



Town of Barnstable Planning Board

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Board Members

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

Staff Support

Art Traczyk – Design/Regulatory Review Planner – art.traczyk@town.barnstable.ma.us
Karen Herrand – Principal Assistant – karen.herrand@town.barnstable.ma.us

Town of Barnstable Planning Board Minutes September 28, 2015

BARNSTABLE TOWN CLERK
2016 APR 15 AM 11:33

Stephen Helman – Chairman	Present
Raymond Lang – Vice Chairman	Present
David Munsell – Clerk	Present
Paul R. Curley	Present
Mark Ferro	Present

Also in attendance were Elizabeth Jenkins, Principal Planner and Karen Herrand, Principal Assistant, Growth Management Dept.

Call to Order: Introduction of Board Members and Staff 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.

Discussion:

Assistant Town Attorney Charles McLaughlin Instructions to the Board for Whistleberry Site Visit

Assistant Town Attorney Charles McLaughlin in attendance. He explains to the Board Members the two options per the Open Meeting Law (OML) regarding the Site Visit; a bus has been arranged to pick everyone up in order to go to specific sites with the Town Engineer, Roger Parsons, whereby he can explain what needs to be done/what has been done with the areas/issues of concern. The only issue would be of accessibility for challenged persons/handicap, we would have to accommodate these persons who may want to attend. A 48 Hour Notice will reflect this on the posted notice, we may or may not be able to accommodate this.

The alternative is to have the Planning Board break up into smaller sub groups, to be done at least twice whereby this does not constitute a quorum of the Board, these would go out with Town Engineer, Roger Parsons. He encourages less dialogue in either event.

Two options; a published meeting, if have needs met for accommodations OR second option, plan B, postpone and split up into smaller groups as to not constitute a quorum.

Chair Stephen Helman asks if plan B would be going back and forth on the same day?

Attorney McLaughlin answers that it would depend on Roger Parson's availability, presumably same day.

Paul Curley comments that he would like all to go as a group, so that everyone hears the same thing and there is no miscommunication. Also the bus that will be being used is accommodating for handicapped

persons with a wheelchair lift. He's assuming that they would only need to accommodate for handicapped/special needs at the site itself.

Ray Lang agrees with Paul Curley, that all members should be together in one group as a Board. Everyone will have all heard the same. Asks how many people will be going? How does the Planning Board inter act? Interaction of/with people attending? Will there be additional written information from the Developer etc. that we will have at our next meeting?

Attorney McLaughlin answers that he assumes the Developer/Developer's Attorney and Whistleberry Association may be in attendance. He would prefer that it be posted as no public comment. This is for the Planning Board's benefit to engage with the Town Engineer and save discussion until all back for a full meeting on October 26th.

The Developer's Council has prepared a spreadsheet that relates directly to the list of completion items and the status for the October 26th meeting.

David Munsell asks for clarification for discussion at the next meeting. He will not be available for the site visit, he will be on vacation.

The Planning Board Members are in agreement to do this site visit as a group on October 6, 2015, as a listening session and then discuss at October 26, 2015, meeting.

Special Permit:
Special Permit No. 2015-04

**141 Stevens St. and 91 Bassett Lane, Hyannis
Laham Management & Leasing, Inc.**

Continued Public Hearing from August 24, 2015. Modification to Special Permit No. 2011-003, 141, 145, and 151 Stevens Street and 91 Bassett Lane, Hyannis, Map/Par 309/237, 238, 239 and Map/Par 308/042. Ed Leslie, Trustee Saturn Realty Trust.

Attorney Michael Ford in attendance and Griffin Beaudoin of Atlantic Design, representing the Applicant, Joel Laham in attendance.

Joel Laham, the Applicant, also in attendance.

Attorney Ford gives a brief history of the last meeting and three items that need to be addressed and need additional information for from the last meeting/continuance before the Planning Board:

First: Site Plan review approval letter. This had been provided, dated August 26, 2015, Exhibit A. Also, information regarding safety for turning of trucks from Fire Dept. Cheif Melanson has sent this to the Bldg. Commissioner, Tom Perry stating that this has been approved, via email, Exhibit B. Secondly, Building elevations be submitted, Exhibit C, and thirdly a detailed landscape plan, Exhibit D, combining the previous plan as well, from 2011. This will be a consolidation of both.

Griffin Beaudoin makes reference to the revised landscape plan rendering, Exhibit D.

David Munsell asks about the last initial special permit and asks for an explanation of what this proposed modification will be doing. Not all members were here from 2011. He asks for an explanation of the jewel box.

Attorney Ford refers to the rendering of the plan, Exhibit E, proposed building addition. There will be a reception drive aisle area, bump out, 1,650 sq. ft., and 3,186 sq. ft. of second story office and storage space, and a reduction in the number of service bays, they are now proposing 7, there were originally 8 in the lower portion. These are the three principal changes. Reference is made to the Staff Report, Exhibit F. Condition 16 was taken out. The mitigation of \$10,000 was updated to reflect the Southcoast bikeway as recipient.

Joel Laham in attendance. He clarifies about the jewel box. It is currently there but it will be two levels, a two story glass box that will be within the same square footage.

Ray Lang refers to the plan, he asks about parking spaces, what will the total number of cars be? What about maintenance of the plantings/landscape?

Griffin Beaudoin refers/answers that this information is on sheet 3 of the site plans, Exhibit E, graph on the right explains this.

Attorney Ford confirms that there is irrigation and a surety of 150% of the value of all of the plantings to be posted and maintained with the Town for three years. This condition is in the existing special permit.

Chiar Stephen Helman asks for Public Comment.

Stacey Mendes, owner of 167 Stevens St., Hyannis, twenty seven year resident in attendance. She has spoken to Mr. Laham regarding the issue of safety and slowing the amount of traffic coming into the dealership from the Stevens Street side. The area has a lot of pedestrians and seniors that walk on this side of the road and the HYCC Center. This is a major concern of hers. Thinks a speed bump should be in place to slow down the traffic. The car carriers that deliver vehicles into the dealership, the corner of her property, that they take to come in, it is cutting off some of her property, grass being destroyed because of the wide turn access. These are her areas of concern, these two issues. More businesses and more people living in the neighborhood/area now than when she first moved in 27 years ago.

Stephen Helman directs to Stacey Mendes and asks if she is satisfied that Mr. Laham can accommodate her concerns and correct them?

Stacey Mendes replies, yes, but the safety issue has to be addressed at the right of way coming in from Stevens Street. Wants everyone to be aware?

Stephen Helman asks if the Planning Board has the right to do anything regarding placement of speed bumps/pubic/private road?

Elizabeth Jenkins replies that this is a private way and maybe institute a traffic calming device, look to Mr. Lahanm's Attorney for help with this.

Joel Laham states that he can eliviate this problem, he volunteers to put speed bumps here to accommodate. The right of way has some issues with road conditions. He can address issues with his staff. He will send letter to transporters/deliveries not to access from the direction that cuts off her property. He didn't know this was happening. He will accommodate her concerns.

until a few minutes ago. He didn't know in advance. He will do whatever is needed to help her eliviate property damage and speeding as much as he can.

Stacey Mendes comments that she had to study in order to validate her information, that's why she didn't bring it to Mr. Laham's attention earlier. She wanted to be positive about what was happening.

Attorney Ford states that he has not researched the ability of one property owner in a right of way and the right to put in a traffic calming device. He asks that this not be put in as a condition of this permit, however Mr. Laham has indicated that he will work with this property owner to alleviate the problem.

Ray Lang asks about signage, Stevens Street and the recreational building, (HYCC) Hyannis Youth and Community Center, do they have signage for any of their traffic? Possibly ask DPW (Dept. of Public Works) to look at this area.

Joel Laham can accommodate his issue, he doesn't know about HYCC. He will satisfy the neighbors concerns.

Elizabeth Jenkins states that they can facilitate this with DPW

Motion entertained by Chair Stephen Helman to close the Public Hearing, moved by Paul Curley, seconded by David Munsell, so voted unanimously.

The Special Permit Findings are read into record as follows: Chair Stephen Helman – 1 through 10.

Findings of Fact

At the hearing on September 28, 2015, the Board unanimously made the following findings of fact for Appeal No. 2015-04, a request for modification of Special Permit No. 2011-03:

1. In Petition No. 2015-04, Laham Management & Leasing, Inc. ("the Petitioner") seeks a modification to Special Permit No. 2011-03, which allowed for the Expansion of a Preexisting Nonconforming Use, Expansion of a Preexisting Nonconforming Structure, and modification to parking requirements. The subject properties are addressed 141 Stevens Street and 91 Bassett Lane, Hyannis, MA and shown on Assessor's Map 309 as Parcel 237 and Map 308 as Parcel 042 ("the Property"). They are zoned OM Office/Multi-Family Residential.
2. The Petitioner seeks to expand a preexisting nonconforming use and expand the pre-existing nonconforming structure by permitting an addition 4,414 gross square foot building expansion; to alter nonconforming site development standards to allow 83.5% impervious surface coverage; and to allow for 49 designated parking spaces for use by customers and employees. The application falls within the following categories specifically excepted in the ordinance for a grant of a special permit:
 - a. Section 240-94(B) Expansion of a pre-existing nonconforming use
 - b. Section 240-93(B) Alterations or expansions in a preexisting nonconforming structure and site features
 - c. Section 240-24.1.10.A.4(a)[1]&[4] Site Development Standards, Off-street Parking Requirements.
3. The nonconforming use of the Property for automobile sales and service is a lawfully-created preexisting nonconforming use.
4. The proposed building expansion will not be more detrimental to the neighborhood, as it is located on the same lot(s) as occupied by the nonconforming use on the date it became nonconforming; is not expanding beyond the zoning district in existence on the date it became non-conforming; and improvements to reduce the impact on the neighborhood and surrounding properties are proposed.
5. The continuation of structural nonconformities will not be substantially more detrimental to the surrounding neighborhood; the building is proposed to be remodeled and upgraded and the proposed addition will conform to the established setbacks.
6. The proposed site plan will provide for enhanced on-site vehicular and pedestrian circulation.
7. The plan has been reviewed and found approvable by the Site Plan Review Committee, subject only to modification of the Special Permit, as evidenced by a letter dated August 26, 2015.
8. Issuance of the Special Permit is consistent with the Design and Infrastructure Plan. Landscaping improvements upgrade the appearance of the Property from the street; lighting is contained on site; and stormwater is treated by on-site rain gardens.
9. The Petitioner seeks to modify Conditions No. 15 & 16 of Special Permit No. 2011-03 in support of the Town of Barnstable's efforts to design, construct, and promote the use of "complete streets".

10. After an evaluation of all the evidence presented, the proposal fulfills the spirit and intent of the Zoning Ordinance and would not represent a substantial detriment to the public good or the neighborhood affected.

Vote on Findings

Motion entertained by Chair Stephen Helman to accept proposed findings, moved by Paul Curley, seconded by Ray Lang, so voted unanimously to accept.

Motion entertained by Stephen Helman to accept/grant the Special Permit subject to the Conditions as presented, moved by Ray Lang, seconded by Paul Curley, so voted unanimously.

Correspondence:

Cape Cod Commission Notice of Minor Modification to DRI for ICE/Sprint Tower Barnstable Project, dated September 14, 2015

Chapter 91 Application dated May 15, 2015, Ferry Facility Improvements for Hyannis Harbor Tours Inc., 22 Channel Point Rd., Hyannis

Chapter 91 Notification dated September 21, 2015, Dock for 1341 Falmouth Rd., Centerville

Matters Not Reasonably Anticipated by the Chair:

Future Meetings:

Site Visit to Whistleberry Subdivision in Marstons Mills: October 6, 2015, meet at 3:30 at Marstons Mills Village School, 2095 Main Street. Van tour starts at 4:00 p.m.

Regularly Scheduled Meeting: October 26, 2015 @ 7:00 PM.

Motion entertained by Chair Stephen Helman to adjourn, moved by Paul Curley, seconded by Mark Ferro, so voted unanimously to adjourn.

The meeting adjourned at 7:55 p.m.

Respectfully Submitted _____

by Karen A. Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on _____

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 Site Plan Review dated August 26, 2015 – File Special Permit No. 2015-04

Exhibit B - Email correspondence originally from Fire Chief Melanson approval – File Special Permit No. 2015-04

Exhibit C – Elevation plans – File Special Permit No. 2015-04

Exhibit D – Revised Landscape plan – File Special Permit No. 2015-04

Exhibit E – Rendering of Proposed Site Plan – File Special Permit No. 2015-04

Exhibit F – Updated Staff Report dated September 22, 2015 – File Special Permit No. 2015-04

APPROVED