



# Town of Barnstable Planning Board

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BARNSTABLE TOWN CLERK  
2016 JUN 15 PM 1:19



## Board Members

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

## Staff Support

Elizabeth Jenkins – Design/Regulatory Review Planner – [Elizabeth.jenkins@town.barnstable.ma.us](mailto:Elizabeth.jenkins@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 November 9, 2015

Stephen Helman – Chairman	Present
Raymond Lang – Vice Chairman	Present
David Munsell – Clerk	Not Present
Paul R. Curley	Present
Mark Ferro	Present
Holly Brockman-Johnson	Present

Also in attendance were JoAnne Miller Buntich, Director, 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.

## **Subdivisions:**

Subdivision No. 763 Chesapeake Bay (formerly Windmill Terrace) – Vote to call letter of credit to allow the Town to complete the roadwork as required by the Definitive Plan Decision and the Development Agreement.

JoAnne Buntich gives a history of the subdivision, handouts see 6 documents, staff history, letter of credit, two letters to developer and abutter, letter to developer from Art Traczyk, recorded subdivision plan, and town engineer's estimate/report, Exhibit A.

Town Attorney Charles McLaughlin in attendance, hands out letter dated November 19, 2013, from Kitchens, Exhibit B, to the Board members. He reviews the issues listed in the correspondence. He is asking the Board to consider taking a vote to take the letter of credit and speak to Developer in order to get the work done in a short time frame.

Ray Lang confirms the location of the subdivision.

Chair Stephen Helman asks for public comment.

Mrs. Renee Dedecko in attendance. She states that she has just received the notification/correspondence today regarding this hearing. She states that they have all intentions of doing the top coat, the recession has set them back. They were hoping to build on the one last lot that is left for her parents in the Spring. They realize that this is their obligation. This subdivision is very well maintained. They put in a well for the subdivision, irrigation system, no potholes. They are asking to build last lot in spring and then finish the topcoat on their dime.

Ray Lang asks about the letter of credit and clarification for secure access to the line of credit?

Attorney McLaughlin replies that they are asking for a vote/authority to call the letter of credit and see what the turnaround time would be. They will be in touch with Growth Management and the Town Managers Office on how to proceed.

Renee Dedecko asks if she can have it extended to have legal counsel here with her at another hearing. Requesting some due diligence/time.

JoAnne Buntich interjects that this is not a mandated notice, this is a courtesy. Also, there would be ample time to allow discussion, this vote doesn't end anything but it would allow more discussion to take place.

Ray Lang asks for clarification that if they vote today are there any immediate plans to do some of the work this year or later?

Roger Parsons, Town Engineer in attendance. He states that a pavement project would not have time to get done this fall, probably next spring if given the mandate to do.

JoAnne Buntich states the reason this is here today before the Board is because of the concerns expressed to the Town Manager's Office and Growth Management from the homeowners in this subdivision.

**Motion made by Mark Ferro to formally call the letter of credit for this Subdivision No. 763, seconded by Paul Curley, so voted unanimously.**

**Discussion Items:      Completion for Subdivision No. 454 Whistleberry**

Review of Developer progress to date from the Developer's Engineer.  
*Update/Status from Developer*

Attorney Michael Schulz in attendance. He refers to the spreadsheet and that they are working to get this completed/items on the list.

Paul Curley comments that it looks like refers to Exhibit C, spreadsheet dated November 4, 2015. It looks like the easement, no. 2 looks like a problem in order to complete the road. How many lots under covenant? Buildable?

Attorney Schulz replies either one of two choices, we get the easement from the landowner or we move the roadway if easement cannot be obtained. They are methodically progressing to move the roadway.

JoAnne Buntich clarifies that there are three lots under covenant, we do not determine if a lot is buildable or not. Directs to Attorney Schulz comment: Refers to item no. 2, Exhibit C, spreadsheet to clarify that the road being referred to as moved would be placed within the layout, no modification to subdivision would be required.



Attorney McLaughlin comments that they have found that mediation may be needed/suggested last week. They are moving towards some reasoning to work out a settlement agreement.

Working out the list to be in pre litigation form. Agreement to be drafted that upon completion and review, final sign off will then be done and then back to the Planning Board. The parties would waive any rights of appeal. This would relieve the Planning Board of dealing with this. Try to get done after the first of the year.

Chair Stephen Helman confirms that the Town's Legal Dept. will deal with this now?

Attorney McLaughlin replies yes.

Ray Lang asks about the partial completion list and what we are doing. Looking for clarification regarding waivers granted in the past. An agreement has nothing to do with subdivisions. Bog Hollow easement and Berry Hollow Lane obtaining a lease. He doesn't understand.

Chair Stephen Helman looks forward to a resolution/report.

Attorney McLaughlin responds to Ray Lang's comments regarding waivers that were granted, this is history at this point. They will be working with the Developer and the Homeowners Association (HOA) and weighing in on the issues. The roads, public vs. private, he does not anticipate seeing this happen in any way, that the Town would take these roads. This is and will be between the HOA and the Developer and then hopefully it will be left to the HOA.

Appointment of Planning Board Liaison for Water Resources Advisory Committee (WRAC).

Chair Stephen Helman refers to the letter regarding WRAC, dated October 5, 2015. He is pleased to present Holly Brockman-Johnson for this position.

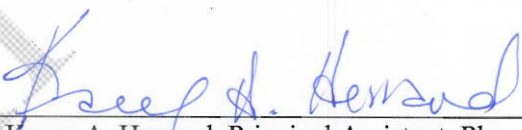
**Matters Not Reasonably Anticipated by the Chair**

**Motion made by Paul Curley to adjourn, seconded by Mark Ferro, so voted unanimously.**

**Meeting adjourned at 7:40**

**Future Meetings:** Regularly Scheduled Meetings: November 23, 2015 and December 14, @ 7:00 PM

Respectfully Submitted

  
by Karen A. Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on

June 13, 2016

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** – Documents (6) correspondence, letter of credit, staff report/history – File Sub No. 454 Whistleberry

**Exhibit B** – Letter dated November 19, 2013 from Ketchens – File Sub. No. 454

**Exhibit C** – Whistleberry Received November 4, 2015 spreadsheet – File Sub. No. 454

APPROVED