



Town of Barnstable Planning Board

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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

28 OCT '20 PM2:15
BARNSTABLE TOWN CLERK

Town of Barnstable PLANNING BOARD Minutes February 13, 2017

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

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

Approval Not Required Plans:

Lyndon Paul Lorusso Charitable Foundation of 2002

An Approval Not Required Plan entitled "Approval Not Required Plan of Land at Communication Way in Barnstable Massachusetts (Barnstable County)" has been submitted by Edward Pesce of JC Engineering, Inc. stamped by John L. Churchill, Jr., P.L.S., dated January 11, 2017, for Lyndon Paul Lorusso Charitable Foundation of 2002 for 56 Communication Way, Lot 33, 35.1 & 35.2, Map 315 Parcel 040. Divide one lot into two new lots.

Attorney Ron Jansson in attendance. Representing the Applicant. He gives a brief explanation of the proposed ANR. Briefing regarding the new Shopping Center Redevelopment Overlay District (SCROD) amendment. Town Council had before them, 14 acres of open space in addition to mitigation. Cape Cod Commission (CCC) has agreed. Deed to town to be kept in open space in perpetuity.

Chair Ray Lang confirms that Communication Way is valid road, not discontinued.

Chair Ray Lang entertains a motion to approve, moved by Paul Curley to approve/endorse this ANR Plan, seconded by Mark Ferro, so voted unanimously to approve.

Kathleen M. Gralton, Trustee of The Beatrice E. Gralton Realty Trust

An Approval Not Required Plan entitled "Approval Not Required Plan Being a Subdivision of Lot 180 & Lot 181 Land Court Plan 5725-65, prepared for Kathleen M. Gralton, Trustee of The Beatrice E. Gralton Realty Trust, 125 Ice Valley Road, Barnstable Ma", has been submitted by Baxter Nye Engineering & Surveying, stamped by Shane M. Mallon, professional Land Surveyor.

Shane Mallon in attendance. He gives a brief explanation of the proposed ANR plan, lot division.

Motion made by Paul Curley to approve/endorse this ANR, seconded by Mark Ferro, so voted unanimously.

Independence Park, Inc.

An Approval Not Required Plan entitled "Approval Not Required Plan of Land of #211 South Flint Rock Road, Hyannis, MA" has been submitted and stamped by Daniel Ojala of Down Cape Engineering, Inc., dated January 10, 2017, for Independence Park Inc. for 211 South Flint Rock Road, Hyannis, MA, Map 314 Parcel 001.

Dan Ojala in attendance and Attorney Ron Jansson in attendance. Dan gives an explanation of the proposed ANR. Parcel 1 is an ancient tract, refers to the plan Exhibit A.

Ron Jansson explains a 1995 case, quote: determination is whether or not 41 81L, referred to as a tract of land, must be buildable as a lot. This lot is not buildable, adequacy of frontage is not Planning Board's place, 81P.

Dan Ojala states that this is not a subdivision, need not look at the adequacy of the way.

Elizabeth Jenkins states that staff thinks it raised some questions. We are familiar with legal requirements. The Applicant has put this information on the plan.

Paul Curley asks if they should get legal involved with this?

David Munsell clarifies that this is the overlay district for the adult entertainment.

Attorney Ron Jansson replies, yes. A Developer did want to place adult entertainment here, Mr. Thompson was looking into acquiring this parcel, the Foundation wet forward to acquire this piece of land to make sure not made into adult entertainment. They would not entertain this concept.

Dan Ojala states that the Charitable Foundation owns all the abutting land here. They do not have any plans to make a road through this, would be severing off bottom to give to town for some elderly housing going on in the area - Gifting a portion to Town.

David Munsell states if open subdivision cannot do anyway. Parcel 2 to be donated to the Town.

Ray Lang states that Planning Board is not allowed to put restrictions on an ANR. He asks if there is a right of way involved? Non Buildable, is this a firm enough statement to be put on the plan?

Attorney Jansson states no. Flint Rock Rd. Way shows in the map of 1858. Parcel to Town has no access.

Dan O'jala – West is Town land. He recites the notation on the plan. Independence Park can put a road in. Donation to the Town.

Attorney Jansson states that they will be going in front of the Town Council, this is a 2 acre parcel. Required to donate into open space in perpetuity. They can't do certificate of compliance until done or conservation restrictions done.

Chair Ray Lang entertains a motion, moved by David Munsell to approve/endorse , seconded by Paul Curley, so voted unanimously.

One Village Market Place, LLC

An Approval Not Required Plan entitled "Approval Not Required Plan of Land of #185 and #223 Stevens Street, Hyannis, MA" has been submitted and stamped by Daniel Ojala of Down Cape Engineering, Inc., dated December 19, 2016, for One Village Market Place, LLC for #185 and #223 Stevens Street, Hyannis, MA, Map 308 Parcels 025 and 258.

Dan Ojala in attendance. He gives an explanation of the proposed ANR. Refers to the plan, Exhibit B. Ray Lang asks about the other abutting lots? It follows the line of the condominiums. plenty of frontage

Motion made by David Munsell, to approve/endorse this ANR, seconded by Mark Ferro, so voted unanimously.

Zoning Amendments:

The purpose of this hearing is to take comment on the proposed zoning map amendment to include two parcels, 023-023 and 038-004, in the Ground Mounted Solar Photovoltaic Overlay District. The properties are addressed 200 Sampson's Mill Road and 414 Main Street, Cotuit. This amendment was referred to the Planning Board for a public hearing by Town Council Item No. 2017-051.

Chair Ray Lang opens the public hearing, moved by Paul Curley.

David Albrecht, Borrego Solar Systems in attendance. Reference is made to the aerial photo of the land, Exhibit C. He gives a history of the Town Council meeting. 219 acres suited for this overlay area. The size of the parcel allows for this to be almost unseen. 300 to 400 ft. forested buffer to make it this way. The interconnect runs through the center of the site. Topography is fairly level. Current access is on a paved road, Sampsons Mill Rd.

He refers to a rendering, Exhibit D. Three wells are pointed out here. 2. 2.8 megawatt solar, 6 ft high fence, 1 ft. barb wire on top, will be grass seeded, blue lines are the solar arrays. Explains how the modules will be mounted and will work. Dimensions of the rows. Will be using existing paved roads, and off that will be gravel roads. 20 ft wide, each road leads to electrical equipment area, data acquisition system, weather station. Wiring is all underground. 360 ft. to property line, 60 to 75 ft to the nearest home from that line. Huge buffer zones on all sides over 700 ft. no impact on wetlands. Very large setbacks. The height is 8 to 8.5 ft.

They were awarded a lease agreement for a term of 20 years, with 25 year extension periods. Which after that to restore the area to meadow like.

Chair Ray Lang asks for any public comment. None.

Paul Curley asks approximately how many mature trees would be removed and will be replaced. It is heavily forested with mature trees.

Paul Curley asks if there are any plans to replace with trees?

David Albrecht replies not at this time, the stumps left will regenerate, outside the fence.
Mark Ferro asks any idea about the amount of acreage. Confirms how the lease is with the Water Dept.
Steven Costello refers to the plan, Exhibit E, confirms the area to be used.

David Munsell asks about the suggestion regarding removing any waste water.

Mary Barry asks what happens with Sampson's Mill Road?

Zak Farkes replies - the Main street area, runs 15 to 20 ft. off Main, there is a lockable gate there. It is private property.

Motion entertained by Chair Ray Lang, moved by Paul Curley, seconded by Mark Ferro to close the public hearing.

Motion entertained by Chair Ray Lang to recommend to Town Council, the zoning map as proposed, seconded by David Munsell, so voted unanimously.

Subdivisions:

Continued Business

Road Rescission – Sub Nos. 362 & 658 Offshoot Rd

Beach Point, LLC has requested to modify Subdivision Nos. 362 & 658. The request is to rescind the southerly end of Offshoot Road and incorporate the road layout into Lot 12 of the subdivision. The plan for this subdivision modification is entitled "Definitive Plan of #127 & #133 Maushop Avenue and Modification of Offshoot Road, Barnstable, MA" prepared for Beach Point, LLC, dated October 23, 2016. The subject properties are shown on Assessors Map 278 as Parcels 046-002 & 046-003. *Continued from January 9, 2017, and from January 23, 2017*

The public hearing is open.

Dan Ojala in attendance. He gives a brief history of the request/proposal. He refers to the Plan "revised plan" Exhibit E. Notation on the plan. This shows work to be done. Deputy Chief, email, refers to this email from Peter Burke, Exhibit F.

The Heirs had purchased many years ago, he gives a timeline of the property/lots involved. They will be happy to repair any potholes. Don't want to be held hostage because of repairs needed for the road. He suggests a legal process for repairing a road. Explains the process for applying for this through the Town. Not construct anything except driveway to the house. These are oversized lots. Have approved site plans on both sites. Will be looking to have covenants released also, one for bond possibly.

Chair Ray Lang asks for public comment.

Rick Smedberg of 37 Maushop Ave., would like to know how many lots will be coming through Maushop. Any intention to make a through road?

Dan Ojala replies, 3 lots. No road, absolutely not. There is no connection planned whatsoever.

Rick Smedbert states when 2 lots previously developed, Woolard, part of his permit was that he would make repairs and he did do that, he made repairs to potholes etc. He hopes that the Developer here would do that as well.

Dan Ojala states that that is totally reasonable and they will repair any damage, not a problem.

Jim Rogers of 21 Dorcas Ave., has concerns re this project, they went through this 10- 12 years ago. There were two phases on this plan, lots 10, 11, and 12. Lot 12, is this buildable due to location? If become buildable needs sewerage. Concerns with the drainage. Strip lots of trees? Fill will be required. Maushop – states that construction of two houses that have been used with heavy fill and huge

Marcy Dugas of 45 Dorcas Drive in attendance. She is expressing her opposition to the changes to this subdivision plan. New concern that the covenants have been released for Lot 10. Issue for her. This property has a huge background. Thought the Development Agreement (DA) recorded and states that it is attached for any grantors/heirs, executors etc. anyone purchasing property would know about the Development Agreement, 9 conditions listed, which none of these have been met. Lots 10, 11 and 12 were not to be developed until phase 2 developed. This has never happened. She states that she left 3 pieces of material for Staff.

Herbert Greenwall 45 Catian Drive. He has some concerns. One of the homes will be built near wells, no town sewerage, probable septic issues. Maushop Drive has had more considerable damage, needs continuum care. Dangerous curves. Would like signed statement that there will be no such access.

Paul Curley suggests that we need legal to review and also Town Engineer as well.

Rescission of Subdivision No. 75 329 and 329A Main Street, Centerville - Childs

Anastasia M. Rogers, Trustee of The Childs Family Irrevocable Trust, have requested to rescind Subdivision No. 75, a plan entitled "Subdivision Plan Land in Centerville, MASS, belonging to Richard W. Childs, dated April 25, 1966, Nelson Bearse – Richard Law, Surveyors, Centerville MASS". The request is to rescind as the plan was never recorded. The subject properties are 329 and 329A Main Street, (323 Main St.) Centerville, Massachusetts as shown on Assessor's Map 208 as Parcel 116.

Attorney Mark Boudreau in attendance. He gives a brief explanation of the history.

Findings

1. The Applicant, Anastasia M. Rogers, Trustee of the Childs Family Irrevocable Trust, seeks to rescind Subdivision No. 75, a plan entitled "Subdivision Plan of Land in Centerville Mass belonging to Richard M. Childs" dated April 25, 1966. That subdivision plan was never recorded.

2. The Applicants are the owners of the land described in the Deed recorded as Book 20428 Page 273 and shown on plans:
 - a. as Parcel B on a plan entitled Plan of Land in Centerville, Barnstable County, Mass" dated February 12, 1952 recorded at the Barnstable County Registry of Deeds as Book 103 Page 137; and
 - b. as land marked "Stanley M. Crosby" on a plan entitled "Plan of Land in Centerville, Mass belonging to Stanley M. Crosby" dated February 11, 1942 recorded at the Barnstable County Registry of Deeds as Plan Book 66 Page 143.
3. Subdivision No. 75 proposed the creation of two lots and the dedication of additional right-of-way. The plan additionally incorporated a 20 foot way, shown on Plan Book 103 Page 137.
4. This rescission shall apply to the lots as created by the 1966 subdivision plan and the "hammerhead" terminus of the road layout, but shall not affect the 20 foot way as shown in Plan Book 103 Page 137.
5. The lots shown on Subdivision No. 75 are subject to a covenant recorded as Book 1343 Page 1091.

Chair Ray Lang entertains a Motion to approve, moved by Mark Ferro, seconded by Paul Curley, so voted unanimously.

75 Elliott Road – Request for Lot Release - Sub No. 300

Request received from Attorney Peter Kyburg to Release Covenant on Lot 2A, of Subdivision No. 300, 75 Elliott Road, Assessor's Map 248/284.

Elizabeth Jenkins gives an explanation re the request for release of covenant. Exhibit K.

Chair Ray Lang entertains a Motion to release covenant, moved by Paul Curley, seconded by Mark Ferro, so voted unanimously.

Regulatory Agreements:

Application No. 2017-01

Shoestring Properties, LLC

Shoestring Properties, LLC seeks to enter into a Regulatory Agreement with the Town of Barnstable to redevelop the properties 110 School Street and 53 South Street, Hyannis. The properties are shown on Assessor's Map 326 as Parcels 121 and 125. They are zoned HD – Harbor District. The Applicant proposes to demolish all existing improvements and construct a multi-family residential condominium complex consisting of 33 market rate units in nine buildings. Parking will be located in underground garages with street-level guest parking. Proposed accessory improvements include a fountain area, swimming pool with pool deck, courtyard area and trash sheds. The Applicant seeks multiple waivers from the zoning ordinance and general ordinances. *Continued from January 9, 2017.*

Attorney John Kenney in attendance. Dan Ojala in attendance. He gives a handout of the NEW DESIGN, Exhibit L - 3 pgs.

Attorney Kenney states they will do 3 units for workforce housing, offsite, not this project, but somewhere else. Height restrictions, zoning. Part of Growth Incentive Zone (GIZ) intends that certain restrictions be overridden. GIZ directs to the Downtown area. Parcels aren't large enough Downtown cannot do it economically, have to go up. Infrastructure and height is similar to the Greenery, in character of the neighborhood, the visual impact is a lot less due to the downward design. He has spoken with Steamship Authority's attorney, Attorney Moore. They are reviewing some of the issues and would like to comment at the next meeting.

Dan Ojala refers to the site plan rendering/plan, Exhibit Q. He explains the revisions to the parking, designated one for delivery. Walk vs. pavement. Concrete walkway, lighter concrete, crosswalk behind them. This is dead end road. Provided 24 ft wide, plenty of room for emergency vehicles. 22 ft curb to curb with this revision. Refuse sheds. Broken up for permitting/ West and East.

Attorney Kenney asks for comment about the design.

Paul Curley would like to see some technical analysis going forward/next meeting.

Mary Barry states that the look does look better.

Steve Costello thinks it is a step in the right direction. The area needs something good here.

Chair Ray Lang asks for public comment.

Maureen Grandmont, Kilkore Drive, Hyannis, in attendance. She asks for clarification of units (33). Is this request due to this area being in the GIZ? Comments that there are other bldg's that are too large, two wrongs don't make a right.

Elizabeth Jenkins interjects that the area is within the GIZ, adequate Chapter 168 of the Regulatory Code, they may ask for waivers.

Deb Krau, Greater Hyannis Civic Association in attendance. She refers to her letter, Exhibit M. They have some concern regarding the traffic in the area. Would like to see some traffic information. Glad about workforce housing units. Fire Districts. Economic contribution? Not sure, may be investor renting out a week at a time.

Attorney Kenney does not know about any housing being used for the workforce housing.

Dan Ojala states no formal traffic study done as of yet.

Pam Porter in attendance, from 53 School St., Hyannis. Are residents in the area going to be able to see the waterfront, directs to Attorney Kenney and Dan Ojala.

Dan Ojala replies there will be a vista going down to the water. They are taking down overhead wires and putting underground, poles will be gone, but the vista should not be broken, 50 ft. wide area.

Pam Porter asks also, multi million dollar condos, will this be a gated community?

Attorney Kenney replies, not gated community, but parking will be through a garage door. The access will be improved because new sidewalks on both sides and lighting as well.

Wayne Kurker in attendance. In the GIZ – HHDC needs to be a process to this project. They pay attention to the aesthetics. Need to make the Harbor beautiful, we do need to see beautiful architecture.

Mia Walsh, 15 Aldeas Ave., Hyannis. She loves the project. She's disappointed about what's going on now. She thinks that investment in the area will be great. Taxes to Fire Dept. The height/design is important. She's very excited, hope it goes through.

Motion made b Paul Curley to continue to March 13, 2017, at 7 p.m., seconded by Mary Barry, so voted unanimously.

Elizabeth Jenkins states that Town Council is looking to get a representative from the Planning Board for subcommittee, Zoning and Regulation Committee, all non residential zoning districts. Assign someone to this committee.

Matters Not Reasonably Anticipated by the Chair:

Correspondence

(Any Member wishing a copy please contact the office)

Chapter 91 Notice – 346 Holly Point Rd., Centerville – Fowler – seasonal dock and ramp

Chapter 91 Notice – 10 Nye's Neck Rd., Centerville – Herman – pier/dock

Chapter 91 Notice – 111 Pond View Drive, Centerville – Walsh - pier

Future Meetings:

Regularly Scheduled Meetings: February 27 & March 13, 2017 @ 7:00 PM.

Chair Ray Lang entertains a motion to adjourn, moved by Mark Ferro, seconded by Paul Curley, so voted unanimously to adjourn.

The meeting adjourned at 10:02 p.m.

Respectfully Submitted

by Karen A. Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on

Oct. 26, 2020

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 – ANR ancient tract – Map/Par – 314/001
Exhibit B – ANR plan Map/Par 308/025 & 258
Exhibit C – ZA No. 2017-051 – Aerial view
Exhibit D – ZA No. 2017-051 - rendering
Exhibit E – Sub. No. 75 - plan
Exhibit F – Sub. No. 75 – email from Peter Burke
Exhibit G – Sub. No. 362 & 658 – Development Agreement
Exhibit H – Sub. No. 362 & 658 - plan
Exhibit I – Sub. No. 75 – Staff Report
Exhibit J – Sub. No. 75 – Draft Findings
Exhibit K – Sub. No. 30 – Lot Release of Covenant
Exhibit L – Reg. Agrmnt No. 2017-01 – New Design Plans
Exhibit M – Reg. Agrmnt No. 2017-01 – Lt. Deb Krau