



**Town of Barnstable
Planning Board
Minutes
September 9, 2013**

BARNSTABLE TOWN CLERK

2013 NOV 26 PM 1:54

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	Not Present

Also in attendance were Art Traczyk, Regulatory Review Planner.

Approval Not Required Plans:

Doe - 3611 Main Street – A plan entitled “Plan of Land in Barnstable, MA #3611 Main Street (Rt. 6A) prepared for William H. Doe”, dated July 29, 2013 as prepared by Down Cape Engineering, Inc., has been submitted for endorsement as an Approval Not Required Plan. The subject property is addressed 3611 Main Street (Rt. 6A), Barnstable, MA (Assessor’s Map 317, Parcel 043). The plan proposes to divide the lot to create a new developable Lot 2 of 1.34-acres fronting on Main Street. The locus is zoned RF-2.

Arnold (Arnie) Ojala from Down Cape Engineering in attendance. He gives a history/explanation for the proposed ANR plan. Easement over a lot to avoid creating a new curb cut. Family property.

Ray Lang asks about driveway access that would be done here via the easement being over the existing land and how that would affect any future owners?

Arnie Ojala answers that the change would be a better location for entrance and there are some historic stone walls here as well. From a safety standpoint it would be better. It’s a family proposition, to improve the second bldg. and keep on one lot, otherwise this would require a variance.

Ray Lang directs/asks staff how would this effect future ownership?

Arnie Ojala replies that it would have to be listed on the deed and it would be a burden on the larger lot. Always be accessible.

Art Traczyk states that an easement is encouraged here rather than adding another curb cut to a busy state road. It can be accessed by an easement as long as you have the rights to go over the property.

Matt Teague entertains a motion to endorse this ANR plan, moved by Paul Curley, seconded by Felicia Penn, so voted unanimously.

Bow Lane Realty Trust – A plan entitled “Plan of Land in Barnstable, MA being a Division of Parcel A as shown on LCC #15234A and consolidating of Lots B2 LCC #16447A and Lot 2 as shown on LCC #16477B”, dated March 18, 2013 as prepared by Eagle Surveying, Inc., has been submitted for endorsement as an Approval Not Required Plan. The subject property is addressed 46 Bow Lane and 1758 Hyannis Road, Barnstable, MA (Assessor’s Map 299, Parcels 049 & 053). The plan proposes to recombine the lots and adjust lot lines of property shown on three Land Court Plans into two new lots. The proposed new lots are numbered on the plan as Lot 3 LCC #16447 and Lot 3 LCC #15234. Lot 3 of LCC #16447 is shown as a 2.15-acre lot fronting on Hyannis Road and encompassing the existing dwelling addressed 46 Bow Lane. Lot 3 of LCC #15234 is shown as a 1.99-acre vacant lot fronting on Bow Lane. Both new Lots have been granted a variance from the Zoning Board of Appeal.

Eliza Cox, Esq. of Nutter, McClennen & Fish in attendance, on behalf of the Applicant/Trust. She gives an explanation of this proposed ANR, 3 lots. The re division did require relief from ZBA. This division preserves the historic setting of the existing home, there is a condition that property will not be developed. She refers to a rendering of the proposed plan (Exhibit A). They have obtained ZBA approval.

Ray Lang asks if Bow Lane is a private way?

Attorney Cox answers, yes.

Felicia Penn refers to Staff Report, dated September 3, 2013, front pg., next to last paragraph (Exhibit B) “Any work within 50 feet of the wetlands will require an Order of Conditions from the Conservation Commission” She asks if there was any information from Conservation?

Attorney Cox answers that there is nothing proposed within 100 ft. of the wetlands, but when the proposed lot is developed in the future, before it is developed it will have to go to the Conservation Commission.

Matt Teague entertains a motion to endorse this ANR plan, moved by Paul Curley, seconded by Felicia Penn, so voted unanimously.

Subdivisions:

7:00 PM

Continued

Proposed Definitive Subdivision No. 822

Aberle Way – 2519 Main Street Barnstable - William A. Riley

To all persons deemed interested in the Planning Board acting under the General Laws of the Commonwealth of Massachusetts, Chapter 41, Sections 81A, through 81GG, Subdivision Control and all amendments thereto and the Town of Barnstable Chapter 801, Subdivision Regulations of the Code of the Town of Barnstable you are hereby notified of a Public Hearing to be held to consider Subdivision No. 822. The plan for this subdivision is entitled “Definitive Plan of Land in Barnstable, MA #2519 Main Street - Riley Subdivision” prepared for William A. Riley. The plan proposes the division of a 9.24-acre lot addressed 2519 Main Street, Barnstable, MA into six developable lots and creation of Aberle Way off Main Street (a/k/a Route 6A) to serve the new lots. The subject property is shown on Assessors Map 257 as Parcel 010.

- *Outstanding needs; final revised plans, final plan review by Board’s Engineer, applicant name change to Billken LLC, Homeowners Association Documents*
- *Documents Entered to File (copies enclosed) Billken LLC Certificate of Organization,*
- *Application submitted June 20, 2013. No Extension of Time. Filing of Decision due September 20, 2013*

John Kenney, Esq. in attendance with the Applicant, William Riley. The property has not been transferred into the Billken LLC, conveyance has not occurred as of yet. The present documents are in order and have the correct owner listed.

Ray Lang asks if there will be any review of the waivers? Sidewalks should be a part of this development.

Felicia Penn refers to the Development Agreement (Exhibit C) item 4, back of pg. 1, "The Applicant agrees to construct the ways and install the utilities within eight (8) years from the date of endorsement of the Subdivision Plan, and furthermore agrees that construction, of the subdivision way and utilities shall be completed 18 months from the date of commencement of construction.....etc." She thinks the language is confusing. Suggests changing it to read: "The Applicant agrees to construct the subdivision within 8 years from the date of endorsement of the subdivision plan, and furthermore.." and leave the rest as written.

Art Traczyk explains about the time frame in which to complete the subdivision and how the release of covenant/surety issue, Form F would work (Exhibit D).

Matt Teague refers to the Development Agreement, item 4 (Exhibit C) and suggests striking the "18 months" from the context completely. The covenant protects. Suggests changing item 4 to read as follows: "The Applicant agrees to ~~construct the ways~~ begin construction and install the utilities with eight (8) years from the date of endorsement of the Subdivision Plan,....etc. (as written)".

Felicia Penn refers to Notification of Approval, pg., 6, item no. 13 (Exhibit E) "The easement, located on Lot No. 4 and labeled "Natural No-fill Overflow Drainage Easement" shall remain in a natural state and shall not be disturbed in any manner nor shall it be used for any purposes other than drainage from the roadway. It shall not be built-upon nor shall it be filled." She suggests adding: "it shall be the responsibility of the Homeowners Association to perpetually maintain the performance of this area"

Attorney Kenney states that would be acceptable.

Ray Lang asks for clarification that the ownership of the easement remains with Lot No. 4?

Attorney Kenney states correct and it is to remain in its natural vegetative state.

Ray Lang asks for clarification that if Lot No. 2 is sold, will the easement be written into the deed?

Attorney Kenney states yes, it would be conveyed subject to easement. The easement on Lot No. 2 would be the site line view easement. The edge of Lot No. 2 and the pavement would be state property.

Ray Lang refers to Definitive Plan of Land, sheet 5 (Exhibit F). Asks for clarification of the 16 ft. width of the road and the location of the berm.

Arnie Ojala answers that the berm is part of the road and can be driven on, not normally, but can drive on it without damaging it.

Matt Teage asks if the Homeowners Agreement been resolved and do we now have all documents in order?

Art Traczyk replies that we have all documents and Staff is satisfied.

Matt Teague asks for any public comment. None.

Matt Teague entertains a motion to close this public hearing, moved by Paul Curley, seconded by Ray Lang, so voted unanimously to close the public hearing.

Matt Teague reads into record the Decision, pg. 4, Notification of Approval Draft (Exhibit E) as follows:

“At the conclusion of the meeting of September 9, 2013, a motion was duly made and seconded to approve the definitive subdivision plan entitled “Definitive Plan of Land in Barnstable, MA #2519 Main Street Riley Subdivision” prepared for William A. Riley, as drawn by Daniel A. Ojala P.E., & P.L.S. dated June 10, 2013 revised August 27, 2013, and consisting of 5 sheets.

- Front page shows the basic subdivision of the property identifying the proposed lots and the defined metes and bounds for each lot. The plan defines the proposed Way and drainage easements, and shows the approximate location of existing stone walls.
- Sheet B presents the geographic coordinates for the existing and proposed bounds to be set.
- Sheet C is a drainage area sketch plan for the roadway and subdivision it includes proposed drainage system and overflow areas and easements.
- Fourth page is the Road Profile Plan
- Last page is a Detail Sheet showing a typical road section including the cul-de-sac, drainage and rock retaining wall sections.”

Matt Teague reads into record the Waivers, pg. 2, Notification of Approval Draft (Exhibit E) as follows:

“In accordance with the Code of the Town of Barnstable, Subdivision Regulations, § 801-5 Waivers, the application requested certain waivers from total compliance to the following subdivision regulations:

- § 801-29(B) Sidewalks conditionally required. The Applicant has requested a waiver from building any sidewalks. The justification cited is that only 6 houses would be served and the road is a short dead end roadway.
- § 801-26(B)(1) Appendix Design Standards, Typical Road Cross Section Minor A. The applicant requested to use those standards for a Minor B Street (a street standard for ways with less than 4 dwellings). The waivers are to reduce the right of way from 50-feet to 40-feet and to reduce the overall paved traveled way from 22-feet to 18-feet.”

Felicia Penn quotes “ Regarding the grant of the waivers requested the Planning Board specifically finds that the plan is in keeping with the character of the surrounding area, the roadway design standard approved is adequate for the number of lots being served by the way while the reduced standards maintain the historic rural character of the area. Except for those waivers cited above, no other waivers from the Subdivision Regulations are granted or implied.” (see Exhibit E, pg. 4-5, of the Notification of Approval).

Matt Teague entertains a motion to accept as presented, so moved by Felicia Penn, seconded by Paul Curley, Ray Lang abstained, (Matt Teague, Felicia Penn, Paul Curley and Patrick Princi vote yes. Ray Lang abstains). 4 yes and 1 no vote.

Paul Curley reads the Conditions and Restrictions, pg. 5, Notification of Approval (Exhibit E) into the record as follows:

Conditions and Restrictions: This Subdivision approval is furthermore subject to the following conditions and restrictions:

1. Prior to the endorsement of the subdivision plan, the Applicant shall complete and endorse;
 - a. A Development Agreement with the Planning Board for completion of the subdivision,
 - b. A Form F, Covenant, placing the undeveloped five lots (Lots Numbered 2, 3, 4, 5, and 6) as surety for completion of the subdivision,
 - c. A Form S, Road Maintenance & Repairs, requiring the applicant and successors in title to be responsible for all maintenance (including snow removal) and repair for Aberle Way and
 - d. The Declaration of Trust creating a Homeowners Association for the 6-lots and entrusting it with the continued maintenance of the common areas, easements and enforce the covenants imposed.
2. The Applicant shall submit a check in the amount of \$1,000.00 payable to the Town of Barnstable. Which check shall be held to ensure recordation at the Barnstable Registry of Deeds a copy of this decision notice when final approval by the Town Clerk, the endorsed subdivision plan, the signed Development Agreement, the Covenant, an executed Form S, and The Declaration of Protective Covenants-Homeowners Association.
3. Copies of this recorded decision notice, subdivision plan, Development Agreement, Covenant, Form S, and Declaration of Protective Covenants- Homeowners Association documents shall be returned to the Growth Management Department at 200 Main Street, Hyannis and entered into the Planning Board file within 30 days after the Board's endorsement of the subdivision plan. Upon evidence of the recordation of all the documents cited above, the \$1,000.00 check required in Condition 2 shall be returned to the Applicant. If no evidence or insufficient evidence is provided, the check shall be cashed to cover the cost of recording the documents.
4. As Route 6A is a State Road, the Applicant shall secure a permit(s) from the Massachusetts Department of Transportation for the installation of a curb cut for Aberle Way and to open the road for utility connections. As a part of that permit application the Applicant shall include the request to remove trees and clear brush within the right-of-way of Route 6A to secure proper sight distances. A copy of that application shall be submitted to Growth Management Department at 200 Main Street, Hyannis for inclusion in the Planning Board file. No work, including cutting and clearing for Aberle Way, shall be initiated in the subdivision until after the Department of Transportation issues its permit(s) for the installation of the curb cut and road opening. No Town application for a development permit shall be entertained until after the Commonwealth's permit(s) have been issued and a copy submitted to the Planning Board file.
5. At least two weeks before commencement of construction or clearing of Aberle Way the Applicant shall notify the Town Engineer, the Director of Public Works, the Building Division and the Growth Management Department Engineer and Regulatory Review/Design Planner of their intent to start construction on the Way.

Patrick Princi reads into record the Conditions and Restrictions 6 through 20 as follows: (Exhibit E)

6. Once construction of the Way (including installation of utilities) is initiated by the clearing of the Way, the Applicant shall have 18 months to complete the construction of the roadway, site drainage and the installation of all common utilities.
7. Any damage to the right-of-way of Route 6A and its utilities caused by the construction of the Aberle Way shall be the responsibility of the Applicant and/or representative to repair and restore Route 6A, per Mass Department of Transportation standards and pursuant to their directions, to the condition that existed before construction of Aberle Way.

8. Once Aberle Way is constructed the existing curb cut and driveway on Route 6A, that now serves the single-family dwelling (now addressed 2519 Main Street, West Barnstable MA) and that is to remain on Lot No. 1, shall be closed. The existing cobblestone pavers located in the parkway shall be removed and the parkway, including the Cape Cod Berm on Route 6A, restored. That existing dwelling is to be re-addressed on Aberle Way and the existing mail box shall be relocated or removed from Route 6A. All work within Route 6A must be reviewed and approved by Mass Department of Transportation prior to any work in the State's right-of-way. This work description shall be included in the application to be made to the Massachusetts Department of Transportation referenced in Condition 4 above.
9. All 6 lots shown on the approved subdivision plan shall be accessed from Aberle Way only, and no additional lot(s) shall be accessed from the Way without prior permission of the Planning Board.
10. The proposed connection and extension of the water system, including the proposed installation of the hydrants, must be approved by the Barnstable Water Company prior to installation. Easements and access right for all public utilities will be granted.
11. Prior to the construction of the roadway, the Applicant shall make application to the Old Kings Highway Historic District Committee to remove or relocate the scattered remnants of stone walls now situated in the Way. A Certificate of Appropriateness from the Old Kings Highway Historic District Committee is also required prior to the construction of the proposed stone pillars at the entrance of Aberle Way.
12. No lot shall be clear-cut nor shall mature trees (tree with a caliper of 5 inches or above) be removed until a building permit is obtained to build on the lot. Exception to this prohibition are; clearing to install drainage structures and retaining walls, the removal of vegetation to provide proper site distances along Route 6A, removal of dead and diseased trees and limbs, under brushing and select tree removal within 8 feet of the right-of-way Aberle Way, minor clearing and cutting necessary for site investigation and preparation (soil percolate test, exposure of old stone walls, etc.).
13. The easement, located on Lot No. 4 and labeled "Natural No-fill Overflow Drainage Easement" shall remain in a natural state and shall not be disturbed in any manner nor shall it be used for any purposes other than drainage from the roadway. It shall not be built-upon nor shall it be filled. The easement shall be maintained to professional standards by the Homeowners Association
14. An easement shall be created over parts of Lot No. 3 and No. 5 to surround the proposed slope retaining wall abutting the cul-de-sac of Aberle Way. That easement shall be dedicated to the Homeowner's Association for the perpetual protection of the slope as it is a critical element in maintaining the roadway.
15. The proposed Lots Numbered 2, 3, 4, 5 and 6 created in this subdivision shall be held in covenant as surety for completion of the subdivision including construction of Aberle Way and installation of all utilities. The lots shall only be released upon submission of as-built plans for the subdivision and issuance of a Certificate of Completion for the subdivision unless surety, in a form approved by the Town Attorney's Office and in an amount satisfactory to the Board's Engineer, is posted with the Town of Barnstable after consent of the Planning Board.
16. All deeds to the subdivision lots shall include notice that the perimeter stone wall shall not be removed. All interior stone walls shall only be altered or removed after approval by the Old Kings Highway Historic District Committee. A draft of the deed document showing this notice shall be submitted to the Growth Management Department for review and approval before any lot is deeded out.

17. All Development of subdivision lots shall fully conform to the Board of Health recommendations as expressed in the July 25, 2013, letter of approval. Those requirements are:
- a. Each dwelling shall be connected to public water. Each and every dwelling constructed within this subdivision shall be served by public water.
 - b. Two fire hydrants must be installed in this subdivision.
 - c. Any lawn area created must be at least four (4) inches of loam.
 - d. All tree stumps, brush and building debris removed when clearing lots or roads must be disposed of at a licensed solid waste disposal facility. Chipping brush and trees stumps is an acceptable alternative. Burial on site is prohibited.
 - e. The applicant must receive an Order of Conditions from the Conservation Commission, if applicable.
 - f. The Board of Health recommends that all drainage be contained onsite at each lot.
18. Development of the subdivision shall conform to the revised plans and details dated August 27, 2013, as reviewed and approved by Stephen Seymour, P.E. and Senior Engineer with the Growth Management Department.
19. This subdivision approval shall be in effect upon recordation of this decision notice, its referenced definitive subdivision plan, and all documents cited in No. 1 of Conditions and Restrictions herein with the Registry of Deeds and shall expire eight (8) years from the date of endorsement of the subdivision plan by the Planning Board. This subdivision is subject to all regulations of Chapter 801, Subdivision Regulations of the Code of the Town of Barnstable in effect June 20, 2013, except as waived herein.
20. Upon satisfactory completion of the roadway, installation of all utilities and the setting of all bounds, all in accordance with the Subdivision Rules and Regulations the Applicant shall submit as-built plans for the subdivision and request a release of all remaining lots under Covenant and the issuance of a Certificate of Completion to close out the Subdivision.

Attorney Kenney asks if Item No. 13 (Exhibit E) can be reworded to read: "The easement shall be maintained by the Homeowners Association" and remove the word professional?

Matt Teague answers that this is adequate, the word professional can be stricken.

Matt Teague entertains a motion to adopt Conditions 1 through 20 as modified, so moved by Paul Curley, seconded by Felicia Penn, so voted unanimously.

Matt Teague entertains a motion to adopt this subdivision plan, so moved by Paul Curley, seconded by Felicia Penn, so voted unanimously.

**7:00 PM New Definitive Subdivision No. 819 - Maki Hill Lane, West Barnstable
Maki Realty Trust, Susan A Maki Trustee**

To all persons deemed interested in the Planning Board acting under the General Laws of the Commonwealth of Massachusetts, Chapter 41, Sections 81A, through 81GG, Subdivision Control and all amendments thereto and the Town of Barnstable Chapter 801, Subdivision Regulations of the Code of the Town of Barnstable you are hereby notified of a Public Hearing to be held to consider Definitive Subdivision No. 819. The plan for this subdivision 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.

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

Arnie Ojala and Chris Maki in attendance. Mr. Ojala gives a history, this is a family subdivision. He has a rendering of the plan (Exhibit G). Explains that Staff wants a Homeowners Association agreement for maintenance purposes. Covenants to be prepared as well.

Patrick Princi asks if the Karl Maki driveway will go into Maki Hill or along Maki Hill Lane?

Arnie Ojala answers that this driveway would be closed off.

Felicia Penn refers to the Decision of Approval Preliminary Subdivision Plan for Maki Family Trust, item no. 5 "Authority to sign for the owner needs to be established" (Exhibit H). Did/can Staff address this?

Art Traczyk replies that there is only one owner listed, it's a trust, one trustee, Susan Maki.

Arnie Ojala comments that at that time there may have been more than just the one trustee.

Ray Lang asks for clarification about the slope percentage.

Arnie Ojala confirms the slope will go to 6%.

Matt Teague asks if we have any report from the Engineer, Steve Seymour?

Art Traczyk confirms, yes, in Board packet, and he is satisfied.

Matt Teague asks for any public comment. None.

Matt Teague states that we will need some type of homeowners association documentation, the plan should note the closing off of the driveway at the adjacent property.

Art Traczyk comments that he suggested and discussed with Dan Ojala that the existing house at 841 Oak St., become part of the homeowner association.

Arnie Ojala replies that he doesn't know if this person wants to be financially responsible for maintenance of the road. He doesn't think this person wants to do this.

Patrick Princi asks if there is any way it could be worded that this property not be part, but new owner could be part of the homeowner association?" Karl Maki isn't utilizing much of the road. He doesn't see a problem with this property not being part of the homeowner association.

Matt Teague thinks that this would be a major problem. People will be complaining.

Felicia Penn agrees entirely that this would be a problem. Homeowner association can give certain percentages of responsibility for this particular lot, maybe not equal to other homeowners, but some type of responsibility.

Arnie Ojala states that that does seem reasonable, assuming this homeowner may want to participate.

Felicia Penn comments that the Projected Maintenance Report dated August 2nd (Exhibit I) is very descriptive and all encompassing, and that this will hopefully be incorporated into all the documents moving forward.

Felicia Penn refers to lighting suggestion made in the Staff Report, pg. 5, last paragraph (Exhibit J) "Staff would suggest the Applicant consider requiring some low level lighting to be installed at the individual driveways off Maki Hill Lane as a requirement of the development of each individual lot..." Is this being suggested for public safety access?

Art Traczyk explains that it was suggested to have some night lighting, low level lighting, keeping with character.

Matt Teague refers to letter from the Board of Health, dated August 21, 2013 (Exhibit K) "Any lawn area created must be covered by at least four (4) inches of loam; All tree stumps, brush and building debris removed when clearing lots or roads must be disposed of at a licensed solid waste disposal facility. Chipping brush and tree stumps is an acceptable alternative. Burial on site is prohibited; The applicant must receive an Order of Conditions from the Conservation Commission, if applicable; The Board of Health recommends that all drainage be contained onsite at each lot."

Matt Teague entertains a motion to continue to October 28, 2013, at 7:00 p.m., so moved by Ray Lang, seconded by Paul Curley, so voted unanimously.

Felicia Penn states that she will not be in attendance on this date.

Special Permit:

7:30 PM Continued

**Modification of PIAHD Special Permit Settler's Landing II
Subdivision No. 812 - Martha M. Morin, Trustee of Settlers Landing
Realty Trust II**

The Planning Board acting under the General Laws of the Commonwealth of Massachusetts, Chapter 40A, Section 9, and all amendments thereto and the Town of Barnstable Zoning Ordinances will open a Public Hearing to consider an application for a fourth Modification for the Private Initiated Affordable Housing Development (PIAHD) Special Permit issued for Settlers Landing II - Subdivision No. 812. The Petitioner, Martha M. Morin, Trustee of Settlers Landing Realty Trust II, is seeking:

- To add two new house plans, identified as the "Dover Plan" containing approximately 2,051 square feet of living area and the "Chatham Plan" containing approximately 1,736 square feet of living area to the list of the 11 approved house design plans for the development and,
- To allow for up to five of the 29 dwellings to be built as four-bedroom homes provided the fourth bedroom is created within an approved house design plan.

The locus is the southern 7.75 acres of the subdivision commonly know as Settler's Landing located off Castlewood Circle in Hyannis, MA. The 29 parcels are shown on Assessor's Map 273 as Parcel 122, Lots 013 through 027 and Assessor's Map 272 as Parcels 212 to 225. The lots are addressed from 75 to 174 Settler's Landing, Hyannis, MA. The locus is Zoned Residential C-1.

- *This hearing was opened May 13, 2013, at which time the Board decided to bifurcate the application into Part 1 and Part 2. Part 1 covered the request to allow two new house style plans to be introduced and Part 2 covered the request to allow up to 5 of the homes to be built as four bedroom single family dwellings. At the May 13th hearing, the Board granted Part 1 allowing for a twelfth and thirteenth house plan to be used.*
- *Part 2 was continued to June 24, 2013, August 12, 2013 and to September 9, 2013 to allow for Review and Opinion of the Town Attorney Office. Opinion was issued August 8, 2013*
- *At the June 24th meeting, the Board voted a continuance with the requirement that all back taxes owed on the subdivision lots would be paid in full and verification from the Tax Collector's Office that all taxes on the Applicant's lots are current.*

Matt Teague refers to email correspondence dated September 6, 2013, received from Jacques Morin (Exhibit L) whereby Mr. Morin is requesting a continuance to November.

Matt Teague entertains a motion to continue this public hearing to November 25, 2013, at 7:30 p.m., so moved by Ray Lang, seconded by Paul Curley, so voted unanimously.

Correspondence: FEMA notice dated August 26, 2013, Flood Insurance Rate Map (FIRM) Dataset information for Town

Cape Cod Commission Notice of Modification of DRI Decision for expansion of existing Cotuit Landing Shopping Plaza, approved with conditions, August 28, 2013

Approval of Minutes: Approval of April 22, 2013, Board Meeting Minutes

Felicia Penn makes a motion to approve the minutes as presented, seconded by Paul Curley, so voted unanimously.

Future Meetings:

Joint Public Hearing with the Town Council: September 19, 2013, at 7:00 P.M.

- *This Hearing is to consider a Town Council Item No. 2014-013 - a Proposed Zoning Amendment to Extend the Temporary Moratorium on the Establishment and Permitting of Medical Marijuana Treatment Centers and Associated Activities*

Felicia Penn states that she cannot attend this hearing, she has a conflict.
Staff will send a reminder to all.

Regularly Scheduled Meetings: September 23, 2013 and October 28, 2013, @ 7:00 PM.

Matt Teague entertains a motion to adjourn, moved by Paul Curley, seconded by Ray Lang, so voted unanimously.
The meeting adjourned at 8:14.

Respectfully Submitted Karen A. Herrand
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** – Plan of Land in Barnstable, dated March 18, 2013 – File ANR 46 Bow Lane and 1758 Hyannis Road, Bow Lane Realty Trust
- Exhibit B** – Staff Report dated September 3, 2013 – File ANR 46 Bow Lane and 1758 Hyannis Road, Bow Lane Realty Trust
- Exhibit C** – Development Agreement – File Sub. No. 822 Aberle Way, 2519 Main St., Barnstable, William Riley
- Exhibit D** – Form F Covenant – File Sub. No. 822 Aberle Way, 2519 Main St., Barnstable, William Riley
- Exhibit E** – Notification of Approval of Definitive Subdivision Plan (draft Decision) File Sub. No. 822 Aberle Way, 2519 Main St., Barnstable, William Riley
- Exhibit F** – Plan of Land in Barnstable, dated (revised) August 27, 2013 – File Sub. No. 822 Aberle way, 2519 Main St., Barnstable, William Riley
- Exhibit G** – Plan of Land in West Barnstable, dated April 2, 2013 – File Sub. No. 819 Maki Hill Lane, Maki Realty Trust
- Exhibit H** – Decision of Approval dated May 24, 2010 – File Preliminary Plan for Maki Family Trust, Sub. No. 819, Maki Hill Lane
- Exhibit I** – Projected Maintenance Report, dated August 2, 2013 – Sub. No. 819, Maki Hill Lane, Maki Realty Trust
- Exhibit J** - Staff Report dated September 3, 2013 – File Sub. No. 819, Maki Hill Lane, Maki Realty Trust
- Exhibit K** – Letter from Board of Health dated August 21, 2013 – File Sub No. 819, Maki Family Trust, Sub. No. 819, Maki Hill Lane
- Exhibit L** – Email correspondence dated September 6, 2013, from Jacques Morin – File Modification of Sub. No. 812, Settler's Landing II, Martha M. Morin, Trustee of Settlers Landing Realty Trust II