



**Town of Barnstable
Planning Board
Agenda
March 14, 2011**

The following hearings will be held at Barnstable Town Hall, 367 Main Street, Hyannis, MA, Hearing Room, 2nd Floor.
Meeting notice previously filed with Town Clerk
Revised as of 03-10-11

Approval Not Required Plans - None received.

Security and Lot Release Requests - None received.

Subdivisions

Whistleberry #454

Review of draft Development Agreement for completion of development.

**7:00 pm Public Hearing Regulatory Agreement 2011-01 (Second Part) 89 Lewis Bay, LLC
Amend Existing Regulatory Agreement issued to "Greenery Development LLC"**

Public Hearing, January 10, 2011, January 24, 2011 and continued to March 14, 2011

The first part of this Amendment was bifurcated by the applicant and Board at the January 24th hearing. Part one allowed for a 10,000 sq.ft., Education Use on the first floor of the building. That amendment was approved and referred to Town Council.

This is the part two of the Amendment requesting that the Board eliminate the mitigation fees contained in Paragraph 4.

89 Lewis Bay, LLC has applied for an Amendment of Regulatory Agreement 2007-02 issued to "Greenery Development LLC". The applicant seeks to amend the existing regulatory agreement to eliminate mitigation contained in Paragraph #4 of the agreement, specifically: \$250,000.00 for improvement within the layout of South Street; \$150,000.00 for public works improvement; and, \$34,421.00 toward South Street layout. Amending of Paragraph #5 of the regulatory agreement is also requested to provide an extension of time for construction through December 31, 2011. Relief for the modification is requested pursuant to Section 240-24.1.4(A) principal permitted uses in the Medical Services District to allow an educational use; as well as Section 240-24.1.10 Site Development Standards and Section 240-56 Schedule of Off-Street Parking Requirements for additional parking required for an educational use. The applicant is 89 Lewis Bay, LLC. Properties are addressed 89 Lewis Bay Road, Hyannis located in the Hyannis Village Medical Services District and 42 South Street, Hyannis, located in the Hyannis Village Harbor District and shown on Assessor's Map 327 as Parcel 223 and Map 327 as Parcel 241, respectively.

7:10 pm Public Hearing - Regulatory Agreement No. 2011- 02 Hyannis Harbor Suites Hotel, LLC or Nominee & Harborview Hotel Investors, LLC
Request for withdrawal without prejudice has been received.

On February 14, 2011, the Board and Attorney Michael Ford had an informal discussion of the proposal that is the subject of this Regulatory Agreement Application.

The March 14 hearing will represent the first of the required two hearings

Hyannis Harbor Suites Hotel, LLC or Nominee & Harborview Hotel Investors, LLC seeks a Regulatory Agreement to use the properties located at 213 Ocean Street, 22 Nantucket Street, 24 Nantucket Street and 235 Ocean Street, Hyannis for the construction and operation of a new four (4) story year-round hotel with up to one hundred and five (105) total rooms, each containing its own kitchen facility. The applicant is Hyannis Harbor Suites Hotel, LLC or Nominee and Harborview Hotel Investors, LLC. The property is addressed 235 Ocean Street, 213 Ocean Street, 22 Nantucket Street and 24 Nantucket Street, Hyannis, MA, located in the HD Harbor District and is shown on Assessor's Map 326 as Parcels 035, 136, 033 and 034 respectively. The new hotel is proposed to be substantially located on the properties at 235 Ocean Street, 22 Nantucket Street and 24 Nantucket Street. The parking for the new hotel will be located within the parking lot of the existing hotel which is located at 213 Ocean Street. The combined area of the properties subject to the application is approximately 4.3 acres.

The Regulatory Agreement seeks waivers from the Barnstable Zoning Ordinances, specifically:

- Section 240-24.1.7 A Harbor District- Permitted uses - Hotel - to allow hotel rooms with kitchens.
- Section 240-24.1.7 C Harbor District - Dimensional, bulk and other requirements, including maximum building height, front, rear and side yard setbacks and maximum lot coverage.
- Additionally, applicant seeks any necessary relief from applicable parking requirements.

Closed Special Permit 2011-04 Decision David Colombo, Trustee, Olive Oil Trust
Special Permit - Dimensional Relief Front Yard Setback & Reduction of Required Parking

The Public Hearing was opened and closed on February 28, 2011. The decision is due May 27, 2011.

Draft Findings of Fact are enclosed for the Board's review.

Correspondence

Chapter 91 License has been received for the construction and maintenance of a larger float, to eliminate a prior condition restricting motorized vessels and to perform maintenance dredging at 75 Bayberry Way, Osterville in and over flowed tidelands of West Bay.

Chapter 91 License has been received to maintain an existing pier, ramp and float at 50 Bay Road, Cotuit in and over the flowed tidelands of Popponessett Bay.

Chapter 91 License has been received to construct and maintain new pier with ramp and float; and maintain existing concrete retainer at 59 Short Beach Road, Centerville on a cove in Centerville River.

Future Meetings

Regularly scheduled Planning Board meetings 7:00 p.m.: March 28, April 11 & 25, 2011.