



Town of Barnstable Planning Board

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Board Members
Mary Barry – Chair Stephen Helman – Vice Chair Steven Costello - Clerk Jeffrey Swartz Patrick Foran Walter Watson
John Norman – Town Council Liaison
Planning & Development Dept. Staff Support
Elizabeth Jenkins, AICP, Director
Paul Wackrow, Principal Planner
Karen Herrand – Principal Assistant - karen.herrand@town.barnstable.ma.us

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BARNSTABLE
TOWN CLERK

Town of Barnstable PLANNING BOARD Minutes April 22, 2019

Mary Barry – Chairman	Present
Stephen Helman – Vice Chairman	Present
Steven Costello - Clerk	Absent
Jeffrey Swartz	Present
Patrick Foran	Present
Walter Watson	Present

Also in attendance were Elizabeth Jenkins, Director, Paul Wackrow, Principal Planner and Karen Herrand, Principal Assistant, Planning & Development Dept.

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:

The Parker Road Family Limited Partnership, 486 Parker Rd., Osterville, MA has submitted a plan entitled "Plan of Land at 486 Parker Rd., Barnstable (Osterville) Massachusetts" drawn and stamped by Richard R. L'Heureux, P.L.S., of CapeSurv dated April 16, 2019

Rich L'Heureux, from CapeSurv in attendance. He gives an explanation of the proposed ANR, 6 lots, have required 2 acres and frontage, to be divided for marketing advantages.

Chair Mary Barry entertains a motion to approve/endorse this plan, moved by Stephen Helman, seconded by Jeff Swartz, so voted unanimously.

Elizabeth K. Cotter, Trustee of Seaside Sanctuary Nominee Trust, has submitted a plan entitled "Plan of Land being a redivision of Lot 68 and Lot 69 on LCP #15694M, 219 Green Dunes Drive, West Hyannisport, MA" drawn and stamped by Daniel A. OJala, P.L.S., of Downcape Engineering, Inc., dated March 14, 2019

Craig Ferreiri in attendance from Down cape Engineering. He gives a brief explanation of the proposed ANR plan.

Chair Mary Barry entertains a motion to aapprove/endorse this plan, moved by Jeff Swartz, seconded by Stephen Helman, so voted unanimously.

Independence Park, Inc. and Charles M. Sabatt, President and Treasurer, has submitted a plan entitled "Plan of Land at #35 Communication Way, Barnstable, MA, prepared for Independence Park Inc." drawn and stamped by Daniel A. Ojala, P.L.S., of Downcape Engineering, Inc., dated March 28, 2019

Craig Ferreri in attendance, from Down cape Engineering. He gives an explanation of the proposed ANR plan.

Chair Mary Barry entertains a motion to approve/endorse this plan, moved by Stephen Helman, seconded by Jeff Swartz, so voted unanimously.

Paul A. Mazzeo, has submitted a plan entitled "Approval Not Required Plan at 441 Main Street, Hyannis, Massachusetts, prepared for Paul A. Mazzeo", dated February 13, 2019, drawn and stamped by Stephen Doyle and Associates, signed April 5, 2019

Attorney Anthony Mazzeo in attendance. He gives an explanation of the proposed ANR plan.

Chair Mary Barry clarifies the location.

Chair Mary Barry entertains a motion to approve/endorse this plan, moved by Jeff, seconded by Stephen, so voted unanimously.

Subdivisions:

Whistleberry Subdivision No. 454 – Discussion and possible vote to approve a settlement agreement

Chair Mary Barry informs the Board that this matter has been postponed to May 13th meeting.

Regulatory Agreements:

Regulatory Agreement No. 2019-02 – 268 Stevens Street, Hyannis, Massachusetts, Map 308 Parcel 017 - Laham Management & Leasing, Inc. seeks to enter into a Regulatory Agreement with the Town of Barnstable to develop the former site of an automobile dealership into a carwash with two residential apartments for employees and office space on the second floor. The Regulatory Agreement seeks waivers from the Zoning Ordinance, specifically Section 240-24.1.6 OM Office/Multi-family to allow for a "carwash" use in the OM Zoning District. A carwash is not a permitted use in the OM Zoning District. – *Continued from February 25, March 25, 2019.*

Attorney Michael Ford in attendance, representing the Applicant.
Joel Laham in attendance.

Paul Wackrow gives an update of what has transpired since the last meeting. Traffic calming and improvement of pedestrian entries.

Attorney Ford gives updates and a history of the meetings. Did have a meeting with abutters, they have reached out to everyone that they heard from. They have modified the original plan re concerns that were raised at previous public comment. Sewer easement update, concerns re connection to public sewer, consider putting in a pumping station, reference to the plan, Exhibit A. They are working with DPW on this.

Traffic Memo:

DPW and Roger Parsons have reviewed/trip generation town, wanted to look at pedestrian circulation and safety. Reference and review of Staff Report, traffic circulation, a lot of comment on pedestrian safety. Exhibit B.

Reference to revised Site Plan, Exhibit C. This site plan has not been implemented yet by DPW.
Pedestrian Amenities reviewed also handicapped accessibility here.

Applicant has committed to doing all these listed under Pedestrian Amenities and Traffic Circulation.

In review – Sewer – have a way to partner with DPW/Town to upgrade.

Community standpoint, this will be a building with apartments above, solar panels on one side, cut down size, generous landscaping.

Power point presentation – entrance across from Flagship Condominiums and the view. They would like to put something here that looks better.

The Greater Hyannis Civic Association (GHCA) correspondence came in late and they would like to meet with them to show them the project.

Patrick Foran asks if the pump station will be below ground.

Attorney Ford – yes, below ground.

Chair Mary Barry opens up the meeting for public comment.

Maria Daluz Reid in attendance. Asks if there really needs to be a carwash at this location, this is not zoned for this – opposition.

Jeffrey Daluz in attendance. Noise concerns, traffic concerns. He lives less than 100 ft. from the building. There is a lot of congestion in the area. Housing would be better here – opposition.

Lisa Daluz, Pleasant Lane in attendance. Noise concerns, traffic concerns. Stevens Street always backed up. The upgrades may make it more congested. She would be in favor for a collision garage – opposition.

Stuart Bornstein in attendance. If not a carwash here, then a body shop will go here. He hands out a picture of the bldg. that was proposed to be here, Exhibit D. There's over 500 people that live in this area, this project will create traffic issues. He refers to his traffic study that was submitted previously – J. Johnson submitted. There's a Nursery School in area, Church in area. This is the wrong item/project to be put here – opposition.

Jeffrey Johnson in attendance. Refers to most recent letter dated April 11, 2019, pg. 3, from Crossman Engineering, Exhibit E. Weekends are busy and an auto body shop would be a better project for this location - opposition.

Laura Cronin in attendance. Pedestrian amenities, reference to Exhibit B. This area is more residential now. DPW work should be done anyway. Noise concerns not addressed, the volume to support this will be a lot more. Maybe another area/not a residential area – opposition.

Stuart Bornstein – refers to a notice that was sent to people with wrong date – Note: not town notice.

Noel Jordelo in attendance. Traffic concerns. Noise concerns. This will inconvenience a couple hundred families. – opposition.

Dolores Daluz in attendance. Maybe in a commercial area, not in a residential area. She got an incorrect notice about the meeting that was distributed throughout to neighbors, it had the incorrect date as well and more people would have been here tonight. Traffic concerns – opposition.

Stephen Helman confirms that the Board did make the continuance to April 22, 2019, announced at their last meeting.

Attorney Ford states that with respect to the incorrect notice - an abutter has been holding his own meetings. The Applicant would encourage the Planning Board to re advertise so there's no question when the Planning Board's meeting is being held.

Flagship residences are the ones that can be seen/view the carwash. There is much commercial industry located in Groundwater protection zoning areas. This site is outside Groundwater Protection area. This is what made it make sense. Traffic report done for the only carwash in the area, so it is very busy.

That's why they came in with mixed use/apartments upstairs for a mixed area.

Mr. Laham has dropped the vacuums for this. There will be no vacuum section at all. Small pumping station for the site. Have a right to have a pumping station, town wants a larger connection and for the expansion for the sewer. Protection of groundwater overall.

No one has given anything to the community re any other projects in the area. A regulatory agreement has to show a community benefit.

They will reach out and give presentation to GHCA.

More time to finalize where they are with DPW. Suggests re advertise the next hearing and notices to abutters again.

Joel Laham in attendance. The driveway for collision center would be on Mitchells Way. There is already traffic there. They will improve this and the site, a lot of local benefits to this. Water upgrades as well. They will work with the neighbors and the Boards.

Patrick Foran is not happy about the incorrect notice that someone else had sent out. He thinks that a direct mail and advertisement in paper would be good.

Stephen Helman directs to Joel Laham, he thinks the plan is excellent and has done a lot to make every issue raised by community. A lot of opposition to this. No support for this from the community.

Joel Laham states that he went to Debra Dagwan and was told that there would be no problem with a car wash here. Balise hired their engineers for a report because they are afraid they will lose money. They will move the vacuums off property. No mention of the noise from the Melody Tent. He has another business right up the street, he has fixed the issues there. Traffic is already here. We can have another meeting.

Jeff Swartz states that he thinks that something has got to be done here. He's not convinced that what's presented will fix the traffic here.

Chair Mary Barry entertains a motion to continue to June 10, 2019, including re advertising and sending abutter notices out, as if a first time meeting, moved by Stephen Helman, seconded by Jeff Swartz, so voted unanimously.

Approval of Minutes: February 25, 2019 draft minutes

Chair Mary Barry entertains a motion to approve, moved by Stephen Helman, seconded by Jeff Swartz, so voted unanimously.

Correspondence:

Chapter 91 Notice – 4 Bay Shore Rd., Barnstable, Sands raze and reconstruct residence and deck

Chapter 91 Notice – 129 Main St., Osterville, Zeikel – reconstruct and maintain ramp/float

Chapter 91 Notice – 65 Waterman Farm Rd., Centerville – construct/maintain boardwalk/ramp/float

Chapter 91 Notification – 254 Long Pond Rd., Marstons Mills – Finn – construct/maintain pier

Matters Not Reasonably Anticipated by the Chair:

Stephen Helman - nominations for Officers, Chair , Vice Chair and Clerk. Will be on the next May Agenda.

Elizabeth Jenkins gives information regarding short term rentals, air B and B, Chapter 337, new legislation that will put a tax. Regulation of short term rentals. Regulatory perspective, our current regulations are not up to date with this. Chapter 337. Short term rental tax. Town Council made 50,000 arrangement for inspectional services.

Steering Committee to be put together. Core group for this in order to get community feedback. Looking for Planning Board members for this.

Chair Mary Barry asks if the funds that come from the tax will be used for water resources?

Elizabeth Jenkins replies that currently a 6% tax on hotels/motels and that tax - 4% goes to general fund and then sewer, legislation 2.5% tax dedicated to Cape and Islands goes to dedicated fund for water resource management. Administered by Town directly to water and sewer projects. Can opt to add another 3% if want to, people with multiple listings or two or more, may have option to use this for housing.


Needed Individuals from Zoning Board of Appeals and Planning Board, 4 or 5 meetings over the next 6 months. Citizens will start paying for this in July.

Future Meetings: May 13th and June 10, 2019, @ 7:00 p.m.

Chair Mary Barry entertains a motion to adjourn, moved by Jeff Swartz, seconded by Patrick Foran, so voted unanimously.

The meeting adjourned at 8:35 p.m.

Respectfully Submitted


By Karen Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on

June 10, 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 – Reg. Agreement No. 2019-02 – 268 Stevens St., Hy. Laham Revised plan/easement/DPW

Exhibit B – Reg. Agreement No. 2019-02 – 268 Stevens St., Hy. Laham – Staff Report

Exhibit C - Reg. Agreement No. 2019-02 – 268 Stevens St., Hy. Laham – Revised Site Plan

Exhibit D – Reg. Agreement No. 2019-02 – 268 Stevens St., Hy. Laham – Stuart Bornstein handout of picture of collision shop proposed

Exhibit E - Reg. Agreement No. 2019-02 – 268 Stevens St., Hy. Laham – Crossman Engineering letter dated April 11, 2019