatory Agreement:**

#### **7:00PM Public Hearing - Continued**

#### **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.

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 to June 10, 2013- for further review.*

Attorney Ford in attendance. Being that there are only 4 Board Members in attendance tonight, he questions how and if the Mullin rule would come into play with this Regulatory Agreement?



JoAnne Buntich replies that she spoke with the Town Attorney and that the Mullin rule does not apply to the Planning Board in the case of a Regulatory Agreement recommendation to the Town Council.

Attorney Ford makes reference to the changes made to the original plan. Packets are handed out to the Board for review of the power point presentation, (Exhibit B) Hyannis Harbor Hotel Expansion.

Attorney Ford goes through each slide explaining the changes as follows:

new elevation which no longer has any rooftop elements/amenities, further to the comments/concerns from the public. Only things now are stairway and elevator shafts and a trim fencing that runs around the top of the bldg., 41 ft. high. The existing hotel is 40 ft. high.

The bldg. will now be 50 ft. back from the layout of Ocean St. The new site plan reveals that the 4 story portion of the bldg. is now set back 50 ft., from Ocean St., The single story portion of the bldg. is set back 32 ft. from Ocean St.

The layout on the parking continues to be 160 spaces on the site for joint use of both facilities, the existing hotel and the proposed new hotel with a ratio of .8 per room, 204 rooms on the site and with the valet plan, with all reviews there is a total of 180. Bldg. Inspector satisfied with .8 ration/164 spaces including the new addition, suggests that any regulatory agreement should have a provision/annual review of the parking to make sure adequate and doesn't need any adjustments.

Views preserved. Several perspectives from different angles on the street and looking toward the Angler's Club. Stone walls would match what was done with original Hyannis Harbor Hotel.

Views from the North to the South. Bldg. moved back and making a single story from Ocean St.

A meeting was held with Old Kings Highway. This meeting went well and comments were in support of this project. They requested the railing on the top of bldg. Simplicity is best for the Historic District. Any changes would be filed with them and will keep them informed as well as the Historic District members informed.

Parking, the Cohen's have not ever had any problems/complaints with the existing parking. The Town would like it to be a dedicated use and they will close it off.

They have had two extensive meetings with Site Plan Review. The Fire Dept. had some safety issues with the valet parking proposed. .8 is a ratio that they feel comfortable with for parking and this is what they have had in the past. May have an off site area in the event that it would be made a requirement. Issue of waste/dumpster. They would upgrade to two 10 yard dumpsters, they now have two 8 yard dumpsters here.

The roadway behind the hotel is under utilized, Bay St./Old Colony. They would let guests know to use these roads to access the hotel and they can require that deliveries come in this way as well, during the sixty days of most used time and to limit the use on the busy Ocean Street area.

The Fire Dept. says there is sufficient water pressure for the new bldg., there is an issue with the existing bldg., however the town has plans to upgrade Ocean St., including a water main for this area., mitigation is in the works for this.

The Harbor Management study did state that a year round hotel would benefit this area. They would keep this hotel open 365 days a year.

There would be new jobs, a minimum of 15 to be added on a year round basis. Increased tax revenue.

He refers to last page of packet/presentation (Exhibit B). North and South views are explained. The changes here are reflective of the comments from Historic and public/neighbors.

Matt Teague comments that they have done a good job/good effort with the proposed changes. Has some parking questions.

Felicia Penn comments that in season there really isn't any parking here. She asks about side set back being 10 ft.? There is no longer need a waiver needed for setback? How many vehicle trips on a year round and seasonal basis?

Attorney Ford answers that the balconies may need some relief of 2, to 2<sup>1/2</sup> ft. It is fair to say more trips because there will be more rooms.

Doug Cohen states that currently the approximate date the hotel closes is October 21 to 23<sup>rd</sup> and opens on or about April 15<sup>th</sup>. It does vary sometimes.

Felicia Penn confirms .8 parking space for the 68 rooms now. She thinks they will be losing 46 spaces and if using .8 for the 68 rooms, 54 spaces would be required for room count plus some for employees. She asks for confirmation that the new spaces are 8 ft. wide, pretty narrow, compact spaces only?

Matt Eddy answers that the proposed spaces are various, some are 8 ft. and some are 9 ft. The existing spaces vary from 7.5 to 9.5 ft. wide. The 8 ft. width will be tighter, but it will function. These are compact spaces.

Matt Teague asks for any Public Comment

Paul Lovendale, past president now vice president of the Anglers Club, 235 Ocean Street, in attendance. He does not understand how they are encroaching on the property all of a sudden, but now they have to move their stairs. Fence not in correct place. They have had a lot of their members' cars towed out of the Hyannis Harbor lot.

Elizabeth Wurfbain, Hyannis Main Street, BID, Executive Director, on behalf of the BID, and David Columbo, Jessica Silver, President and CEO, Hyannis Area Chamber of Commerce. They are in full support of this hotel and the fact that it is a year round hotel as well.

No further public comment.

Matt Teague asks about the mechanical systems shown on the elevations and what plans for rooftop and heating the common areas?

Doug Cohen answers that there will be some central systems that will be located in the center of the bldg. and the Captains Walk will mask it. It would not be visible.

Matt Teague asks about the valet program/parking analysis (see Exhibit C, Master Plan Sheet No. C3.0). He asks for an explanation of how this works.

Matt Eddy replies that the 160 spaces are the standard spaces with 8 ft. and 9 ft. widths. The 4 additional spaces are at the check in, and the 16 additional spaces that would be allotted to the valet, if needed (see Exhibit C, Sheet C4.2 and C 4.3).



Matt Teague asks about access and control of this parking, attendant, gates, what is the plan?

Doug Cohen responds that it would be a staff member/bellhop who can park cars in a valet system. Overnight parking pass in every window of the valet parked cars.

Matt Teague comments that his issue has always been about the parking. There are serious concerns about parking controls.

Attorney Ford states that it will go before Site Plan and then presented back to this Board.

Matt Teague replies that an offsite access or overflow lot is needed and will be needed for the seasonal time of the year. There should be some consideration regarding the trip generation for the hotel, some kind of analysis be done.

Patrick Princi states the he likes this new version presented today. Definite parking issue. Town hoping that this would become some commerce. Hopefully we can work out something with the parking. We do need to get a newer constructed hotel. Valet parking works, not the best solution.

David Munsell comments that this project would be good to build the downtown area up. Parking is a problem.

Matt Teague asks about an update on the procedure of this matter? Asks about the radius for tour busses?

Attorney Ford states they are working with the Town Manager's office for the terms of the mitigation, may be July sometime. They will bring back before the Board at that point.

Matt Eddy answers that the main through way/road from Ocean Street to Bay Street does accommodate the Fire Dept. tower truck.

JoAnne Buntich asks what the Board wants in regards to a draft agreement?

Matt Teague states that a draft agreement would be good, and would like to see one at next meeting.

Attorney Ford answers yes, they have an outline now.

Matt Teague entertains a motion to continue to July 22 at 7 p.m., moved by David Munsell, seconded by Patrick Princi, so voted unanimously.

#### **7:00pm 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, April 8, 2013, May 13, 2013, and to June 10, 2013. Continued for further review and finalizing of the Regulatory Agreement.*

Patrick Princi moves to accept the withdrawal of this agreement without prejudice, seconded by David Munsell, so voted unanimously to accept the withdrawal.

**Request:**

An April 29, 2013, a letter from F. Thomas Fudala, Mashpee Town Planner, has requested the Barnstable Planning Board issue a letter waiving the requirements for proper notice pursuant to MGL Chapter 40A Section 5 with respect to Mashpee's Planning Board public hearing on a zoning article to establish a temporary moratorium on Medical Marijuana Treatment Centers.

Motion made by Felicia Penn to vote favorably on this request, seconded by Patrick Princi, so voted unanimously.

**Correspondence:**

Federal Emergency Management Agency (FEMA) notification dated May 3, 2013, Re: Updated Preliminary Flood Insurance Rate Maps (FIRMs) and Updated Preliminary Flood Insurance Study (FIS) Report for Barnstable County, Massachusetts

Federal Emergency Management Agency (FEMA) notification dated May 30, 2013, Re: Updated Coastal Flood Insurance Rate Map-Announcement for the Barnstable County Meeting on June 17, 2013


Cape Cod Commission notice dated May 29, 2013, Minor Modification to the Development of Regional Impact Project of Community Benefit Hardship Exemption Decision for Cape Cod Hospital Emergency Center Expansion Project.

**Future Meetings:**

Regularly Scheduled Board Meetings: June 24, 2013, and July 8, 2013, @ 7:00 p.m.

Matt Teague entertains a motion to adjourn, so moved by Felicia Penn, seconded by David Munsell, so voted unanimously. The meeting adjourned at 8:04 p.m.

Respectfully Submitted

  
by Karen A. Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on

October 28, 2013

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

### **Listing of Exhibit Documents**

- Exhibit A** – Zoning Board of Appeals February 13, 2013, Agenda – File Zoning Amendment/TC Item No. 2013-126
- Exhibit B** – Power Point Presentation for Hyannis Harbor Hotel, (12 pgs.) – File Reg. Agrmnt No. 2013-03
- Exhibit C** – Plans entitled Hyannis Harbor Hotel Addition, dated 4/14/2013, Sheets C4.2 and C4.3 – File Reg. Agrmnt No. 2013-03

APPROVED