



Town of Barnstable Planning Board



www.town.barnstable.ma.us/PlanningBoard

Board Members

Raymond B. Lang – Chair Mary Barry – Vice Chair David Munsell - Clerk Paul R. Curley Stephen Helman Mark R. Ferro Steven Costello
John Norman – Town Council Liaison

Staff Support

Elizabeth Jenkins, Regulatory Review/Design Planner
Anna Brigham, Principal Planner
Karen Herrand – Principal Assistant - karen.herrand@town.barnstable.ma.us

Town of Barnstable PLANNING BOARD Minutes December 12, 2016

19 NOV 19 P 2:19

BARNSTABLE
TOWN CLERK

Raymond B. Lang – Chairman	Present
Mary Barry – Vice Chairman	Present
David Munsell, Clerk	Present
Paul Curley	Absent
Stephen Helman	Present
Mark Ferro	Present
Steven Costello	Present

Also in attendance were Elizabeth Jenkins, Regulatory Review Design Planner, Growth Management Dept.

Comprehensive Planning:

GMSPOD Workshop

The Ground-Mounted Solar Photovoltaic Overlay District (GMSPOD) allows for large-scale (>250kW) ground-mounted solar installations as a by-right land use, subject to compliance with the standards set forth by the ordinance. In order to comprehensively evaluate the need for updates to the GMSPOD, the Town invites all five water districts to a conversation about potential interest in developing water district property with large-scale solar installations.

Elizabeth Jenkins, Principal Planner gives an explanation of the GMSPOD workshop. Large scale solar fields are allowed. Recent interest in Marstons Mills converting to a large solar installation. Request from Cotuit Water District, rezone property for large scale ground mounted solar. Reached out to all water districts in town to see if they have any interest in this. Map Amendment of the GMSPOD.

Stephen Helman asks about process, after we hear from representatives, what is the Planning Board's role and responsibility.

Elizabeth Jenkins states just discussion now, the map amendment will come before the Planning Board.

Chair Ray Lang asks if this is an investigation for solar activity? Are we going to do this several times, exploratory process?

Elizabeth Jenkins confirms, yes and people here tonight to present their interests.

Chris Wiseman, Cotuit Water Dept. in attendance
David Albrect in attendance.

David Albrect hands out and makes reference to an aerial picture of the area, Exhibit A. He points out the area and an Eversource easement, 58 acres, total of 215 acres, 3 wells on site, all operating, no abandon wells. 3 circles are protected area, 400 ft. radius, protected by Mass DEP. Subdivisions and a cemetery to the South. No wetlands in the vicinity. Protected Conservation restriction in the area.

Mark Ferro asks about the wooded area to the south, Mosswood.

David Albrect, yes this is all cemetery points out places of interest, subdivisions, wells, 400 ft. radius. Proposing 2 4.8 megawatt project. Same number of modules. Shows what the panels look like, Exhibit A, pg. 3. Light green limit of tree removal. They are not proposing any grading. The fire district has a 20 to 30 year lease. The site is completely vegetated. Access point is off Sampsons Mill Rd. They will have a transformer unit. Second access point is the subway well. There are two red target points of interconnection. This will go underground and connect on the south side.

His company has had meetings with local groups. They did not know that a zoning change/map would be needed. Closest to any home is a football field or more in length. There will be a 6 ft. high fence. He has spoken to Cape Cod Commission and is finding out what they need done through them.

Mary Barry asks about the neighborhood meetings? Confirms the area/location.

Chris Wiseman states they went to the Civic Association.

David Munsell asks about vegetation, old growth.

David Albrect replies there are approximately 25 to 33 acres.

Chair Ray Lang asks for clarification of the easement and rights of way. Will they enter into these existing poles for this?

David Albrect states no, connections on site.

Chair Ray Lang asks if there are any comparisons of existing solar fields.

David Albrect states that this is 5.6, a little larger than the existing airport.

Steven Costello asks if the road, Sampsons Mill is used very often.

Chris Wiseman states not really.

Mark Ferro asks who will be the entity getting the energy credits.
David Albrect replies they don't know yet.

Chris Wiseman states they will be leasing the land to them.

David Albrect states they are a general contractor, they operate, build and maintain it, they sell the energy to investment company. Whoever the investor is will get the energy.

Mark Ferro asks what are the terms of the lease?

David Albrect replies 20 years. The land is leased to a fire district.

Discussion regarding revenue and the Fire Dept.

Hans Keisser in attendance, Water Dept, DPW. He states that their opinion is they have no plans to as of yet , but if they did, relative to contamination in the Hyannis area, careful with zones 1 and zone 2. If land is level, but to clear trees and brush would maybe not be good. The maintenance part of solar panels, make sure no poisons used to maintain the fields. Be cautious.

David Munsell states that there are two different issues. He would not be in favor of a whole town wide water district. He would encourage Cotuit come in as a single overlay district.

Elizabeth Jenkins states that it was brought before the Planning Board in 2013, this is simply to engage all water districts at same time. Spoke with Tom Rooney, partners in the airport project. They didn't have any further plans for expansion. West Barnstable does not have any land for this. No district interest.

Craig Crocker in attendance. They have engaged in conversations for large scale solar. They did not go through because concern about the clear cutting. They have a smaller site, possibly for them to tie into if they go forward with this project.

Mark Ferro asks if he is concerned with clear cutting?

Steven Costello states that Cotuit has different situation, there would be more hurdles for this.

Discussion re clear cutting vs. not clear cutting. There is concern.

The offset of generating energy, you are reducing the green house gases, things that impact. Although it is a visual impact, by not utilizing fossil fuels.

Approval Not Required Plans:

Mamlock/Ward

A plan of land entitled "Plan of Land in West Barnstable, MA prepared for John Mamlock / Jeffrey Ward" dated November 29, 2016 has been submitted to the Board for endorsement as an Approval Not Required (ANR) plan. The subject properties are 200 & 224 High Street and 21, 39 & 0 Isabel Lane as shown on Assessor's Map 111 as Parcel 030; Map 134 as Parcels 001-001, 023-001, 023-002, 023-003.

Dan Ojala of Downcape Engineering in attendance. He gives an explanation of the plan, Exhibit B. Explains that the subdivision here was never constructed. Merge lots together, there is a rescission of the road pending, there is an old covenant. He shows that the road will be being removed. Both lots conform to zoning. Both have upland. 150 ft. of frontage. This will allow them to get the plan on record before the end of the year. The applicant's are anxious to get done for tax purposes.

David Munsell asks about the rescinding of the subdivision, once that is done then the covenants will go away.

Dan Ojala, states, yes, they are in the process of doing this

Elizabeth Jenkins states that the recommendation is to first do the rescind.

Dan Ojala states that the attorney has to merge the lots prior to the first of the year.

Elizabeth Jenkins explains they are trying to avoid paying a tax penalty. Can confirm that they did file today and they are in the process.

Ray Lang asks for confirmation of the one lot and this would not be a buildable lot. Possibly coming back with another plan.

Dan Ojala states that there is a stipulation with the covenants.

Chair Ray Lang entertains a motion, moved by Stephen Helman to approve/endorse this ANR, seconded by Mark Ferro, David Munsell votes no. Vote passes 5 to 1.

Special Permits:

Special Permit No. 2016-002 - David Colombo, Olive Oil Trust

Special Permit Application No. 2016-02 - David Colombo, 159 Ocean Street, Hyannis, Black Cat Harbor Shack Map/Par 326/039 – Proposal for: New roof deck, stairs and vertical lift located within front yard setback and reduction of required parking for an additional 23 seats.

Attorney Dan Creedon in attendance. He asks for approval of the withdrawal.

Chair Ray Lang entertains a motion to approve the withdrawal, seconded by Mark Ferro, so voted unanimously.

Special Permit No. 2016-003 - R.F. & R.M., LLP

Application No. 2016-003 has been submitted by R.F. & R.M., LLP for "0" Engine House Road, Hyannis Map 328, Parcel 241, under Section 240-24.1.9.B. (1) for a pay to park parking lot with 117 parking spaces which includes grading of existing pervious parking area, placement of parking kiosk machine, protective bollards, curb stops, signage, and landscape buffer. The subject lot is 58,569 square feet in area and is located in the Transportation Hub District (TD) and Wellhead Protection Overlay District (WP). *Continued from August 22, September 12, October 24, November 14, 2016, and November 28, 2016 . Members hearing this application are Raymond Lang, Mary Barry, Paul Curley, Stephen Helman, David Munsell, and Mark Ferro.*

Attorney Dan Creedon in attendance. He gives a brief history of the past public hearings.

Chair Ray Lang refers to his comments, Exhibit C.

David Munsell states that he has spoken to the transportation people at Cape Cod Regional Transit Authority. They are in favor and support this project. He wants to know how much of a variation, lot has to be licensed.

Attorney Creedon states it is within the authority of this Planning Board to adjust rules on the parking spaces. They have had site meetings, staff meetings, changed the plan. Site plan review has authority to review any plan presented and within that are the parking aisle widths also Deputy Chief Melanson, the whole parking lot is designed for access for fire or medical. Deputy Melanson stated that this could allow 14 compact at 18 ½ width would not jeopardize safety and is acceptable.

David Munsell would like to see the answers in writing to Ray Lang's comments.

Stephen Helman states that he would like to see them written as well.

Attorney Creedon stated that we should draft a written response. He is prepared to do this. He can submit this evening. He did go point for point as to what Ray Lang's notes were, Exhibit C. There were a lot of concerns/questions with this property and Pufferbellies, the applicant's lease will not be renewed. There will be no more nightclub here.

Approval for 232 Main Street, (Kurker). This is the same type of proposal, in terms of kiosk parking. Possibly review this application, this is very similar. This is appropriate for this district, it is called out in the ordinance. They are in the Wellhead Protection area, that's why they are before the Planning Board now.

Mark Ferro states that he doesn't know how they will control drainage in a gravel lot. The other lot he is referring to at 232 Main Street is pavement. Willow Street is congested area. We will still have many unsightly parking lots, like the sight, but ground water issue. How do you contain water.

Attorney Creedon states that his client could create a new lot, acquire a parcel. If his client wanted a parcel .

Elizabeth Jenkins interjects that a parking lot is a permitted use in the Wellhead, it is not uncommon, but storm water management is an issue. Agree with the storm water management, but important to remember it is not a conflict with the ordinance.

Stephen Helman asks is there some reason that this cannot be paved, like the other parking area. Some reasons why not paved? This may solve the problem.

Attorney Creedon states that they are owned by CCRTA so exempt.

Marty Riley in attendance. He states that this started in October with Site Plan.

Attorney Dan Creedon would like to get the Planning Board's response at the next hearing.

Chair Ray Lang entertains a motion, moved by Stephen Helman, seconded by Mark Ferro, so voted unanimously to continue to January 9, 2017, to be the first item on the Agenda.

Motion made by Stephen Helman to adjourn, seconded by Mark Ferro, so voted unanimously.

Adjourned 8:35.

Matters Not Reasonably Anticipated by the Chair:

Future Meetings: Regularly Scheduled Meetings: January 9 and 23rd, 2017 @ 7:00 PM.

Respectfully Submitted 
by Karen A. Hermand, Principal Assistant, Planning Board

Approved by vote of the Board on

Nov. 18, 2019

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 - GMSPOD Workshop – Site Use Plan – 414 Main St., Barnstable

Exhibit B – ANR Plan – Mamlock - 200 & 224 High Street and 21, 39 & 0 Isabel Lane et al

Exhibit C – SP No. 2016-003 - Questions/Answers – Chair Ray Lang and Attorney Dan Creedon