



# Town of Barnstable Planning Board

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## Board Members

Paul Curley – Chair Stephen Helman – Vice Chair Felicia Penn – Clerk Patrick Princi Mark R. Ferro Raymond Lang David Munsell  
John Norman – Town Council Liaison

## Staff Support

Art Traczyk – Design/Regulatory Review Planner – [art.traczyk@town.barnstable.ma.us](mailto:art.traczyk@town.barnstable.ma.us)  
Karen Herrand – Principal Assistant – [karen.herrand@town.barnstable.ma.us](mailto:karen.herrand@town.barnstable.ma.us)

## Town of Barnstable Planning Board Minutes April 27, 2015

Paul Curley – Chairman	Present
Stephen Helman – Vice Chairman	Present
Felicia Penn – Clerk	Present
Raymond Lang	Present
David Munsell	Not Present
Patrick Princi	Present
Mark Ferro	Present

Also in attendance were JoAnne Miller Buntich, Director and Karen Herrand, Principal Assistant, Growth Management Dept.

### **Call to Order:** Introduction of Board Members

**Notice of Recording:** This meeting is being recorded and broadcast on Channel 18 and in accordance with MGL Chapter 30A §20. The Chair must inquire whether anyone else is taping this meeting and to please make their presence known.

### **Approval Not Required Plans:**

**Bancroft** - A plan entitled "Plan of Land Oak Street & Sundelin Way West Barnstable, MA Prepared for Eric Bancroft dated April 21, 2015" as drawn by Canal Land Surveying & Permitting Inc., Richard J. Hood, PLS, 306 Old Plymouth Road, Sagamore Beach, MA has been submitted for endorsement as an Approval Not Required Plan. The plan intends to exchange equal areas on both lots. Frontage for Lot 1 is obtained from Oak Street a town owned public way. Frontage for Lot 2 is obtained from Bancroft Circle a privately owned public way. Both lots, developed with single-family dwelling structures and accessory outbuildings, are located in the Residential F (RF) District and also subject to the Resource Protection Overlay District (RPOD). Lot 1 is owned by Eric & Rachael Bancroft and is addressed 5 Sundelin Way, West Barnstable and shown on Assessor's Map 216 Parcel 069. Lot 2 is owned by Robert C. Bancroft Revocable Trust and is addressed 29 Sundelin Way, West Barnstable and shown on Assessor's Map 216 Parcel 068.

JoAnne Buntich apologizes for not having a staff report and states that Art Traczyk is out of the office. She explains that this will be a swap of equal land areas, does not affect the frontage. This will need lot area variances from the Zoning Board of Appeals due to the under acreage.

Ray Lang asks where does frontage come from, privately owned or a public way and the difference?

JoAnne Buntich explains the definition of public and private way.

Ray Lang asks about the well on Lot 1, but not Lot 2, does that mean they use the same well?

JoAnne Buntich replies she does not know.

Ray Lang asks about the easement, 10 ft. wide what was this originally for?

JoAnne Buntich replies that Sundelin Way is an easement and not a way. They have not looked at the 10 ft. wide easement.

Ray Lang asks where are the driveways ?

JoAnne Buntich replies that there are some details that are not provided on this plan, the surveyor did not provide them.

Eric Bancroft in attendance, owner. He explains/answers that the two houses each have their own dedicated well. The driveway access for both are off of Sundelin Way. The right of way is a 30 ft. paved asphalt road, both houses use this driveway. Two additional houses beyond these lots, down the street.

The 10 ft. easement was granted for water access, Garretts Pond. This extends across the property boundary line.

Ray Lang asks for notations to be on the plan that were discussed.

Paul Curley asks about the zoning issues.

JoAnne Buntich explains that the two new lots are under acreage and will need a variance. The plan does note that it does not comply with zoning.

Ray Lang asks if the Fire Dept and Police Dept. need to be involved?

JoAnne Buntich explains that the address/street numbers are not changing so they will not need to be involved.

**Motion made by Felicia Penn to endorse/approve the plan as presented, seconded by Stephen Helman, so voted unanimously to endorse the plan.**

#### **Continued Discussion Item:**

Pursuant to a request by the Chair and Vice Chair – Board review and discussion of a draft comment letter to Town Council regarding TC Item No. 2015-071 proposing to amend the SCROD overlay district. This Item is noticed for a Town Council Public Hearing on May 7, 2015.

Paul Curley explains the Town Attorney has denied the request for the Planning Board to have another public hearing. Draft letter to be discussed and finalized.

Felicia Penn is concerned, that this could be addressed at the special permit phase, which would make it to late. She hopes that this letter would state/provide Town Council with some ammunition so that when they vote they know that Planning Board is committed to preserving the benefits that zoning provides in this case. She has some revisions (Exhibit A, edits/revisions made to draft letter dated April 28, 2015). Copies to Board.

Chair Paul Curley mentions David Munsell's comment via email (he is not in attendance tonight), regarding the change of the zoning being made specific for a drive through restaurant.

Felicia Penn clarifies that this is what the request is to change the zoning to allow for a drive through restaurant, it cannot be discussed any other way.

Felicia Penn reads the draft letter (Exhibit A) with edits into record as follows:



On March 25, 2015, the Planning Board transmitted the Planning Board report on the above referenced proposed amendment to the SCROD Zoning Ordinance. With further discussion Board members developed additional comments on the planning issues posed by the proposed zoning change and offer them for the Council's consideration.

In the Planning Board's opinion a Drive-Through Restaurant at this location represents spot zoning ~~presents questions about the land use, employment, and traffic.~~ Re-zoning these small outlying SCROD parcels ~~would be~~ is ill advised and a poor strategy. ~~at a time when highest and best land use should be encouraged.~~

She suggests eliminating the next 3 paragraphs, employment isn't their purview.

#### Proposed Land Use

~~Is a single use, one story drive through restaurant, the best use of this property? Are there other options that could encourage more dense development that would better fit with surrounding infrastructure and land use? Under present zoning the maximum building height is 42.5 feet and able to accommodate 3 stories. Encouraging a one story use for this site may not be the most effective use of the property.~~

~~Zoning at this key intersection should encourage a business anchor use with a visual presence on the corridor. Rezoning should encourage the highest and best use for the property and contribute to the commercial viability of the street.~~

#### Employment

~~Does this land use present the best opportunity for year round job creation with salary levels able to accommodate the local cost of living?~~

#### Traffic Impact

~~The property is located at the busiest intersection on Route 132 a major signalized intersection—Enterprise Road/Independence Drive and Iyannough Road (Route 132).—This principal corridor connecting Hyannis to the MidCape Highway provides access to the regional retail and service area, regional airport, and industrial areas.~~

We are concerned that this rezoning is ~~would~~ directly contrary to Local Comprehensive Plan, Zoning and larger conversations taking place about this corridor at this time and ~~would~~ increase congestion, decrease safety, and discourage repeat visits to this regional retail and services area.

~~As a Board we agree that this site is underutilized and its present use as an accessory parking lot to the Mall is neither necessary nor convenient. However the proposed rezoning to Drive-Through Restaurant is not the best use for this property. believe there is a higher and better use for this property.~~

It would have been nice to have a preliminary conversation for this with more detailed information.

Stephen Helman asks about the comment "the busiest intersection" do we know it to be in fact the busiest intersection.

Felicia Penn answers traffic counts from the Cape Cod Commission.

JoAnne Buntich interjects that the Airport rotary is actually the busiest, at the end of the Iyannough road corridor.

Felicia Penn replies that the rotary has four roads going into it.

Chair Paul Curley directs to JoAnne Buntich if this letter can be redrafted?

JoAnne Buntich reviews the edits to be made and clarifies.

Ray Lang suggests making a statement if the Cape Cod Commission is in fact prioritizing Route 132, should we suggest discussing with them? Can some wording be added to reflect this?

Felicia Penn clarifies that this is what is meant with the language of, LCP, larger conversations taking place and it could be edited to state "between the Town and the Cape Cod Commission about this corridor".

Chair Paul Curley confirms to redraft this letter as discussed and get it to Town Council.

JoAnne Buntich states that anyone can go to Town Council's public hearing to make public comment.

Felicia Penn states that she would like to go, but has another engagement, she could possibly go if it's later on in the Town Council's Agenda.

**Approval of Minutes:** Approval of April 13, 2015, Board Meeting Minutes

Ray Lang clarifies that he and Felicia Penn will be representatives for the Planning Board for parking issues and this project, action of the Board?

Chair Paul Curley states yes.

**Motion made by Stephen Helman to accept the minutes as presented, seconded by Ray Lang, so voted unanimously.**

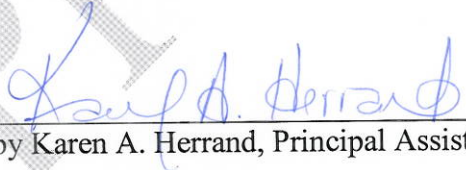
Chair Paul Curley refers to the legal publication which has items for the May 11, 2015, Planning Board meeting. Exhibit B.

**Motion entertained by Chair Paul Curley to adjourn, moved by Ray Lang, seconded by Felicia Penn, so voted unanimously to adjourn.**

**Future Meetings:** Regularly Scheduled Meetings: May 11 and June 8, 2015 @ 7:00 PM.

The meeting adjourned at 7:32 p.m.

Respectfully Submitted

  
by Karen A. Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on

May 11, 2015

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 -** Draft letter to TC regarding 2015-071 zoning amendment.
- Exhibit B -** Copy of legal notice as published in The Barnstable Patriot, dated April 24 and May 1, 2015

APPROVED