

Town of Barnstable

Zoning Board of Appeals

www.town.barnstable.ma.us/ZoningBoard

Board Members:

Brian Florence – Chair Alex Rodolakis – Vice Chair George Zevitas - Clerkr
David A. Hirsch – Associate Member Herbert Bodensiek – Associate Member Robin Young – Associate Member Matthew Levesque – Associate Member
James Tinsley – Town Council Liaison

Staff Support

Elizabeth Jenkins – Principal Planner - elizabeth.jenkins@town.barnstable.ma.us
Carol Puckett – Administrative Assistant – carol.puckett@town.barnstable.ma.us

Minutes

Wednesday, July 22, 2015

2nd Floor Hearing Room – 367 Main Street, Hyannis, MA

Brian Florence - Chair	Present
Alex Rodolakis - Vice Chair	Arrives as we are going into executive session
George Zevitas - Clerk	Present
David Hirsch	Present
Herbert Bodensiek	Absent
Robin Young	Absent
Matthew Levesque	Present

Call to Order

As a quorum has been met, Brian Florence calls the meeting to order at 7:04 PM

Introduction of Board Members 4 members introduce themselves. Alex not present as of yet.

Brian Florence reads the following with no response:

Notice of Recording

Please note that this meeting is recorded and broadcast on Channel 18 in accordance with MGL Chapter 30A §20. I must inquire whether anyone is taping this meeting and to please make their presence known.

Executive Session

The Zoning Board of Appeals may vote to go into Executive Session under G.L. c. 30A §21(a)(3), if the chair declares that an open meeting may have a detrimental effect on the litigating position of the Committee, the Zoning Board of Appeals may vote to go into executive session to discuss litigation strategy with regard to the following pending case:

- 1) John W. Gahan, III, et al. v. Town of Barnstable Zoning Board of Appeals, et al.

If so voted, the Executive Session will be held in the Town Council Conference Room at 7:00 P.M.

Brian Florence states that he declares that the discussion of litigation strategy in open session with respect to the case of Gahan vs the Town of Barnstable's Zoning Board of Appeals may have a detrimental affect on the litigating position of the Town and therefore will go into executive session .

Motion is made by George Zevitas and seconded by Matt Levesque to go into executive session in order to discuss litigation strategy with respect to the case of Gahan vs Barnstable Zoning Board of Appeals based on the Chair's declaration that an open meeting may have a detrimental affect on the litigation position of the Town and to reconvene in open session.

Alex Rodolakis recuses himself from executive session.

Roll Call Vote:

Brian Florence = AYE

George Zevitas = AYE

David Hirsch = AYE

Matthew Levesque = AYE

Zoning Board of Appeals back in session: Alex Rodolakis introduces himself.

After executive session and at 7:54, Brian calls the two appeals and reads them into the record:

Old Business

7:00 PM Appeal No. 2015-038

Atlantic Development

Atlantic Development has petitioned for a variance to Section 240-25(E) – Front Yard Setback Requirements and to amend the conditions of Variance No. 1995-21. The petitioner seeks to demolish the existing building and site features (pavement, landscaping, fuel storage tanks, utilities, etc) and construct a new self-service BJ's fueling station with canopy, attendant's kiosk and associated driveways, fuel storage tanks, landscaping, utilities, etc. Variance relief is sought to decrease the required front yard setback from Hinckley Road and modify conditions regarding the number of curb cuts on Iyannough Road and Hinckley Road set forth in Variance No. 1995-21. The property is located at 590 Iyannough Road/Route 132, Hyannis, MA as shown on Assessor's Map 311 as Parcel 017. It is in the Highway Business Zoning District.

Continued from July 8, 2015 – No members assigned

7:00 PM Appeal No. 2015-039

Atlantic Development

Atlantic Development has applied for a Special Permit for extension of a preexisting nonconforming site dimension per Section 240-93 and expansion of a preexisting nonconforming use per Section 240-94. The applicant seeks to demolish the existing building and site features (pavement, landscaping, fuel storage tanks, utilities, etc) and construct a new self-service BJ's fueling station with canopy, attendant's kiosk and associated driveways, fuel storage tanks, landscaping, utilities, etc. Special Permits are sought to extend existing nonconformities regarding impervious area (increase impervious area from 73.2% to 84.8% of the lot) and fuel storage (replace 30,000 gallons of fuel storage with three new 64,000 gallon underground fuel storage tanks, plus 200 gallons of diesel fuel for emergency generator). The property is located at 590 Iyannough Road/Route 132, Hyannis, MA as shown on Assessor's Map 311 as Parcel 017. It is in the Highway Business Zoning District.

Continued from July 8, 2015 – No members assigned

Members assigned tonight: George Zevitas, Alex Rodolakis, David Hirsch, Matthew Levesque, Brian Florence

Representative: Attorney Michael Scott from Nutter McClennen and Fish

Attorney Scott gives summary of relief being requested and also states that with him tonight are D.J. MacKinnon – Principal of Atlantic Development and perspective purchaser, Patrick Nachurba – Manager of Site Development for BJ's, Alissa O'Malley – Manager of Environmental Health and Safety for BJ's, Bill Goebeil from Bohler Engineering, John Dzwonczyk from JGD Associates, and Randy Hart from VHB.

Attorney Scott states that there are they are seeking relief as addressed in the application which he summarizes. He provides a brief summary of the property and the proposal. He also states that there is a new stormwater management system as talked about with Growth Management Department and has agreed to a peer review. He also states that there will be an elimination of curb cuts on Iyannough Road as well as modification of curb cuts on

Hinckley Road which he notes has been discussed with town officials about this project. They have made numerous changes after collaborating with the Town.

Bill Goebeil from Bohler Engineering goes over the design and shows plans on the easel. He points out Lyannough and Hinckley Roads on the plan and summarizes the positioning of equipment and driveways on the lot. He believes that the tanks on site are approximately 27 years old. He gives summary of the condition of the hardscape. They have eliminated one of the curb cuts on Lyannough Road and consolidated to one entrance drive only furthest from the intersection. He describes the canopy and its placement. It's one way circulation. As for Hinckley Road, they are creating one ingress and one egress movement. They have provided signage that identifies left turn out of the property in order to get back to the rotary. He states that all signage will be as provided on the current plan. The tankard circulation and delivery vehicles will be coming in from Lyannough Road and will be separated to the west side of the property away from the rest of the operation. He goes over the landscape plan which will basically consist of 11 shade trees and 95 other plantings and they will be providing two parking spaces in the front portion of the property behind the curb line as there has been some talk about buffering the visibility of the site. They have proposed a generator on site which will be connected to the gas service thereon. They will be eliminating the septic system and connecting to the sewer system. He states that they have designed the stormwater system on the site to meet and exceed the stormwater requirements and policies with an emergency shut-off valve.

David Hirsch asks Mr. Goebeil about egress and how they queue up on the entrances. Mr. Goebeil explains the queuing up at the pumps and forcing one way traffic to the first egress on Hinckley Road. Brian Florence asks if the intention is to have both left and right hand turns onto Lyannough Road and who will be handling the emergency shut-off valve. Mr. Goebeil states that they have no exiting traffic onto Lyannough Road and believes that the attendants at the facility will be trained to monitor the valve but would refer that question to BJ's staff.

*Alex Rodolakis asks what would be in place to prevent traffic from existing and entering from Lyannough Road and is concerned that motorists will not abide. Mr. Goebeil states that there has been a discussion about modifying the width of the driveway and hands a prepared sketch to the board members **(EXHIBIT A)**.*

John Dzwonczyk, PE from JGD Associates, talks about the underground tanks and that BJ'S will be installing three new tanks. He states that the key elements of the new system will be the continuance monitoring of everything. The tanks will be double walled and additional redundancy in the system with new technology. They did meet with Chief Melanson of Hyannis Fire Department to discuss the system. He states that the tanks are monitored by brine fill between the walls and any change is detected by a sensor. He explains the process of the construction of the tanks and the monitoring system

Randy Hart from VHB gives the traffic highlights and what the incremental changes will be. He states that current garage component currently on site will be eliminated and the traffic for such will be removed. The number of pumps will be increased from four (4) currently to eight (8) meaning eight (8) fueling positions to sixteen (16). He goes over the access which currently has four (4) points which offers full access (left and right turns in and out). The proposal is to reduce the access points to three (3) and limit access as none will be in and out. The Lyannough Road access will remain and will be an entrance in only and no left-hand turns will be allowed. On Hinckley Road there will be an entrance only closest to Route 132. Egress for the entire site will be at the southeast corner by design. He explains the circulation pattern for the site. He goes over ITE trip generation data and empirical data for the site.

Questions from Board

George Zevitas asks Randy Hart where the three BJ's locations used in comparison are located. Mr. Hart indicates that one was from Route 6 in Dartmouth, MA, another from Burgin Parkway in Quincy, MA and the other from Johnston, RI which were chosen for the similar configurations. George asks if the gas stations in each of these locations are all connected to a BJ's major store facility. Mr. Hart states that only one of them is connected to a BJ's major store facility. George asks about traffic exiting the airport.

Brian Florence asks for public comment:

Bruce Gilmore represents the Barnstable airport. He talks about traffic at the airport rotary stating that the area has been studied for some time. He refers to work VHB has done in that area, i.e., Harbor Tools and quotes from that report (EXHIBIT B). He talks about the roadway median to prevent left hand turns out of the site. He states that when the airport did the new terminal they were required to put in a median by the Cape Cod Commission in order to prevent those kinds of movements. He states that Mr. Hart had agreed that there was a need to a median and agreed to it. Thinks it is irresponsible. He would suggest that any median or approval would include a median past BJ's to prevent accidents. Also, he notes a letter from Nutter McClennen and Fish in 2010 from Eliza Cox which he reads (EXHIBIT C) which concedes that the road system, particularly Hinckley Road, was inadequate. He states that the survey done involving other BJ's, are from locations not in a seasonal environment. He would suggest that the information needs to be beefed up to include how many pumps, access and what the gallonage will be. The traffic will be going into the rotary by their design. He reads part of another letter from Nutter McClennen and Fish dated May, 2010 regarding the traffic to the airport. He also notes that he represents the fire district and has been joined by Charlie McLaughlin in fighting NSTAR and CapeWind on potential pollution to well fields. This is a sole source aquifer but still have to deal with the potential of thousands of gallons of fuel underground.

Brian Florence asks Mr. Gilmore if this should not be allowed at all or if there are other ways to work this out. Mr. Gilmore thinks more info is needed on other BJ's proposal and traffic as far as capacity for the queue and right and left hand turning into and out of the property and thinks the information is badly flawed and inadequate.

Attorney Michael Scott asks Mr. Hart to respond to comments by Attorney Gilmore.

Mr. Hart thinks traffic generation is driven by number of pump location but the rate at which they generate is what they calculate and apply and is standard practice. As for Harbor Tools, they recommended a median as one alternative that the Commission and the Town did not want them to implement. There is an accident study on the two driveways for a 5 year period and what it means from a safety perspective.

George Zevitas asks about two lane traffic with left hand traffic on Iyannough Road. Mr. Hart refers to his traffic study, Table 6.

George Zevitas asks about a possible independent traffic survey.

Mr. Hart agrees that the survey was done in March and was not adjusted for peak season and if they went out today they would increase significantly.

George Zevitas suggests again, an independent traffic study to the board.

Brian Florence asks Mr. Scott if they went to site plan review (SPR). Mr. Scott answers yes.

Brian Florence polls the members as how they feel about an independent study. Joanne Buntich clarifies that this would be in reference to circulation and safety... Attorney Scott would take those into consideration

Joanne Buntich reads from the SPR letter.

The board discusses independent traffic study.

Attorney Scott will do a peer review and pay for both and asks if it can be done before the next meeting on August 12th. If not, they could postpone until August 26th.

Alex Rodolakis and David Hirsch state that they will not be present for the meeting on August 12th.

Motion is made by Matt Levesque and seconded by Alex Rodolakis to continue this matter to August 12, 2015 at 7:00 PM.

*Vote:
All in favor*

CONTINUED TO AUGUST 12, 2015 AT 7:00 PM

Adjournment

Motion is made by David Hirsch and seconded by Matt Levesque to adjourn.

*Vote:
All in favor*

Meeting adjourned at 9:30 PM

Approved